

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
November 6, 2007**

A meeting of the Fayetteville City Council will be held on November 6, 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

Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

1. Citizen's Police Academy Graduates

Presentations, Reports and Discussion Items:

1. Fayetteville Natural Heritage Association

A. Consent:

1. Approval of the September 18, October 2 and October 16, 2007 City Council meeting minutes.

APPROVED.

2. **Steele Crossing Investments III, LLC:** A resolution accepting a donation from Steele Crossing Investments III, LLC of approximately 17.9 acres of real property on behalf of the people of the City of Fayetteville, Arkansas for the purpose of connecting Scull Creek Trail with Mud Creek Trail.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 187-07.

3. **Zion Road Improvements:** A resolution approving a construction contract with Ames Construction Solutions, LLC in the amount of \$1,453,095.55 for improvements to Zion Road from College Avenue to Vantage Drive; and approving a five percent (5%) project contingency in the amount of \$72,654.45.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 188-07.

4. **Sales and Use Tax CIP Bonds Series 2007:** A resolution approving a budget adjustment to appropriate the proceeds of the Sales and Use Tax Capital Improvement Bonds, Series 2007 in the amount of \$14,257,819.00 for the Wastewater System Improvement Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 189-07.

B. Unfinished Business:

1. **VAC 07-2722 (Menninger):** An ordinance approving VAC 07-2722 submitted by Alan Reid for property located at 301 South West Avenue to vacate three rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of the property and the full width of the un-constructed extension of South Street on the north side of the subject property, a total of 0.30 acres. *This ordinance was Tabled at the October 16, 2007 City Council meeting to the November 6, 2007 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5072.

C. New Business:

1. **ADM 07-2762, Amend Chapter 161:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Section 161.26, District P-1 Institutional to add Use Unit 5, Government Facilities, as a permitted use in the P-1 Zoning District.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5073.

2. **RZN 07-2708 (City of Fayetteville Fire Stations):** An ordinance rezoning those properties described in rezoning petition RZN 07-2708, for approximately 8.11 acres, located at various locations from various zoning districts to P-1, Institutional.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5074.

3. **C-PZD 07-2726 (The Sunshine House Daycare):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2726 The Sunshine House, located at 2460 North Old Wire Road, containing approximately 1.95 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated Master Development Plan.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5075.

4. **VAC 07-2733 (Physician's Surgery Center):** An ordinance approving VAC 07-2733 submitted by CEI Engineering Associates, Inc. for property located at 3873 North Parkview Drive to vacate portions of a utility and a drainage easement on the subject property, a total of 0.06 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5076.

5. **Broyles Commercial Funding, LLC Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Broyles Commercial Funding, LLC in the amount of \$36,422.00 for the upsizing of approximately 752' of 8" water main to 12" water main.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5077.

6. **Phillip/Martin Development Partners, LLC Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Phillip/Martin Development Partners, LLC in the amount of \$48,886.20 for the widening of Zion Road; and approving a budget adjustment in the amount of \$53,123.72.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5078.

7. **Township Heights Subdivision Appeal:** An appeal of the Planning Commission's decision to deny PPL 07-2679, Township Heights.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 190-07.

Agenda Additions: None.

Announcements:

1. **City Council Tour: None**

Adjournment: Meeting adjourned at 8:25 p.m.

Adjourned 8:25 PM

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

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

Res.
187-07
to
189-07

Subject: VAC 07-2722 Menninger					
Motion To:		Third Reading			
Motion By:					
Seconded:					
B.I. Unfinished Business	Ferrell	✓	This had already been read 3 times at the last meeting		
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Mayor Coody				

8-0

Subject: VAC 07-2722 Menninger					
Motion To:		Amend	Pass		
Motion By:		Thiel			
Seconded:		Cook			
B.I. Unfinished <u>Passed</u>	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Allen	✓	✓		
	Rhoads	Absent during the vote	✓		
5072	Mayor Coody				

7-0

7-1

Subject: ADM 07-2762 Amend Chapter 161					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Cook	Jordan		
Seconded:		Jordan	Lucas		
C.1, New Business <u>Passed</u> 5073	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject: RZN 07-2708 City of Jayetteville Fire Stations					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Cook	Lucas		
C.2. New Business <u>Passed</u> 5074	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject: C-PZD 07-2726 The Sunshine House Daycare					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Lucas	Jordan		
C.3, New Business <i>Passed</i> 5075	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: VAC 07-2133 Physician's Surgery Center					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Thiel		
Seconded:		Jordan	Ferrell		
C.4, New Business <i>Passed</i> 5076	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: <i>Broyles Commerical Funding, LLC Bid Waiver</i>					
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Cook</i>	<i>Jordan</i>		
Seconded:		<i>Jordan</i>	<i>Cook</i>		
<i>C. 5 - New Business</i> <i>Passed</i> <i>5077</i>	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject: <i>Phillip / Martin Development Partners, LLC</i>					
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	<i>Bid Waiver</i>
Motion By:		<i>Jordan</i>	<i>Jordan</i>		
Seconded:		<i>Ferrell</i>	<i>Ferrell</i>		
<i>C. 6. New Business</i> <i>Passed</i> <i>5078</i>	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject: Township Heights Subdivision Appeal					
Motion To:		Grant the Appeal & Approve the P			
Motion By:		Rhoads Ann Henry			
Seconded:		Gray.			
C. 7. New Business <u>passed</u> 190-07	Ferrell	N			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
Mayor Coody					

7-1

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

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
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A. Consent:

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3. **Zion Road Improvements:** A resolution approving a construction contract with Ames Construction Solutions, LLC in the amount of \$1,453,095.55 for improvements to Zion Road from College Avenue to Vantage Drive; and approving a five percent (5%) project contingency in the amount of \$72,654.45.
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B. Unfinished Business:

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3. **C-PZD 07-2726 (The Sunshine House Daycare):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2726 The Sunshine House, located at 2460 North Old Wire Road, containing approximately 1.95 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated Master Development Plan.
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7. **Township Heights Subdivision Appeal:** An appeal of the Planning Commission's decision to deny PPL 07-2679, Township Heights.

Agenda Additions:

Announcements:

1. **City Council Tour: None**

Adjournment:



Zion Road Improvements

A.3
Zion Road Improvements

A.3

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City of Fayetteville
Engineering Division
113 West Mountain
Fayetteville, AR 72701
ph: 479-575-8206
fax: 479-575-8202

Handed out at
Agenda Session
10/30/07

Date: October 30, 2007

To: Fayetteville City Council

Thru: Dan Coody, Mayor
Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Subject: A resolution to award a contract to Ames Construction Solutions, LLC in the amount of \$1,453,095.55 for construction of improvements to Zion Road, from College Avenue to Vantage Drive and approve a project contingency of 5% of the Construction bid.

RECOMMENDATION:

Staff recommends approval of a construction contract with Ames Construction Solutions, LLC in the amount of \$1,453,095.55 for construction of improvements to Zion Road, from College Avenue to Vantage Drive, and approval of a project contingency of 5% of the construction amount.

BACKGROUND:

The Zion Road Project is one of the projects to be constructed under the Transportation Bond Program. The project consists of widening approximately 2400 feet of Zion Road to 3 lanes from College Avenue to just east of Vantage Drive, installation of an underground storm drainage system, and construction of 6 foot sidewalks on both sides of the roadway, as approved by the City Council and Street Committee. Relocation of existing water and sewer lines will also be completed as part of the project. The street and drainage designs as well as water and sewer plans have been prepared by the Engineering Division.

DISCUSSION:

Bids for this project were received on October 29th. 11 bids were received, ranging from \$1.45 million to \$2.1 million. The low bidder was Ames Construction Solutions, Inc. of Springdale at \$1,453,095.55. This bid is approximately 30% below the certified funding.

The bid has been reviewed and has been determined to be acceptable; therefore, approval of the bid is recommended.

In addition, a contingency fund equaling 5% of the amount bid (72,654.45) is recommended. Therefore, the total recommended construction funding is \$1,525,750.00.

BUDGET IMPACT:

This construction contract will be funded with a portion of the 2006 Transportation Bond Issue proceeds. \$2,540,000 has been budgeted for the Zion Road Improvements Project.

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

11/6/2007
City Council Meeting Date

<u>Ron Petrie</u>	<u>Engineering</u>	<u>Operations</u>
Submitted By	Division	Department

Action Required:

A resolution to award a contract to Ames Construction Solutions, LLC, in the amount of \$1,453,095.55 for construction of improvements to Zion Road, from College Avenue to Vantage Drive and approve a project contingency of 5% of the Construction bid.

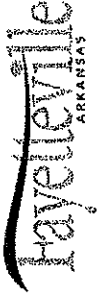
<u>\$ 1,525,750.00</u> Cost of this request	<u>\$ 24,496,473.00</u> Category / Project Budget	<u>Zion Road (College to Vantage)</u> Program Category / Project Name
<u>4520.9520.5809.00</u> Account Number	<u>\$ 2,082,457.43</u> Funds Used to Date	<u>Street Improvements</u> Program / Project Category Name
<u>06035.1820</u> Project Number	<u>\$ 22,414,015.57</u> Remaining Balance	<u>2006A Sales Tax Construction</u> Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐

<u>Department Director</u> _____ Date _____ <u>City Attorney</u> _____ Date _____	<u>Previous Ordinance or Resolution #</u> _____ <u>Original Contract Date:</u> _____ <u>Original Contract Number:</u> _____ Received in City Clerk's Office Received in Mayor's Office
<u>Finance and Internal Service Director</u> _____ Date _____ <u>Mayor</u> _____ Date _____	

Comments:

BID: 07-73
10/29/2007
2:00 PM
CITY OF FAYETTEVILLE



Bid 07-73, Zion Road Improvements

BIDDER	Total Amount Bid
1 Ames Construction Solutions, LLC	\$1,453,095.55
2 APAC - Arkansas, Inc.	\$1,792,094.10
3 Dean Crowder Construction, Inc.	\$2,137,785.05
4 Decco Contractors-Paving, Inc.	\$1,753,539.40
5 Fochtman Enterprises, Inc.	\$1,780,432.00
6 Lindsey Contracting, LLC	\$1,654,842.25
7 Mobley Contractors, Inc.	\$1,664,718.73
8 Sweetser Construction, Inc.	\$1,954,115.00
9 Tomlinson Asphalt Co., Inc.	\$1,651,558.55
10 Township Builders, Inc.	\$2,054,304.00
11 Wilson Brothers Construction Co.	\$1,888,113.25

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

CERTIFIED: P. Vice A. Jones 10/30/07
P. VICE PURCH MGR WITNESS DATE

EVALUATION OF BIDS

SPEC.	REF.	DESCRIPTION
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ATION OF BIDS
-73. ZION ROAD IMPROVEMENTS
SPORTATION BOND PROGRAM
OF FAYETTEVILLE

PEC.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	APAC-Arkansas, Inc.	Wilson Brothers Construction	Sweetser Construction, Inc.	Township Builders, Inc.	Dean Crowder Construction, Inc.
REF.				TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
111	Readyway Construction Control	1	LS	\$ 29,100.00	\$ 29,100.00	\$ 24,500.00	\$ 19,000.00	\$ 14,000.00
112	Trench and Excavation Safety Systems	1	LS	\$ 12,565.00	\$ 12,565.00	\$ 4,500.00	\$ 2,500.00	\$ 11,000.00
201	Clearing, Grubbing, & Demolition	1	LS	\$ 61,720.00	\$ 61,720.00	\$ 75,000.00	\$ 66,293.00	\$ 24,000.00
202	Unclassified Excavation (Plan Quantity)	10,100	CY	\$ 10.60	\$ 107,060.00	\$ 10.95	\$ 110,595.00	\$ 8.00
202	Embankment (Plan Quantity)	2,600	CY	\$ 10.90	\$ 28,340.00	\$ 5.50	\$ 14,300.00	\$ 16.00
202	Select Embankment (Plan Quantity)	1,560	CY	\$ 3.10	\$ 4,836.00	\$ 21.50	\$ 33,540.00	\$ 9.00
202	Undercut & Backfill	4,500	CY	\$ 26.95	\$ 121,275.00	\$ 16.50	\$ 74,250.00	\$ 16.00
203	Subgrade Preparation	13,450	SY	\$ 0.70	\$ 9,415.00	\$ 2.25	\$ 30,262.50	\$ 2.00
204	4" Topsoil Placement (Yard Areas)	15,300	SY	\$ 1.25	\$ 19,125.00	\$ 1.35	\$ 20,655.00	\$ 2.00
301	18-inch Reinforced Concrete Pipe (RCP) (Under Pavement)	133	LF	\$ 99.60	\$ 13,246.80	\$ 78.00	\$ 10,374.00	\$ 36.00
301	24-inch Reinforced Concrete Pipe (RCP) (Under Pavement)	131	LF	\$ 110.50	\$ 14,475.50	\$ 95.00	\$ 12,445.00	\$ 55.00
301	30-inch Reinforced Concrete Pipe (RCP) (Under Pavement)	44	LF	\$ 137.20	\$ 6,036.80	\$ 115.00	\$ 5,060.00	\$ 80.00
301	18-inch Reinforced Concrete Pipe (RCP)	624	LF	\$ 34.10	\$ 21,278.40	\$ 56.00	\$ 34,944.00	\$ 32.00
301	24-inch Reinforced Concrete Pipe (RCP)	299	LF	\$ 46.50	\$ 13,903.50	\$ 57.50	\$ 17,192.50	\$ 50.00
301	30-inch Reinforced Concrete Pipe (RCP)	80	LF	\$ 75.70	\$ 6,056.00	\$ 68.00	\$ 5,440.00	\$ 70.00
301	24" Reinforced Concrete FES	1	EA	\$ 1,100.00	\$ 1,100.00	\$ 1,250.00	\$ 800.00	\$ 1,250.00
302	4 Ft x 4 Ft Drop Inlet (Type C or MO 4 ft. Dia.)	23	EA	\$ 312.50	\$ 7,187.50	\$ 2,150.00	\$ 1,900.00	\$ 2,915.00
302	Drop Inlet Extension (4 Ft)	34	EA	\$ 526.00	\$ 17,884.00	\$ 1,100.00	\$ 37,400.00	\$ 350.00
302	4x4 Junction Box	2	EA	\$ 3,135.00	\$ 6,270.00	\$ 3,200.00	\$ 6,400.00	\$ 2,400.00
401	Six-inch Aggregate Street Base Course (Class 7)	13,450	SY	\$ 5.80	\$ 78,010.00	\$ 5.15	\$ 69,267.50	\$ 6.00
401	Eight-inch Aggregate Street Base Course (Class 7)	350	SY	\$ 12.80	\$ 4,480.00	\$ 24.00	\$ 8,400.00	\$ 8.00
403	Two-inch ACHM Surface Course (1 1/2") (PG 64-22, Nmax=160)	13,065	SY	\$ 8.35	\$ 109,892.75	\$ 8.50	\$ 111,052.50	\$ 12.00
403	Four-inch ACHM Bladder Course (1") (PG 64-22, Nmax=160)	11,825	SY	\$ 13.10	\$ 154,907.50	\$ 13.00	\$ 153,725.00	\$ 24.00
405	Asphalt Concrete Patching for Maintenance of Traffic	40	TN	\$ 138.00	\$ 5,520.00	\$ 115.00	\$ 4,600.00	\$ 175.00
501	Concrete Curb & Gutter	5,250	LF	\$ 9.90	\$ 51,975.00	\$ 12.50	\$ 65,625.00	\$ 14.00
501	8" Concrete Curb	120	LF	\$ 22.60	\$ 2,712.00	\$ 31.00	\$ 3,720.00	\$ 20.00
502	6 Concrete Sidewalk (4")	2,635	SY	\$ 23.70	\$ 62,449.50	\$ 30.00	\$ 79,050.00	\$ 32.00

ATION OF BIDS
-73, ZION ROAD IMPROVEMENTS
PORTATION BOND PROGRAM
OF FAYETTEVILLE

PEC LINE	DESCRIPTION	UNIT	QUANTITY	Engineer's Estimate			Ames Construction Solutions			Toulinson Asphalt Company			Lindsey Contracting, LLC			Mobley Contractors, Inc.			Deco Contractors-Paving			Fechman Enterprises, Inc.		
				ESTIMATED	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
502	10" Concrete Sidewalk (4")	SY	475		\$ 32.00	\$ 15,200.00	\$ 29.50	\$ 14,012.50	\$ 29.72	\$ 14,117.00	\$ 30.00	\$ 14,250.00	\$ 25.50	\$ 12,112.50	\$ 28.00	\$ 13,300.00	\$ 31.00	\$ 14,725.00						
503	Concrete Driveway Apron	SY	400		\$ 40.00	\$ 16,000.00	\$ 32.00	\$ 12,800.00	\$ 44.80	\$ 17,920.00	\$ 30.00	\$ 12,000.00	\$ 52.32	\$ 20,928.00	\$ 35.00	\$ 14,000.00	\$ 36.00	\$ 14,400.00						
503	Asphalt Driveway Repair	SY	850		\$ 16.00	\$ 13,600.00	\$ 16.50	\$ 14,025.00	\$ 17.63	\$ 14,985.50	\$ 10.00	\$ 8,500.00	\$ 13.00	\$ 11,050.00	\$ 15.00	\$ 12,750.00	\$ 22.00	\$ 18,700.00						
503	Concrete Driveway Repair	SY	35		\$ 40.00	\$ 1,400.00	\$ 80.00	\$ 2,800.00	\$ 44.80	\$ 1,568.00	\$ 32.00	\$ 1,120.00	\$ 60.50	\$ 2,117.50	\$ 37.00	\$ 1,295.00	\$ 40.00	\$ 1,400.00						
503	Gravel Driveway Repair	SY	170		\$ 10.00	\$ 1,700.00	\$ 8.70	\$ 1,479.00	\$ 8.82	\$ 1,499.40	\$ 10.00	\$ 1,700.00	\$ 9.41	\$ 1,599.70	\$ 7.00	\$ 1,190.00	\$ 16.00	\$ 2,720.00						
505	Seeding & Mulching	AC	3		\$ 2,500.00	\$ 7,500.00	\$ 2,675.00	\$ 8,025.00	\$ 2,400.00	\$ 7,200.00	\$ 2,200.00	\$ 6,600.00	\$ 1,900.00	\$ 5,800.00	\$ 4,800.00	\$ 14,400.00	\$ 2,900.00	\$ 8,700.00						
505	Solid Sod	SY	2,000		\$ 5.00	\$ 10,000.00	\$ 3.50	\$ 7,000.00	\$ 3.00	\$ 6,000.00	\$ 4.50	\$ 9,000.00	\$ 2.65	\$ 5,300.00	\$ 4.05	\$ 8,100.00	\$ 6.00	\$ 12,000.00						
506	Mailbox Supports (Single)	EA	10		\$ 100.00	\$ 1,000.00	\$ 80.50	\$ 805.00	\$ 80.65	\$ 806.50	\$ 100.00	\$ 1,000.00	\$ 75.00	\$ 750.00	\$ 15.00	\$ 150.00	\$ 90.00	\$ 900.00						
506	Mailboxes	EA	10		\$ 50.00	\$ 500.00	\$ 80.50	\$ 805.00	\$ 80.65	\$ 806.50	\$ 150.00	\$ 1,500.00	\$ 75.00	\$ 750.00	\$ 15.00	\$ 150.00	\$ 110.00	\$ 1,100.00						
507	4" White or Yellow Pavement Marking (Thermoplastic)	LF	5,820		\$ 0.40	\$ 2,328.00	\$ 0.55	\$ 3,201.00	\$ 0.55	\$ 3,201.00	\$ 0.75	\$ 4,365.00	\$ 0.50	\$ 2,910.00	\$ 0.55	\$ 3,201.00	\$ 0.60	\$ 3,492.00						
507	18" Yellow Pavement Markings (Thermoplastic)	LF	135		\$ 7.00	\$ 945.00	\$ 6.50	\$ 877.50	\$ 6.48	\$ 874.80	\$ 8.00	\$ 1,080.00	\$ 6.00	\$ 810.00	\$ 6.30	\$ 850.50	\$ 7.00	\$ 945.00						
507	24" White Pavement Marking (Thermoplastic)	LF	195		\$ 10.00	\$ 1,950.00	\$ 8.60	\$ 1,677.00	\$ 8.64	\$ 1,684.80	\$ 10.00	\$ 1,950.00	\$ 8.00	\$ 1,560.00	\$ 8.40	\$ 1,638.00	\$ 9.00	\$ 1,755.00						
507	Pavement Symbols (Thermoplastic)	EA	18		\$ 300.00	\$ 5,400.00	\$ 270.00	\$ 4,860.00	\$ 270.00	\$ 4,860.00	\$ 500.00	\$ 9,000.00	\$ 250.00	\$ 4,500.00	\$ 262.50	\$ 4,725.00	\$ 21.00	\$ 378.00						
504	Bicycle Lane Pavement Markings	EA	12		\$ 500.00	\$ 6,000.00	\$ 565.00	\$ 6,780.00	\$ 565.00	\$ 6,780.00	\$ 625.00	\$ 7,500.00	\$ 525.00	\$ 6,300.00	\$ 551.25	\$ 6,615.00	\$ 560.00	\$ 6,720.00						
508	Street Sign Installation	EA	9		\$ 400.00	\$ 3,600.00	\$ 215.00	\$ 1,935.00	\$ 215.00	\$ 1,935.00	\$ 250.00	\$ 2,250.00	\$ 200.00	\$ 1,800.00	\$ 210.00	\$ 1,890.00	\$ 300.00	\$ 2,700.00						
509	Erosion Control	LS	1		\$ 5,250.00	\$ 5,250.00	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 20,000.00	\$ 20,000.00	\$ 15,408.08	\$ 15,408.08	\$ 14,000.00	\$ 14,000.00	\$ 24,000.00	\$ 24,000.00						
510	Traffic Control and Maintenance	LS	1		\$ 38,500.00	\$ 38,500.00	\$ 42,000.00	\$ 42,000.00	\$ 51,600.00	\$ 51,600.00	\$ 65,000.00	\$ 65,000.00	\$ 24,239.22	\$ 24,239.22	\$ 68,275.00	\$ 68,275.00	\$ 95,000.00	\$ 95,000.00						
510	Aggregate Base for Roadway Maintenance	TN	1,150		\$ 15.00	\$ 17,250.00	\$ 11.50	\$ 13,225.00	\$ 17.00	\$ 19,550.00	\$ 14.00	\$ 16,100.00	\$ 14.09	\$ 16,203.50	\$ 16.00	\$ 18,400.00	\$ 13.00	\$ 14,950.00						
511	Mobilization (Max 5% of Total Bid)	LS	1		\$ 68,250.00	\$ 68,250.00	\$ 6,250.00	\$ 6,250.00	\$ 44,325.00	\$ 44,325.00	\$ 45,000.00	\$ 45,000.00	\$ 61,092.04	\$ 61,092.04	\$ 63,000.00	\$ 63,000.00	\$ 82,000.00	\$ 82,000.00						
512	6' Wood Privacy Fence	LF	100		\$ 20.00	\$ 2,000.00	\$ 30.00	\$ 3,000.00	\$ 27.41	\$ 2,741.00	\$ 18.00	\$ 1,800.00	\$ 25.50	\$ 2,550.00	\$ 27.00	\$ 2,700.00	\$ 30.00	\$ 3,000.00						
513	Handicap Access Ramp	SY	150		\$ 45.00	\$ 6,750.00	\$ 40.00	\$ 6,000.00	\$ 32.50	\$ 4,875.00	\$ 40.00	\$ 6,000.00	\$ 88.20	\$ 13,230.00	\$ 43.50	\$ 6,525.00	\$ 40.00	\$ 6,000.00						
513	Cart in Place Detectable Warning Devices	SF	150		\$ 50.00	\$ 7,500.00	\$ 55.00	\$ 8,325.00	\$ 32.00	\$ 4,800.00	\$ 35.00	\$ 5,250.00	\$ 39.30	\$ 5,895.00	\$ 29.50	\$ 4,425.00	\$ 22.00	\$ 3,300.00						
515	Steel Pedestrian Handrail (Type III)	LF	750		\$ 40.00	\$ 30,000.00	\$ 35.50	\$ 26,625.00	\$ 32.25	\$ 24,187.50	\$ 40.00	\$ 30,000.00	\$ 30.00	\$ 22,500.00	\$ 49.10	\$ 36,825.00	\$ 55.00	\$ 41,250.00						
516	Cold Milling Asphalt Pavement	SY	1,350		\$ 8.00	\$ 10,800.00	\$ 6.00	\$ 8,100.00	\$ 4.20	\$ 5,670.00	\$ 18.00	\$ 24,300.00	\$ 5.35	\$ 7,222.50	\$ 6.00	\$ 8,100.00	\$ 5.00	\$ 6,750.00						
517	Tree Protection Fencing	LF	1,000		\$ 5.00	\$ 5,000.00	\$ 2.30	\$ 2,300.00	\$ 1.25	\$ 1,250.00	\$ 3.00	\$ 3,000.00	\$ 2.75	\$ 2,750.00	\$ 7.00	\$ 7,000.00	\$ 6.00	\$ 6,000.00						
SP-1	Modular Block Retaining Walls	SF	1,500		\$ 30.00	\$ 45,000.00	\$ 16.05	\$ 24,075.00	\$ 20.00	\$ 30,000.00	\$ 21.00	\$ 31,500.00	\$ 17.55	\$ 26,325.00	\$ 19.50	\$ 29,250.00	\$ 18.40	\$ 27,600.00						
SP-1	Modular Block Retaining Walls w/ Reinforcing Grid	SF	3,000		\$ 50.00	\$ 150,000.00	\$ 16.05	\$ 48,150.00	\$ 21.00	\$ 63,000.00	\$ 23.00	\$ 69,000.00	\$ 17.55	\$ 52,650.00	\$ 20.60	\$ 61,800.00	\$ 18.70	\$ 56,100.00						

LATION OF BIDS
-73, ZION ROAD IMPROVEMENTS
SPORTATION BOND PROGRAM
OF FAYETTEVILLE

PEC	DESCRIPTION	ESTIMATED UNIT QUANTITY	UNIT PRICE	TOTAL	Wilson Brothers Construction	Sweetens Construction, Inc.	Township Builders, Inc.	Dena Crowder Construction, Inc.
REF	DESCRIPTION	UNIT QUANTITY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
502	10' Concrete Sidewalk (4")	SY 475	\$ 25.10	\$ 11,922.50	\$ 30.50	\$ 14,487.50	\$ 45.00	\$ 21,375.00
503	Concrete Driveway Apron	SY 400	\$ 45.50	\$ 18,200.00	\$ 56.50	\$ 22,600.00	\$ 55.00	\$ 22,000.00
503	Asphalt Driveway Repair	SY 850	\$ 21.80	\$ 23,630.00	\$ 23.50	\$ 19,975.00	\$ 68.00	\$ 57,800.00
503	Concrete Driveway Repair	SY 35	\$ 89.80	\$ 3,143.00	\$ 70.00	\$ 2,450.00	\$ 56.00	\$ 1,960.00
503	Gravel Driveway Repair	SY 170	\$ 18.65	\$ 3,170.50	\$ 15.00	\$ 2,550.00	\$ 4.00	\$ 680.00
505	Seeding & Mulching	AC 3	\$ 2,255.00	\$ 6,765.00	\$ 1,850.00	\$ 5,550.00	\$ 2,000.00	\$ 6,000.00
505	Solid Sod	SY 2,000	\$ 4.60	\$ 9,200.00	\$ 2.75	\$ 5,500.00	\$ 2.80	\$ 5,600.00
506	Mailbox Supports (Single)	EA 10	\$ 77.00	\$ 770.00	\$ 80.00	\$ 800.00	\$ 80.00	\$ 800.00
506	Mailboxes	EA 10	\$ 77.00	\$ 770.00	\$ 80.00	\$ 800.00	\$ 80.00	\$ 800.00
507	4" White or Yellow Pavement Marking (Thermoplastic)	LF 5,820	\$ 0.55	\$ 3,201.00	\$ 0.50	\$ 2,910.00	\$ 0.55	\$ 3,201.00
507	18" Yellow Pavement Markings (Thermoplastic)	LF 135	\$ 6.15	\$ 830.25	\$ 2.20	\$ 297.00	\$ 8.40	\$ 1,134.00
507	24" White Pavement Marking (Thermoplastic)	LF 195	\$ 8.20	\$ 1,599.00	\$ 2.95	\$ 575.25	\$ 8.40	\$ 1,638.00
507	Pavement Symbols (Thermoplastic)	EA 18	\$ 257.00	\$ 4,626.00	\$ 290.00	\$ 5,220.00	\$ 262.50	\$ 4,725.00
504	Bicycle Lane Pavement Markings	EA 12	\$ 530.00	\$ 6,360.00	\$ 345.00	\$ 4,140.00	\$ 555.00	\$ 6,660.00
508	Street Sign Installation	EA 9	\$ 205.00	\$ 1,845.00	\$ 180.00	\$ 1,620.00	\$ 210.00	\$ 1,890.00
509	Erosion Control	LS 1	\$ 12,000.00	\$ 12,000.00	\$ 32,500.00	\$ 32,500.00	\$ 17,040.00	\$ 17,040.00
510	Traffic Control and Maintenance	LS 1	\$ 43,600.00	\$ 43,600.00	\$ 115,000.00	\$ 115,000.00	\$ 140,000.00	\$ 140,000.00
510	Aggregate Base for Roadway Maintenance	TN 1,150	\$ 18.85	\$ 21,677.50	\$ 17.50	\$ 20,125.00	\$ 12.00	\$ 13,800.00
511	Mobilization (Max 5% of Total Bid)	LS 1	\$ 59,600.00	\$ 59,600.00	\$ 65,000.00	\$ 65,000.00	\$ 42,000.00	\$ 42,000.00
512	6" Wood Privacy Fence	LF 100	\$ 49.45	\$ 4,945.00	\$ 27.00	\$ 2,700.00	\$ 25.00	\$ 2,500.00
513	Handicap Access Ramp	SY 150	\$ 58.00	\$ 8,700.00	\$ 40.00	\$ 6,000.00	\$ 43.00	\$ 6,450.00
513	Cast in Place Detectable Warning Devices	SF 150	\$ 42.00	\$ 6,300.00	\$ 28.50	\$ 4,275.00	\$ 36.00	\$ 5,400.00
515	Steel Pedestrian Handrail (Type III)	LF 750	\$ 75.00	\$ 56,250.00	\$ 31.50	\$ 23,625.00	\$ 40.00	\$ 30,000.00
516	Cold Milling Asphalt Pavement	SY 1,350	\$ 6.50	\$ 8,775.00	\$ 9.50	\$ 12,825.00	\$ 4.50	\$ 6,075.00
517	Tree Protection Fencing	LF 1,000	\$ 7.00	\$ 7,000.00	\$ 3.00	\$ 3,000.00	\$ 7.50	\$ 7,500.00
SP-1	Modular Block Retaining Walls	SF 1,500	\$ 18.00	\$ 27,000.00	\$ 19.25	\$ 28,875.00	\$ 16.00	\$ 24,000.00
SP-1	Modular Block Retaining Walls w/ Reinforcing Grid	SF 3,000	\$ 18.00	\$ 54,000.00	\$ 20.00	\$ 60,000.00	\$ 16.00	\$ 48,000.00

**CALL FOR BIDS
1-73, ZION ROAD IMPROVEMENTS
SPORTATION BOND PROGRAM
OF FAYETTEVILLE**

RFP#	DESCRIPTION	ESTIMATED QUANTITY	Engineer's Estimate		Ames Construction Solutions		Tomlinson Asphalt Company		Lindsay Contracting, LLC		Mobley Contractors, Inc.		Decco Contractors-Paving		Rockman Enterprises, Inc.		
			UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
SP-2	Prest Concrete Wheel Stops	EA	36	\$ 250.00	\$ 9,000.00	\$ 73.00	\$ 2,628.00	\$ 60.00	\$ 2,160.00	\$ 75.00	\$ 2,700.00	\$ 80.56	\$ 2,900.16	\$ 55.75	\$ 2,007.00	\$ 65.00	\$ 2,340.00
SP-3	Decorative Stamped Concrete	SY	175	\$ 65.00	\$ 11,375.00	\$ 110.00	\$ 19,250.00	\$ 100.00	\$ 17,500.00	\$ 100.00	\$ 17,500.00	\$ 84.73	\$ 14,827.75	\$ 106.50	\$ 18,637.50	\$ 110.00	\$ 19,250.00
SP-4	Landscaping and Irrigation Modifications (Sta 23+00-2+440)	LS	1	\$ 1,000.00	\$ 1,000.00	\$ 2,750.00	\$ 2,750.00	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 2,250.00	\$ 2,250.00	\$ 1,519.00	\$ 1,519.00	\$ 2,700.00	\$ 2,700.00
SP-5	Modify Existing Drainage Structure	EA	1	\$ 1,000.00	\$ 1,000.00	\$ 2,150.00	\$ 2,150.00	\$ 1,500.00	\$ 1,500.00	\$ 5,000.00	\$ 5,000.00	\$ 606.00	\$ 606.00	\$ 1,760.00	\$ 1,760.00	\$ 4,300.00	\$ 4,300.00
W1-1.8A	12" PVC CS90 (DR14) Water Line (Under Pavement)	LF	381	\$ 85.00	\$ 32,385.00	\$ 55.00	\$ 20,955.00	\$ 58.80	\$ 22,402.80	\$ 38.00	\$ 14,478.00	\$ 60.99	\$ 23,237.19	\$ 52.00	\$ 19,812.00	\$ 39.00	\$ 14,859.00
W1-1.8A	8" PVC CS90 (DR 14) Water Line (Under Pavement)	LF	225	\$ 65.00	\$ 14,625.00	\$ 44.00	\$ 9,900.00	\$ 47.25	\$ 10,631.25	\$ 26.00	\$ 5,890.00	\$ 51.00	\$ 11,479.50	\$ 41.25	\$ 9,281.25	\$ 29.00	\$ 6,525.00
W1-1.8A	6" PVC CS90 (DR 14) Water Line (Under Pavement)	LF	150	\$ 63.00	\$ 9,450.00	\$ 40.00	\$ 6,000.00	\$ 43.05	\$ 6,457.50	\$ 21.00	\$ 3,150.00	\$ 47.23	\$ 7,084.50	\$ 37.25	\$ 5,587.50	\$ 19.00	\$ 2,850.00
W1-1.8A	12" PVC CS90 (DR14) Water Line	LF	2,020	\$ 60.00	\$ 121,200.00	\$ 36.00	\$ 72,720.00	\$ 38.85	\$ 78,477.00	\$ 35.00	\$ 70,700.00	\$ 35.86	\$ 72,437.20	\$ 43.65	\$ 88,173.00	\$ 30.00	\$ 60,600.00
W1-1.8B	16"x12" Tapping Sleeve & Valve w/Box	EA	1	\$ 8,000.00	\$ 8,000.00	\$ 5,350.00	\$ 5,350.00	\$ 5,775.00	\$ 5,775.00	\$ 5,000.00	\$ 5,000.00	\$ 5,879.29	\$ 5,879.29	\$ 5,440.00	\$ 5,440.00	\$ 4,300.00	\$ 4,300.00
W1-1.8B	12"x12" Tapping Sleeve and Valve w/Box	EA	2	\$ 6,000.00	\$ 12,000.00	\$ 4,750.00	\$ 9,500.00	\$ 5,145.00	\$ 10,290.00	\$ 4,000.00	\$ 8,000.00	\$ 5,769.01	\$ 11,538.02	\$ 4,890.00	\$ 9,780.00	\$ 4,100.00	\$ 8,200.00
W1-1.8B	8"x8" Tapping Sleeve and Valve w/Box	EA	2	\$ 4,000.00	\$ 8,000.00	\$ 2,650.00	\$ 5,300.00	\$ 2,835.00	\$ 5,670.00	\$ 2,750.00	\$ 5,500.00	\$ 4,178.38	\$ 8,356.76	\$ 3,135.00	\$ 6,270.00	\$ 2,700.00	\$ 5,400.00
W1-1.8B	6"x6" Tapping Sleeve and Valve w/Box	EA	1	\$ 3,000.00	\$ 3,000.00	\$ 2,150.00	\$ 2,150.00	\$ 2,310.00	\$ 2,310.00	\$ 2,500.00	\$ 2,500.00	\$ 4,185.48	\$ 4,185.48	\$ 2,260.00	\$ 2,260.00	\$ 1,800.00	\$ 1,800.00
W1-1.8B	12" Butterfly Valve w/Box	EA	7	\$ 3,500.00	\$ 24,500.00	\$ 3,100.00	\$ 21,700.00	\$ 3,310.00	\$ 23,170.00	\$ 3,300.00	\$ 24,900.00	\$ 3,547.09	\$ 24,829.63	\$ 4,030.00	\$ 28,210.00	\$ 3,000.00	\$ 21,000.00
W1-1.8B	8" Gate Valve w/Box	EA	1	\$ 1,000.00	\$ 1,000.00	\$ 1,050.00	\$ 1,050.00	\$ 1,015.00	\$ 1,015.00	\$ 1,300.00	\$ 1,200.00	\$ 1,717.16	\$ 1,717.16	\$ 1,255.00	\$ 1,255.00	\$ 1,100.00	\$ 1,100.00
W1-1.8B	6" Gate Valve w/Box	EA	1	\$ 800.00	\$ 800.00	\$ 750.00	\$ 750.00	\$ 760.00	\$ 760.00	\$ 1,050.00	\$ 1,050.00	\$ 1,425.47	\$ 1,425.47	\$ 980.00	\$ 980.00	\$ 900.00	\$ 900.00
W1-1.8C	3-Way Fire Hydrant	EA	1	\$ 3,500.00	\$ 3,500.00	\$ 2,550.00	\$ 2,550.00	\$ 2,745.00	\$ 2,745.00	\$ 2,900.00	\$ 2,900.00	\$ 3,982.33	\$ 3,982.33	\$ 3,645.00	\$ 3,645.00	\$ 3,470.00	\$ 3,470.00
W1-1.8D	Fire Hydrant Adjustment	EA	1	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 570.00	\$ 570.00	\$ 2,000.00	\$ 2,000.00	\$ 888.20	\$ 888.20	\$ 892.00	\$ 892.00	\$ 900.00	\$ 900.00
LB	Compact Mechanical Joint Ductile Iron Fittings	LB	6,000	\$ 6.00	\$ 36,000.00	\$ 5.00	\$ 30,000.00	\$ 5.30	\$ 31,800.00	\$ 5.50	\$ 33,000.00	\$ 2.39	\$ 14,340.00	\$ 5.70	\$ 34,200.00	\$ 6.00	\$ 36,000.00
W1-1.8F	Out and Cap Existing 16" Main	EA	1	\$ 500.00	\$ 500.00	\$ 4,400.00	\$ 4,400.00	\$ 4,655.00	\$ 4,655.00	\$ 500.00	\$ 500.00	\$ 1,384.17	\$ 1,384.17	\$ 1,894.00	\$ 1,894.00	\$ 2,600.00	\$ 2,600.00
W1-1.8F	Out and Cap Existing 12" Main	EA	2	\$ 500.00	\$ 1,000.00	\$ 1,550.00	\$ 3,100.00	\$ 1,655.00	\$ 3,310.00	\$ 350.00	\$ 700.00	\$ 1,043.31	\$ 2,086.62	\$ 800.00	\$ 1,600.00	\$ 2,300.00	\$ 4,600.00
W1-1.8F	Out and Cap Existing 8" Main	EA	2	\$ 250.00	\$ 500.00	\$ 1,100.00	\$ 2,200.00	\$ 1,160.00	\$ 2,320.00	\$ 300.00	\$ 600.00	\$ 959.67	\$ 1,919.34	\$ 756.00	\$ 1,512.00	\$ 2,100.00	\$ 4,200.00
W1-1.8F	Out and Cap Existing 6" Main	EA	2	\$ 250.00	\$ 500.00	\$ 1,050.00	\$ 2,100.00	\$ 1,120.00	\$ 2,240.00	\$ 250.00	\$ 500.00	\$ 927.94	\$ 1,855.88	\$ 585.00	\$ 1,170.00	\$ 1,900.00	\$ 3,800.00
W1-1.8G	2" Blowoff Assembly	EA	1	\$ 1,500.00	\$ 1,500.00	\$ 940.00	\$ 950.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,434.75	\$ 1,434.75	\$ 1,846.00	\$ 1,846.00	\$ 590.00	\$ 590.00
W1-1.8H	24" Steel Easement	LF	28	\$ 150.00	\$ 4,200.00	\$ 130.00	\$ 3,640.00	\$ 138.00	\$ 3,864.00	\$ 100.00	\$ 2,800.00	\$ 166.76	\$ 4,669.28	\$ 140.00	\$ 3,200.00	\$ 110.00	\$ 3,080.00
W1-1.8H	12" Service Saddle, 1" Corporation Stop, and Tap	EA	12	\$ 200.00	\$ 2,400.00	\$ 125.00	\$ 1,500.00	\$ 132.00	\$ 1,584.00	\$ 500.00	\$ 6,000.00	\$ 868.02	\$ 10,423.44	\$ 217.00	\$ 2,604.00	\$ 200.00	\$ 2,400.00
W1-1.8J	Double Meter Setting, Including Plumber Connection to Existing Building Service	LF	420	\$ 20.00	\$ 8,400.00	\$ 12.00	\$ 5,040.00	\$ 12.85	\$ 5,397.00	\$ 7.50	\$ 3,150.00	\$ 30.37	\$ 12,755.40	\$ 8.85	\$ 3,717.00	\$ 14.00	\$ 5,880.00
W1-1.8K	Connection to Existing Building Service	EA	2	\$ 800.00	\$ 1,600.00	\$ 525.00	\$ 1,050.00	\$ 555.00	\$ 1,110.00	\$ 750.00	\$ 1,500.00	\$ 868.40	\$ 1,736.80	\$ 616.00	\$ 1,232.00	\$ 1,600.00	\$ 3,200.00

ATION OF BIDS
-73, ZION ROAD IMPROVEMENTS
PORTATION BOND PROGRAM
IF FAYETTEVILLE

PEC	DESCRIPTION	ESTIMATED UNIT QUANTITY	UNIT PRICE	TOTAL	Wilson Brothers Construction	Sweitzer Construction, Inc.	Township Builders, Inc.	Dean Crowder Construction, Inc.
EF	DESCRIPTION	UNIT QUANTITY	UNIT PRICE	TOTAL	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
P-2	Precast Concrete Wheel Stops	EA	\$ 155.00	\$ 5,580.00	\$ 70.00	\$ 2,520.00	\$ 72.00	\$ 2,592.00
P-3	Decorative Stamped Concrete	SY	\$ 114.00	\$ 19,950.00	\$ 95.00	\$ 16,025.00	\$ 100.00	\$ 17,500.00
P-4	Landscaping and Irrigation Modifications (See 23+00-24+00)	LS	\$ 2,300.00	\$ 2,300.00	\$ 2,000.00	\$ 2,000.00	\$ 2,500.00	\$ 2,500.00
P-5	Modify Existing Drainage Structure	EA	\$ 3,180.00	\$ 3,180.00	\$ 1,223.50	\$ 1,223.50	\$ 850.00	\$ 1,600.00
V1-	12" PVC C900 (DR14) Water Line	LF	\$ 54.60	\$ 20,802.60	\$ 55.50	\$ 21,145.50	\$ 40.00	\$ 15,240.00
8A	(Under Pavement)	LF	\$ 42.95	\$ 9,683.75	\$ 46.34	\$ 10,426.50	\$ 36.00	\$ 8,100.00
8A	Pavement	LF	\$ 38.90	\$ 5,835.00	\$ 34.20	\$ 5,130.00	\$ 32.00	\$ 4,800.00
V1-	6" PVC C900 (DR 14) Water Line (Under	LF	\$ 36.15	\$ 73,023.00	\$ 40.00	\$ 80,800.00	\$ 38.00	\$ 76,760.00
V1-	12" PVC C900 (DR14) Water Line	LF	\$ 5,075.00	\$ 5,075.00	\$ 6,450.00	\$ 6,450.00	\$ 7,000.00	\$ 7,000.00
8B	16"x12" Tapping Sleeve & Valve w/Box	EA	\$ 4,615.00	\$ 9,230.00	\$ 5,180.00	\$ 10,360.00	\$ 6,400.00	\$ 12,800.00
V1-	12"x12" Tapping Sleeve and Valve w/Box	EA	\$ 3,505.00	\$ 7,010.00	\$ 3,400.00	\$ 6,800.00	\$ 4,500.00	\$ 9,000.00
8B	6"x6" Tapping Sleeve and Valve w/Box	EA	\$ 3,070.00	\$ 3,070.00	\$ 2,900.00	\$ 2,900.00	\$ 3,000.00	\$ 3,000.00
V1-	12" Butterfly Valve w/Box	EA	\$ 3,843.00	\$ 26,901.00	\$ 5,000.00	\$ 35,000.00	\$ 3,800.00	\$ 26,600.00
8B	8" Gate Valve w/Box	EA	\$ 1,454.00	\$ 1,454.00	\$ 1,500.00	\$ 1,500.00	\$ 1,700.00	\$ 1,700.00
V1-	6" Gate Valve w/Box	EA	\$ 1,080.00	\$ 1,080.00	\$ 1,150.00	\$ 1,150.00	\$ 1,300.00	\$ 1,300.00
8B	3-Way Fire Hydrant	EA	\$ 2,902.00	\$ 2,902.00	\$ 3,400.00	\$ 3,400.00	\$ 2,700.00	\$ 2,700.00
8C	Fire Hydrant Adjustment	EA	\$ 725.00	\$ 725.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
8D	Occupant Mechanical Joint Drivible Iron	LB	\$ 6.40	\$ 38,400.00	\$ 2.35	\$ 14,100.00	\$ 9.00	\$ 54,000.00
8E	Fittings	EA	\$ 876.00	\$ 876.00	\$ 3,100.00	\$ 3,100.00	\$ 800.00	\$ 800.00
8F	Cut and Cap Existing 16" Main	EA	\$ 558.00	\$ 1,116.00	\$ 1,500.00	\$ 3,000.00	\$ 400.00	\$ 800.00
8F	Cut and Cap Existing 12" Main	EA	\$ 415.00	\$ 830.00	\$ 950.00	\$ 1,900.00	\$ 300.00	\$ 600.00
8F	Cut and Cap Existing 8" Main	EA	\$ 338.00	\$ 676.00	\$ 800.00	\$ 1,600.00	\$ 300.00	\$ 600.00
8F	Cut and Cap Existing 6" Main	EA	\$ 1,320.00	\$ 1,320.00	\$ 1,200.00	\$ 2,400.00	\$ 1,500.00	\$ 3,000.00
8G	2" Blowoff Assembly	EA	\$ 134.00	\$ 1,340.00	\$ 100.00	\$ 1,000.00	\$ 115.00	\$ 1,150.00
8H	24" Steel Encasement	LF	\$ 213.00	\$ 2,556.00	\$ 200.00	\$ 2,400.00	\$ 630.00	\$ 7,560.00
-1.81	12" Service Saddle, 1" Corporation Stop, and Tap	EA	\$ 17.00	\$ 7,140.00	\$ 25.00	\$ 10,500.00	\$ 12.00	\$ 5,040.00
-1.81	1" PE Service Line	LF	\$ 1,064.00	\$ 2,128.00	\$ 910.00	\$ 1,820.00	\$ 800.00	\$ 1,600.00
71-	Double Meter Setting, Including Plumber	EA						
8K	Connection to Existing Building Service	EA						

LATION OF BIDS
-73, ZION ROAD IMPROVEMENTS
SPORTATION BOND PROGRAM
OF FAYETTEVILLE

REF.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	Engineer's Estimate			Ames Construction Solutions			Tomlinson Asphalt Company			Lindsey Contracting, LLC			Mobley Contractors, Inc.			Decco Contractors-Paving			Fochman Enterprises, Inc.			
				UNIT PRICE	TOTAL		UNIT PRICE	TOTAL		UNIT PRICE	TOTAL		UNIT PRICE	TOTAL		UNIT PRICE	TOTAL		UNIT PRICE	TOTAL		UNIT PRICE	TOTAL		UNIT PRICE
W1-	Single Meter Setting, Including Plumber	EA	10	\$ 750.00	\$ 7,500.00	\$ 500.00	\$ 5,000.00	\$ 540.00	\$ 5,400.00	\$ 540.00	\$ 5,400.00	\$ 950.00	\$ 9,500.00	\$ 788.17	\$ 7,881.70	\$ 535.00	\$ 5,350.00	\$ 1,590.00	\$ 15,900.00						
L3K	Connection to Existing Building Service	LF	388	\$ 57.00	\$ 22,116.00	\$ 43.00	\$ 16,684.00	\$ 46.00	\$ 17,848.00	\$ 46.00	\$ 17,848.00	\$ 31.00	\$ 12,028.00	\$ 33.26	\$ 12,904.88	\$ 41.00	\$ 15,908.00	\$ 28.00	\$ 10,864.00						
L3A	8" PVC Sanitary Sewer Line, SDR-26 (Under Pavement)	LF	1,209	\$ 35.00	\$ 42,315.00	\$ 27.50	\$ 33,247.50	\$ 29.00	\$ 35,061.00	\$ 29.00	\$ 35,061.00	\$ 24.00	\$ 29,016.00	\$ 20.28	\$ 24,518.52	\$ 29.00	\$ 35,061.00	\$ 27.00	\$ 32,643.00						
SS1-	4" Dia Sanitary Sewer Manholes	EA	3	\$ 4,500.00	\$ 13,500.00	\$ 1,550.00	\$ 4,650.00	\$ 1,665.00	\$ 4,995.00	\$ 1,665.00	\$ 4,995.00	\$ 2,200.00	\$ 6,600.00	\$ 2,921.41	\$ 8,764.23	\$ 2,645.00	\$ 7,935.00	\$ 3,200.00	\$ 9,600.00						
SS1-	4" Dia Eccentric Open Sanitary Sewer Manholes	EA	5	\$ 4,500.00	\$ 22,500.00	\$ 1,900.00	\$ 9,500.00	\$ 2,010.00	\$ 10,050.00	\$ 2,010.00	\$ 10,050.00	\$ 2,800.00	\$ 14,000.00	\$ 3,221.56	\$ 16,107.80	\$ 3,094.00	\$ 15,470.00	\$ 4,100.00	\$ 20,500.00						
SS1-	4" Dia Eccentric Open Sanitary Sewer Drop Manhole	EA	1	\$ 4,500.00	\$ 4,500.00	\$ 2,750.00	\$ 2,750.00	\$ 2,940.00	\$ 2,940.00	\$ 2,940.00	\$ 2,940.00	\$ 4,000.00	\$ 4,000.00	\$ 4,261.84	\$ 4,261.84	\$ 4,060.00	\$ 4,060.00	\$ 5,100.00	\$ 5,100.00						
SS1-	Sanitary Sewer Service Line Extensions	EA	5	\$ 500.00	\$ 2,500.00	\$ 925.00	\$ 4,625.00	\$ 1,000.00	\$ 5,000.00	\$ 1,000.00	\$ 5,000.00	\$ 1,800.00	\$ 9,000.00	\$ 681.19	\$ 3,405.95	\$ 555.00	\$ 2,775.00	\$ 900.00	\$ 4,500.00						
L3C	Sanitary Sewer Manhole Abandonment	EA	5	\$ 750.00	\$ 3,750.00	\$ 600.00	\$ 3,000.00	\$ 650.00	\$ 3,250.00	\$ 650.00	\$ 3,250.00	\$ 2,000.00	\$ 10,000.00	\$ 739.60	\$ 3,698.00	\$ 1,327.00	\$ 6,635.00	\$ 1,100.00	\$ 5,500.00						
Total Amount Bid				\$	2,034,529.00	\$	1,453,095.55	\$	1,651,558.55	\$	1,654,842.25	\$	1,664,718.73	\$	1,753,539.40	\$	1,780,432.00	\$	1,780,432.00						

NOTE: Tomlinson Asphalt Company's bid contained an error. The total amount bid reflected here is a corrected amount.

LATION OF BIDS
-73 ZION ROAD IMPROVEMENTS
SPORTATION BOND PROGRAM
OF FAYETTEVILLE

ITEM	DESCRIPTION	UNIT	ESTIMATED QUANTITY	APAC-Arkansas, Inc.		Wilson Brothers Construction		Sweetser Construction, Inc.		Township Builders, Inc.		Dean Crowder Construction, Inc.	
REF.				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
W/L	Single Meter Setting, Including Plumber	EA	10	\$ 735.00	\$ 7,350.00	\$ 675.00	\$ 6,750.00	\$ 700.00	\$ 7,000.00	\$ 450.00	\$ 4,500.00	\$ 800.00	\$ 8,000.00
L8K	Connection to Existing Building Service	LF	388	\$ 52.05	\$ 20,195.40	\$ 75.00	\$ 29,100.00	\$ 40.00	\$ 15,520.00	\$ 62.00	\$ 24,056.00	\$ 117.00	\$ 45,396.00
SS1- SS1- SS1-	8" PVC Sanitary Sewer Line, SDR-26 (Under Pavement) 8" PVC Sanitary Sewer Line, SDR-26	LF	1,209	\$ 22.65	\$ 27,383.85	\$ 35.00	\$ 42,315.00	\$ 34.00	\$ 41,106.00	\$ 41.00	\$ 49,569.00	\$ 72.00	\$ 87,048.00
L8A	4" Dia Sanitary Sewer Manholes	EA	3	\$ 2,520.00	\$ 7,560.00	\$ 1,900.00	\$ 5,700.00	\$ 2,900.00	\$ 8,700.00	\$ 1,900.00	\$ 5,700.00	\$ 2,400.00	\$ 7,200.00
L8B	4" Dia Eccentric Cone Sanitary Sewer Manholes	EA	5	\$ 3,452.00	\$ 17,260.00	\$ 2,000.00	\$ 10,000.00	\$ 3,200.00	\$ 16,000.00	\$ 2,200.00	\$ 11,000.00	\$ 2,800.00	\$ 14,000.00
SS1- SS1- SS1-	4" Dia Eccentric Cone Sanitary Sewer Drop Manhole Sanitary Sewer Service Line Extensions	EA	1	\$ 4,763.00	\$ 4,763.00	\$ 3,500.00	\$ 3,500.00	\$ 5,200.00	\$ 5,200.00	\$ 2,600.00	\$ 2,600.00	\$ 4,180.00	\$ 4,180.00
L8C	Sanitary Sewer Manhole Abandonment	EA	5	\$ 972.00	\$ 4,860.00	\$ 1,090.00	\$ 5,450.00	\$ 350.00	\$ 1,750.00	\$ 400.00	\$ 2,000.00	\$ 375.00	\$ 1,875.00
SS1- SS1-		EA	5	\$ 908.00	\$ 4,540.00	\$ 1,750.00	\$ 8,750.00	\$ 500.00	\$ 2,500.00	\$ 800.00	\$ 4,000.00	\$ 950.00	\$ 4,750.00
Total Amount Bid				\$ 1,792,094.10	\$ 1,888,113.25	\$ 1,954,115.00	\$ 2,054,304.00	\$ 2,137,785.05					

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH AMES CONSTRUCTION SOLUTIONS, LLC IN THE AMOUNT OF \$1,453,095.55 FOR IMPROVEMENTS TO ZION ROAD FROM COLLEGE AVENUE TO VANTANGE DRIVE; AND APPROVING A FIVE PERCENT (5%) PROJECT CONTINGENCY IN THE AMOUNT OF \$72,654.45.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a Construction Contract with Ames Construction Solutions, LLC in the amount of \$1,453,095.55 for improvements to Zion Road from College Avenue to Vantage Drive. 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 Five Percent (5%) project contingency in the amount of \$72,654.45.

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

VAC-07-2722
Menninger
B.I.

Handed out at
Agenda Session 10/30/07
Place in final
Agenda.

B.1
VAC 07-2722 Menninger
Page 1 of 4



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 &
Date: October 22, 2007
Subject: Menninger Vacation (VAC 07-2722)

Please substitute the attached, amended legal descriptions and exhibits that represent Exhibits "A" and "B" for VAC 07-2722 (Menninger).

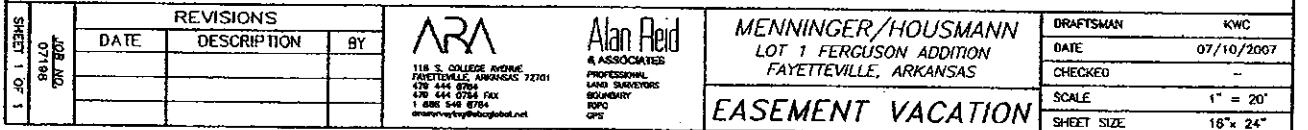


EXHIBIT "B"

VAC 07-2722

VACATION DESCRIPTION - STREET VACATION "B" (WEST AVENUE)

A PART OF WEST AVENUE LYING EAST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S89°59'19"E 20.00 FEET TO A SET 1/2" IRON REBAR WHICH IS 40.00 WEST OF THE EAST RIGHT-OF-WAY OF WEST AVENUE; THENCE S00°05'12"W PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE 50.00 FEET TO A SET 1/2" IRON REBAR; THENCE N89°59'19"W 20.00 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHEAST CORNER OF SAID LOT ONE (1); THENCE N00°05'12"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1000.0 SQUARE FEET, MORE OR LESS.

VACATION DESCRIPTION - ALLEY RIGHT-OF-WAY

A PART OF A NON-CONSTRUCTED ALLEY LYING WEST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHWEST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S15°11'02"E 51.81 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE N89°59'19"W 31.09 FEET TO A SET 1/2" IRON REBAR ON THE WEST BOUNDARY OF A 30.00 FOOT WIDE ALLEY RIGHT-OF-WAY; THENCE N15°11'02"W 51.81 FEET ALONG THE WEST LINE OF SAID ALLEY RIGHT-OF-WAY TO A SET 1/2" IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH STREET; THENCE S89°59'19"E 31.09 FEET TO THE POINT OF BEGINNING, CONTAINING 1554.3 SQUARE FEET, MORE OR LESS.

VACATION DESCRIPTION - STREET VACATION "A" (SOUTH STREET)

A PART OF SOUTH STREET (NOT CONSTRUCTED) LYING SOUTH OF BLOCK NUMBERED THIRTY-SIX (36) AND NORTH OF BLOCK NUMBERED TWENTY-TWO (22) AND EAST OF THE EAST RIGHT-OF-WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD (VACATED) IN FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S89°59'19"E 20.00 FEET TO A SET 1/2" IRON REBAR WHICH IS 40.00 WEST OF THE EAST RIGHT-OF-WAY OF WEST AVENUE; THENCE N00°05'12"E PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE 32.50 FEET TO A SET 1/2" IRON REBAR IN THE CENTER OF SAID SOUTH STREET; THENCE N89°59'19"W 20.00 FEET ALONG THE CENTERLINE OF SAID SOUTH STREET TO A SET 1/2" IRON REBAR; THENCE N00°05'12"E 32.50 FEET TO A POINT ON THE SOUTH BOUNDARY OF BLOCK THIRTY-SIX (36) OF SAID FERGUSON'S ADDITION; THENCE N89°59'19"W 158.51 FEET ALONG THE SOUTH LINE OF SAID BLOCK THIRTY-SIX (36) TO A POINT ON THE

EAST RIGHT-OF-WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD (VACATED); THENCE LEAVING THE SOUTH LINE OF SAID BLOCK THIRTY-SIX (36), S15°11'02"E 67.36 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD TO A SET 1/2" IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH STREET; THENCE S89°59'19"E 140.78 FEET TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES, MORE OR LESS.



THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

To: Mayor Dan Coody, City Council
From: Jeremy Pate, Director of Current Planning *JL*
Date: 31 October, 2007
Subject: Township Heights Traffic Study

Attached you will find the attached independent traffic study submitted by the applicant for the appeal of this proposed development. Please review this study, as well as staff's comments in the City Council memo, as traffic danger was the only cited reason this development proposal was denied.

Traffic Impact Study – Township Heights

Development Type. Single Family Development (21 Lots)

Purpose of Study. This study looked at the impacts of the proposed development on Township Street.

Existing Traffic. Currently the Average Daily Traffic (ADT) on Township is 12,500 (AHTD 2006 ADT Counts). The City of Fayetteville provided existing traffic counts for Township. The counts are attached to the report.

Trip Generation for development was established using ITE's Trip Generation Handbook for Single Family Detached Housing. The trip generation rates for the development are listed below. Supporting data is attached.

24 Hour Driveway Volumes – 247

AM	Enter – 6
	Exit – 18
	Total – 24

PM	Enter – 17
	Exit – 10
	Total – 26

LOS Existing. The existing Level of Service (LOS) for Township in the AM is D with a v/c of 0.38, while the PM LOS is C with a v/c of 0.36.

LOS Existing plus Development. Combining the existing traffic with the trip generated traffic for the development, the AM LOS is D with a v/c of 0.39 and the PM LOS is C with a v/c of 0.37.

Sight Distance. Using AASHTO's – A Policy on Geometric Design of Highways and Streets, the stopping sight distance for Township with a speed limit of 25 mph is 155 feet. The sight distance at the proposed driveway for the development provided an average sight distance of 18 seconds (approximately 900 feet) eastbound and 17 seconds (approximately 875 feet) westbound.

Findings. The development will not significantly increase traffic on Township. The existing traffic on Township is 12,500 and the development will add an additional 247 vehicles. The sight distance is more than adequate for the posted speed on Township.

HCS2000: Two-Lane Highways Release 4.1d

Brian L. Vines
Carter & Burgess, Inc.
10816 Executive Center Drive/Suite 300
Little Rock, AR 72211

Phone: (501) 223-0515 Fax: (501) 223-2470
E-Mail: brian.vines@c-b.com

Two-Way Two-Lane Highway Segment Analysis

Analyst	Jason Burton
Agency/Co.	Carter & Burgess
Date Performed	10/5/2007
Analysis Time Period	AM - Weekday (Existing)
Highway	Township
From/To	College Ave(US71B)/Old Wire Rd
Jurisdiction	City of Fayetteville
Analysis Year	2007 Fall
Description	Township Heights - 21 Lot Single Family Development

Input Data

Highway class	Class 2				
Shoulder width	2.0	ft	Peak-hour factor, PHF	0.87	
Lane width	12.0	ft	% Trucks and buses	2	%
Segment length	0.0	mi	% Recreational vehicles	2	%
Terrain type	Rolling		% No-passing zones	100	%
Grade: Length		mi	Access points/mi	8	/mi
Up/down		%			

Two-way hourly volume, V	1047	veh/h
Directional split	72 / 28	%

Average Travel Speed

Grade adjustment factor, fG	0.99	
PCE for trucks, ET	1.5	
PCE for RVs, ER	1.1	
Heavy-vehicle adjustment factor,	0.988	
Two-way flow rate, (note-1) vp	1230	pc/h
Highest directional split proportion (note-2)	886	pc/h
Free-Flow Speed from Field Measurement:		
Field measured speed, SFM	-	mi/h
Observed volume, Vf	-	veh/h
Estimated Free-Flow Speed:		
Base free-flow speed, BFFS	45.0	mi/h
Adj. for lane and shoulder width, fLS	2.6	mi/h
Adj. for access points, fA	2.0	mi/h
Free-flow speed, FFS	40.4	mi/h
Adjustment for no-passing zones, fnp	2.0	mi/h
Average travel speed, ATS	28.8	mi/h

Percent Time-Spent-Following

Grade adjustment factor, fG	1.00	
PCE for trucks, ET	1.0	
PCE for RVs, ER	1.0	
Heavy-vehicle adjustment factor, fHV	1.000	
Two-way flow rate, (note-1) vp	1203	pc/h
Highest directional split proportion (note-2)	866	
Base percent time-spent-following, BPTSF	65.3	%
Adj. for directional distribution and no-passing zones, fd/np	10.7	
Percent time-spent-following, PTSF	76.0	%

Level of Service and Other Performance Measures

Level of service, LOS	D	
Volume to capacity ratio, v/c	0.38	
Peak 15-min vehicle-miles of travel, VMT15	0	veh-mi
Peak-hour vehicle-miles of travel, VMT60	0	veh-mi
Peak 15-min total travel time, TT15	0.0	veh-h

Notes:

1. If vp >= 3200 pc/h, terminate analysis-the LOS is F.
2. If highest directional split vp >= 1700 pc/h, terminate analysis-the LOS is F.

HCS2000: Two-Lane Highways Release 4.1d

Brian L. Vines
Carter & Burgess, Inc.
10816 Executive Center Drive/Suite 300
Little Rock, AR 72211

Phone: (501) 223-0515 Fax: (501) 223-2470
E-Mail: brian.vines@c-b.com

Two-Way Two-Lane Highway Segment Analysis

Analyst	Jason Burton
Agency/Co.	Carter & Burgess
Date Performed	10/5/2007
Analysis Time Period	AM - Weekday (Proposed)
Highway	Township
From/To	College Ave(US71B)/Old Wire Rd
Jurisdiction	City of Fayetteville
Analysis Year	2007 Fall
Description	Township Heights - 21 Lot Single Family Development

Input Data

Highway class	Class 2				
Shoulder width	2.0	ft	Peak-hour factor, PHF	0.87	
Lane width	12.0	ft	% Trucks and buses	2	%
Segment length	0.0	mi	% Recreational vehicles	2	%
Terrain type	Rolling		% No-passing zones	100	%
Grade: Length		mi	Access points/mi	8	/mi
Up/down		%			
Two-way hourly volume, V	1071	veh/h			
Directional split	72 / 28	%			

Average Travel Speed

Grade adjustment factor, fG	0.99	
PCE for trucks, ET	1.5	
PCE for RVs, ER	1.1	
Heavy-vehicle adjustment factor,	0.988	
Two-way flow rate, (note-1) vp	1258	pc/h
Highest directional split proportion (note-2)	906	pc/h
Free-Flow Speed from Field Measurement:		
Field measured speed, SFM	-	mi/h
Observed volume, Vf	-	veh/h
Estimated Free-Flow Speed:		
Base free-flow speed, BFFS	45.0	mi/h
Adj. for lane and shoulder width, fLS	2.6	mi/h
Adj. for access points, fA	2.0	mi/h
Free-flow speed, FFS	40.4	mi/h
Adjustment for no-passing zones, fnp	2.0	mi/h
Average travel speed, ATS	28.7	mi/h

Percent Time-Spent-Following

Grade adjustment factor, fG	1.00	
PCE for trucks, ET	1.0	
PCE for RVs, ER	1.0	
Heavy-vehicle adjustment factor, fHV	1.000	
Two-way flow rate, (note-1) vp	1231	pc/h
Highest directional split proportion (note-2)	886	
Base percent time-spent-following, BPTSF	66.1	%
Adj. for directional distribution and no-passing zones, fd/np	10.4	
Percent time-spent-following, PTSF	76.5	%

Level of Service and Other Performance Measures

Level of service, LOS	D	
Volume to capacity ratio, v/c	0.39	
Peak 15-min vehicle-miles of travel, VMT15	0	veh-mi
Peak-hour vehicle-miles of travel, VMT60	0	veh-mi
Peak 15-min total travel time, TT15	0.0	veh-h

Notes:

1. If vp >= 3200 pc/h, terminate analysis-the LOS is F.
2. If highest directional split vp >= 1700 pc/h, terminate analysis-the LOS is F.

HCS2000: Two-Lane Highways Release 4.1d

Phone:
E-Mail:

Fax:

Two-Way Two-Lane Highway Segment Analysis

Analyst Jason Burton
Agency/Co. Carter & burgess, INc.
Date Performed 10/5/2007
Analysis Time Period PM - Weekday (Existing)
Highway Township Street
From/To Colleg Ave(US71B)/Old Wire Rd
Jurisdiction City of Fayetteville
Analysis Year 2007
Description Township Heights - 21 Lot Single Family Development

Input Data

Highway class	Class 2				
Shoulder width	2.0	ft	Peak-hour factor, PHF	0.90	
Lane width	12.0	ft	% Trucks and buses	2	%
Segment length	0.6	mi	% Recreational vehicles	2	%
Terrain type	Rolling		% No-passing zones	0	%
Grade: Length		mi	Access points/mi	0	/mi
Up/down		%			

Two-way hourly volume, V 1017 veh/h
Directional split 59 / 41 %

Average Travel Speed

Grade adjustment factor, fG	0.99	
PCE for trucks, ET	1.5	
PCE for RVs, ER	1.1	
Heavy-vehicle adjustment factor,	0.988	
Two-way flow rate, (note-1) vp	1155	pc/h
Highest directional split proportion (note-2)	681	pc/h
Free-Flow Speed from Field Measurement:		
Field measured speed, SFM	-	mi/h
Observed volume, Vf	-	veh/h
Estimated Free-Flow Speed:		
Base free-flow speed, BFFS	45.0	mi/h
Adj. for lane and shoulder width, fLS	2.6	mi/h
Adj. for access points, fA	0.0	mi/h
Free-flow speed, FFS	42.4	mi/h
Adjustment for no-passing zones, fnp	0.0	mi/h
Average travel speed, ATS	33.4	mi/h

Percent Time-Spent-Following

Grade adjustment factor, fG	1.00	
PCE for trucks, ET	1.0	
PCE for RVs, ER	1.0	
Heavy-vehicle adjustment factor, fHV	1.000	
Two-way flow rate, (note-1) vp	1130	pc/h
Highest directional split proportion (note-2)	667	
Base percent time-spent-following, BPTSF	63.0	%
Adj. for directional distribution and no-passing zones, fd/np	0.0	
Percent time-spent-following, PTSF	63.0	%

Level of Service and Other Performance Measures

Level of service, LOS	C	
Volume to capacity ratio, v/c	0.36	
Peak 15-min vehicle-miles of travel, VMT15	170	veh-mi
Peak-hour vehicle-miles of travel, VMT60	610	veh-mi
Peak 15-min total travel time, TT15	5.1	veh-h

Notes:

1. If vp >= 3200 pc/h, terminate analysis-the LOS is F.
2. If highest directional split vp >= 1700 pc/h, terminate analysis-the LOS is F.

HCS2000: Two-Lane Highways Release 4.1d

Phone:
E-Mail:

Fax:

Two-Way Two-Lane Highway Segment Analysis

Analyst Jason Burton
Agency/Co. Carter & burgess, INc.
Date Performed 10/5/2007
Analysis Time Period PM - Weekday (Proposed)
Highway Township Street
From/To College Ave(US71B)/Old Wire Rd
Jurisdiction City of Fayetteville
Analysis Year 2007
Description Township Heights - 21 Lot Single Family Development

Input Data

Highway class	Class 2				
Shoulder width	2.0	ft	Peak-hour factor, PHF	0.90	
Lane width	12.0	ft	% Trucks and buses	2	%
Segment length	0.6	mi	% Recreational vehicles	2	%
Terrain type	Rolling		% No-passing zones	0	%
Grade: Length		mi	Access points/mi	0	/mi
Up/down		%			

Two-way hourly volume, V 1043 veh/h
Directional split 59 / 41 %

Average Travel Speed

Grade adjustment factor, fG	0.99	
PCE for trucks, ET	1.5	
PCE for RVs, ER	1.1	
Heavy-vehicle adjustment factor,	0.988	
Two-way flow rate, (note-1) vp	1185	pc/h
Highest directional split proportion (note-2)	699	pc/h
Free-Flow Speed from Field Measurement:		
Field measured speed, SFM	-	mi/h
Observed volume, Vf	-	veh/h
Estimated Free-Flow Speed:		
Base free-flow speed, BFFS	45.0	mi/h
Adj. for lane and shoulder width, fLS	2.6	mi/h
Adj. for access points, fA	0.0	mi/h
Free-flow speed, FFS	42.4	mi/h
Adjustment for no-passing zones, fnp	0.0	mi/h
Average travel speed, ATS	33.2	mi/h

Percent Time-Spent-Following

Grade adjustment factor, fG	1.00	
PCE for trucks, ET	1.0	
PCE for RVs, ER	1.0	
Heavy-vehicle adjustment factor, fHV	1.000	
Two-way flow rate, (note-1) vp	1159	pc/h
Highest directional split proportion (note-2)	684	
Base percent time-spent-following, BPTSF	63.9	%
Adj.for directional distribution and no-passing zones, fd/np	0.0	
Percent time-spent-following, PTSF	63.9	%

Level of Service and Other Performance Measures

Level of service, LOS	C	
Volume to capacity ratio, v/c	0.37	
Peak 15-min vehicle-miles of travel, VMT15	174	veh-mi
Peak-hour vehicle-miles of travel, VMT60	626	veh-mi
Peak 15-min total travel time, TT15	5.2	veh-h

Notes:

1. If vp >= 3200 pc/h, terminate analysis-the LOS is F.
2. If highest directional split vp >= 1700 pc/h, terminate analysis-the LOS is F.

MetroCount Traffic Executive **Event Counts**

EventCount-65 -- English (ENU)

Datasets:

Site: [redacted] volume a - b
Input A: 2 - East bound. - Excluded from totals. (0)
Input B: 4 - West bound. - Added to totals. (1)
Survey Duration: 7:38 Tuesday, September 11, 2007 => 15:42 Friday, September 14, 2007
File: C:\Program Files\MetroCount v314\UserData\township12007\Sep
township14Sep2007.EC0 (Plus)
Identifier: L391W56Z MC56-6 [MC55] (c)Microcom 02/03/01
Algorithm: Event Count
Data type: Axle sensors - Split (Count)

Profile:

Filter time: 7:38 Tuesday, September 11, 2007 => 15:42 Friday, September 14, 2007
Name: Factory default profile
Scheme: Count events divided by two.
Units: Non metric (ft, mi, ft/s, mph, lb, ton)
In profile: Events = 56608 / 56608 (100.00%)

* Tuesday, September 11, 2007=3952 (Incomplete), 15 minute drops

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300		
-	-	-	-	-	-	-	-	23	320	281	291	323	305	333	438	374	391	291	218	160	93	73	38		
-	-	-	-	-	-	-	-	0	83	73	78	86	94	85	109	78	74	69	45	48	29	25	12	6	
-	-	-	-	-	-	-	-	0	76	71	67	73	70	92	125	89	113	83	60	40	16	12	8	4	
-	-	-	-	-	-	-	-	0	0	80	72	73	77	62	65	118	95	108	76	67	34	24	13	12	0
-	-	-	-	-	-	-	-	0	23	81	65	73	87	79	91	86	112	96	63	46	38	24	23	6	3

PM Peak 1445 - 1545 (443), PM PHE=0.89

PM Peak 1445 - 1545 (443), PM PHF=0.89

* Wednesday, September 12, 2007=5740, 15 minute drops

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
13	10	7	12	15	83	248	735	648	313	259	303	361	328	297	409	386	404	298	213	179	121	66	32	
6	4	3	2	3	8	44	122	247	72	63	74	74	83	76	93	86	110	68	63	52	29	22	11	9
4	2	3	3	5	10	44	169	175	82	66	79	74	86	63	116	83	109	88	50	51	31	17	3	3
0	2	0	3	2	28	62	197	122	80	64	86	95	80	66	110	105	86	80	44	34	25	13	11	2
3	2	1	4	5	37	98	247	104	79	66	64	118	79	92	90	112	99	62	56	42	36	14	7	6

AM Peak 0730 - 0830 (866), AM PHF=0.88 PM Peak 1630 - 1730 (436), PM PHF=0.97

* Thursday, September 13, 2007=5932, 15 minute drops

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
20	12	11	10	23	71	262	751	647	357	305	316	374	344	303	455	387	377	310	215	142	130	77	33	
9	4	3	2	2	9	32	105	207	101	76	85	93	80	65	103	93	93	80	63	44	29	20	10	2
3	1	4	4	7	14	55	173	178	88	69	77	86	90	80	143	98	109	81	62	35	33	25	9	11
2	2	1	3	7	19	78	230	119	83	76	80	83	86	70	112	83	94	79	47	35	38	18	4	3
6	5	3	1	7	29	97	243	143	85	84	74	112	88	88	97	113	81	70	43	28	30	14	10	6

AM Peak 0730 - 0830 (858), AM PHF=0.88 PM Peak 1500 - 1600 (455), PM PHF=0.80

* Friday, September 14, 2007=3770 (Incomplete), 15 minute drops

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
22	14	15	14	20	75	238	748	491	349	319	339	358	308	302	-	-	-	-	-	-	-	-	-	-
2	2	3	2	5	5	38	102	189	84	85	86	76	98	79	94	-	-	-	-	-	-	-	-	-
11	5	4	2	2	12	40	174	126	82	81	79	101	75	67	63	-	-	-	-	-	-	-	-	-
3	4	4	5	8	24	65	212	65	89	57	88	73	59	75	1	-	-	-	-	-	-	-	-	-
6	3	4	5	5	34	95	260	111	94	96	86	108	76	81	-	-	-	-	-	-	-	-	-	-

AM Peak 0715 - 0815 (835), AM PHF=0.80

MetroCount Traffic Executive Event Counts

EventCount-64 -- English (ENU)

Datasets:

Site: [REDACTED] volume a - b
Input A: 2 [REDACTED] Added to totals. (1)
Input B: 4 - West bound. - Subtracted from totals. (-1)
Survey Duration: 7:38 Tuesday, September 11, 2007 => 15:42 Friday, September 14, 2007
File: C:\Program Files\MetroCount v314\UserData\Township\2007\Sept [REDACTED]
township14Sep2007.EC0 (Plus)
Identifier: L391W56Z MC56-6 [MC55] (c)Microcom 02/03/01
Algorithm: Event Count
Data type: Axle sensors - Split (Count)

Profile:

Filter time: 7:38 Tuesday, September 11, 2007 => 15:42 Friday, September 14, 2007
Name: Factory default profile
Scheme: Count events divided by two.
Units: Non metric (ft, mi, ft/s, mph, lb, ton)
In profile: Events = 56608 / 56608 (100.00%)

* Tuesday, September 11, 2007=4686 (incomplete), 15 minute drops

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
-	-	-	-	-	-	-	-	14	202	194	269	332	320	312	453	493	602	490	352	300	201	92	60	
-	-	-	-	-	-	-	-	0	46	44	49	92	86	60	114	120	156	135	110	91	54	27	21	13
-	-	-	-	-	-	-	-	0	53	44	67	93	74	80	80	110	163	123	81	74	62	23	14	11
-	-	-	-	-	-	-	0	0	57	40	78	81	81	85	133	131	168	106	83	79	47	27	12	12
-	-	-	-	-	-	-	0	14	46	66	75	66	79	87	126	132	115	126	78	56	38	15	13	3

PM Peak 1645 - 1745 (\$19), PM PHF=0.92

* Wednesday, September 12, 2007=5263, 15 minute drops

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
39	14	16	5	8	18	52	207	296	190	208	258	302	293	359	465	471	613	444	329	293	222	105	56	
13	4	6	2	2	2	7	24	74	56	56	64	86	85	72	112	105	141	131	78	86	78	27	16	10
11	1	7	0	2	0	7	60	85	31	48	60	80	68	86	96	126	158	109	79	69	54	30	14	9
12	7	1	1	2	6	15	61	70	57	57	62	61	75	90	117	124	171	102	78	74	47	27	17	11
3	2	2	2	2	10	23	62	67	46	47	72	75	65	113	140	116	143	102	94	64	43	21	9	8

AM Peak 1130 - 1230 (\$30), AM PHF=0.87 PM Peak 1700 - 1800 (\$13), PM PHF=0.90

* Thursday, September 13, 2007=5320, 15 minute drops

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
38	16	12	11	11	15	43	207	221	179	227	268	347	327	343	453	492	611	442	351	281	211	148	66	
10	6	4	4	0	4	5	31	64	45	45	71	89	84	77	103	134	148	132	85	78	52	58	15	9
9	3	5	1	4	5	9	39	59	44	52	58	87	82	77	83	118	154	120	106	71	55	26	23	12
11	1	0	2	3	3	15	65	54	43	62	61	90	85	89	123	119	157	91	76	68	49	36	17	12
8	6	3	4	4	3	14	72	44	47	68	78	81	76	100	144	121	152	99	84	64	55	28	11	10

AM Peak 1145 - 1245 (\$44), AM PHF=0.96 PM Peak 1700 - 1800 (\$11), PM PHF=0.97

* Friday, September 14, 2007=2551 (incomplete), 15 minute drops

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
43	18	15	4	10	21	53	182	280	218	204	318	341	296	386	-	-	-	-	-	-	-	-	-	-
9	4	4	1	2	3	6	34	73	53	57	78	89	68	96	124	-	-	-	-	-	-	-	-	-
12	2	4	2	2	6	9	39	88	55	49	63	84	75	84	38	-	-	-	-	-	-	-	-	-
12	8	4	1	4	6	16	53	62	57	45	74	87	76	94	0	-	-	-	-	-	-	-	-	-
10	4	3	0	2	6	22	56	57	53	53	103	81	77	112	-	-	-	-	-	-	-	-	-	-

AM Peak 1145 - 1245 (\$63), AM PHF=0.88

Township Development
Summary of Trip Generation Calculation
For 21 Dwelling Units of Single Family Detached Housing
October 03, 2007

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	11.78	0.00	1.00	247
7-9 AM Peak Hour Enter	0.29	0.00	1.00	6
7-9 AM Peak Hour Exit	0.86	0.00	1.00	18
7-9 AM Peak Hour Total	1.15	0.00	1.00	24
4-6 PM Peak Hour Enter	0.79	0.00	1.00	17
4-6 PM Peak Hour Exit	0.46	0.00	1.00	10
4-6 PM Peak Hour Total	1.25	0.00	1.00	26
Saturday 2-Way Volume	11.56	0.00	1.00	243
Saturday Peak Hour Enter	0.76	0.00	1.00	16
Saturday Peak Hour Exit	0.65	0.00	1.00	14
Saturday Peak Hour Total	1.41	0.00	1.00	30

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume: $LN(T) = .92LN(X) + 2.71$, $R^2 = 0.96$
 7-9 AM Peak Hr. Total: $T = .7(X) + 9.43$
 $R^2 = 0.89$, 0.25 Enter, 0.75 Exit
 4-6 PM Peak Hr. Total: $LN(T) = .9LN(X) + .53$
 $R^2 = 0.91$, 0.63 Enter, 0.37 Exit
 AM Gen Pk Hr. Total: $T = .7(X) + 12.05$
 $R^2 = 0.89$, 0.26 Enter, 0.74 Exit
 PM Gen Pk Hr. Total: $LN(T) = .89LN(X) + .61$
 $R^2 = 0.91$, 0.64 Enter, 0.36 Exit
 Sat. 2-Way Volume: $LN(T) = .94LN(X) + 2.63$, $R^2 = 0.93$
 Sat. Pk Hr. Total: $T = .89(X) + 10.93$
 $R^2 = 0.9$, 0.54 Enter, 0.46 Exit
 Sun. 2-Way Volume: $T = 8.83(X) + -9.76$, $R^2 = 0.94$
 Sun. Pk Hr. Total: $LN(T) = .89LN(X) + .44$
 $R^2 = 0.88$, 0.53 Enter, 0.47 Exit

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

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



**City of Fayetteville Arkansas
City Council Meeting Minutes
October 2, 2007**

A meeting of the Fayetteville City Council was 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.

Mayor Coody called the meeting to order.

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

Pledge of Allegiance

Mayor Coody: Mayor Coody recognized students with the Urban Government Class from the University that were attending the meeting.

Nominating Committee Report

Alderman Cook: Fayetteville Public Facilities Board recommends the following appointments: Steve Clark, Steve Adams and Phil Taylor.

Alderman Cook moved to approve the Nominating Committee Report. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Approved

Alderman Thiel thanked the staff for the wonderful job they did on the Walker Park Neighborhood Master Plan.

Mayor Coody: We have the best planning staff anywhere around.

CONSENT:

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.

Resolution 170-07 as Recorded in the office of the City Clerk.

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.

Resolution 171-07 as Recorded in the office of the City Clerk.

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.

Resolution 172-07 as Recorded in the office of the City Clerk.

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.

Resolution 173-07 as Recorded in the office of the City Clerk.

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.

Resolution 174-07 as Recorded in the office of the City Clerk.

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.

Resolution 175-07 as Recorded in the office of the City Clerk.

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

UNFINISHED BUSINESS:

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.*

Alderman Gray: I would like to ask that we table this indefinitely because we have not heard back from the Highway Department as to whether or not they might be able to help us with this expenditure.

Alderman Gray moved to table the ordinance indefinitely. **Alderman Thiel** seconded the motion. Upon roll call the motion to table passed unanimously.

This Ordinance was Tabled Indefinitely.

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.*

Jeremy Pate, Director of Current Planning: The applicant has proposed some amendments for additional conditions of approval. They have attempted to address some of the concerns that have been stated by constituents and members of the Council.

Jeremy read the additional conditions of approval.

If these conditions are approved by the City Council I would recommend that you make a formal amendment to the planned zoning district requesting that these seven conditions be added to the current conditions of approval.

Alderman Jordan: We have had several meetings on this. At the Ward 4 meeting there did not seem to be too much opposition with the new amendments to it.

Craig M. Honchell, Cross Keys Property Owners Association: My neighborhood was reclassified as a city neighborhood which led to this type of project coming into our residential neighborhood. Mr. Honchell voiced his concern about the height of some of the buildings. He also voiced his concern about the infrastructure and how this development will affect the schools. He stated some of his neighbors wanted him to voice their concerns about drainage and the traffic study.

Jim Gurlock, Ward 4: I am concerned about size. I appreciate you scaling down the proposal from 382 units to 342 units. I think this is too tall for what is out there. I would appreciate it if you could observe the traffic flow and what has already been approved in the area. The other concerns are the run off issues. Another thing that bothers me is subdivisions that have been started but nothing has been done. I ask you to consider where this is, the impact, and the other things around it. I want to see Fayetteville grow but I think it has to grow in the right direction. Thank you for your consideration.

Wayne Shaw, Ward 4: I purchased a home in Ruppel Row and we like living there partially because of the Westside Village. I like the idea that we can walk our dogs, have easy access and have nice sidewalks.

Alderman Lucas: I think this is a great development. I understand the neighborhoods concerns. The drainage was a problem but I feel comfortable that with the performance bond that it is going to be taken care of. I was concerned about traffic on 46th Street but Lioneld and the developers came up with the speed tables. I know the height is a problem and the compatibility and I felt like it was being dropped into a neighborhood of single family but they have made an effort to lower some of the heights. It could be a lot higher out there with our zoning. I like the fact that sidewalks are going to go down to Persimmon. I feel like I can support this now.

Alderman Jordan: One of the concerns was will it actually get built. I think the performance bond addresses that issue. There were a lot of concerns from the neighbors about the traffic coming out on 46th Street and it being too fast so we asked the developers to put in speed tables and they agreed to put them in at their expense. Another concern was the height issue and they have reduced the height from four stories down to three along Wedington and along 46th Street. Ron, do you feel comfortable with the drainage plans that you have seen?

Ron Petrie, City Engineer: For the preliminary drainage submittal they certainly meet the requirements of our drainage criteria manual.

Alderman Jordan: So in your estimation it is okay.

Ron Petrie: Our work is just beginning on this but at this point we are comfortable with it.

Alderman Jordan: The other issue was the sidewalk the developers have agreed to do. The 2025 Plan shows growth to be going along Wedington. It also meets the 2025 Plan for design. For these reasons and the many meetings that we have had I feel comfortable in supporting this development.

Alderman Cook: I appreciate the aldermen, developers and neighbors working on this. I think these are good changes. I think they are trying to establish a little more compatibility with what is around it and address the traffic concerns. This follows along right within what we have asked developers to bring to us in the 2025 Plan. We are building a new city on the west side of town. The care that we need to take in developing that area is important. Developments such as this where even the single family neighborhoods can walk to, where there is mixed development, and they can get some commercial and retail services, I think that is important. I appreciate them making that sidewalk connection because that just allows better access for pedestrians to get to this kind of development. This is development that I like to see.

Alderman Thiel: I think these developers really have worked to come back and try to resolve the concerns that we had. We might look into this idea of performance guarantees for phases particularly when they are dealing with areas that are really sensitive to storm water run off and can be really affected by one or another phase and one not being finished out. I appreciate that they found a way to make that work. I will support it. I know a lot of the people out there are concerned. I think they have reduced the heights and they have done it in an internal way in which it will not have the affect that people are concerned about.

Alderman Ferrell: When you look at the economic affect it is going to have also, it is good that everyone came together on this and in the end I think it will have a positive economic impact on our community also.

Alderman Jordan moved to amend the conditions of approval to add the new conditions of approval to the PZD. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

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

Ordinance 5063 as Recorded in the Office of the City Clerk

Status Report of the Renaissance Hotel Project.

John Nock gave an update report on the project. The design books were handed out for the Council to review. Mr. Nock stated the Renaissance Tower is going up. It will bring more jobs and tax revenue to the city. There are still some stages that have to go through the Marriot review. We are approved to hold a franchise agreement with Marriot. It will be the first full service hotel with Marriott International and it is a Renaissance which is one of their higher end full service brands.

The project consists of five floors of condos, a wedding or conference center and two large suites. In addition we have over 13,000 square feet of meeting space. It is not meeting space to compete with the Town Center; it is space to do break out meetings. The idea is that we are trying to attract conferences and conventions to downtown Fayetteville.

Mr. Nock explained the different projects that they are working on in the Fayetteville area. He stated this is a great project and asset to the City of Fayetteville. He also stated they are committed to the project.

Alderman Rhoads: John if Marriott decides to terminate the contract what are your rights.

John Nock: That question has never come up. There has never been a discussion that I know of from any perspective that Marriott would walk. There has been no indication that they are concerned. I will be glad to have my partner Rick send you an email in answer to that question.

Alderman Lucas: Thank you for coming. When will the building on Center Street be finished so they can be opened.

John Nock: Probably within about two to three weeks the upstairs will be finished and the downstairs we will leave for tenant finish out. Probably 30 to 45 days before we will be finished.

Alderman Ferrell: The deal with Marriott is a done deal?

John Nock: Yes

Alderman Ferrell: The completion date is late 2009; does that mean the entire building?

John Nock: We are hoping late summer to fall of 2009. All the pieces will be completed at that time.

Alderman Allen: When can we expect the hotel to start and be continually in progress?

John Nock: We are hoping that it will be soon. We have dates that we need to hit due to the weather and the steel has already been delivered. It is really somewhat up to the process.

Alderman Allen: Would you say within the next two to three months we will see continual progress?

John Nock: If we don't get started within two to three months we are going to miss the football season of 2009. It should be very soon.

Alderman Cook: I have been worried about financing for the project and whether the project is going to take off.

John Nock: We have a different market for hotels and we have only 23 condos. There is a shortage of hotels in the national spectrum. There is still an ongoing support for the hotel business. Marriott believes in the Fayetteville product for several reasons, it fits our downtown fabric; it is next to the downtown square and the Dickson Street entertainment venues. It is also in a University setting. Marriott likes this project for these reasons. The creditors like it for the same reasons.

Mayor Coody: Thank you very much for your presentation.

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.*

Jeremy Pate: I wanted to remind the Council that you amended and added a condition about structural foundations at the last meeting.

Alderman Cook: The retaining walls are still a concern of mine but we have passed a hillside ordinance that allows development in certain areas of town that we typically would not allow. While I struggle with how this development is going to be built I will adhere to that policy that we did put in place. I am not convinced that it is the right thing to do.

Jeff Bates, Engineer on the project shared with the Council some pictures of retaining walls that have been built in Fayetteville.

A discussion followed on the retaining wall structure.

Alderman Thiel: My comments is about the elevation of the building and I realize we do not have design standards for multifamily so we can not really dictate that.

Lex Broyles, Developer: The buildings will not be identical. This will be something that we are very proud to put our name on.

Alderman Jordan asked questions about the foundation.

Alderman Ferrell: We have had no comments regarding this from citizens.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. **Alderman Allen** voting no.

Ordinance 5064 as Recorded in the Office of the City Clerk

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.*

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

City Attorney Kit Williams read the ordinance.

Alderman Jordan: This was shown at the Ward 4 meeting. There were some mixed reviews about the density of the project.

Ron Chioldi, resident of Heafly Street: I think the project looks good. I am all for density and infill in Fayetteville. I think there are two types of density and infill. One type of density is young professionals and families and the other kind is students. I think we need to make this project as enticing as we can to those young professionals and families to move into the neighborhood. I am not convinced this project does that. I don't think it is connected to the neighborhood at all. It is an entity unto itself. There are no sidewalks, trails or roads that connect it to the neighborhood. While I appreciate the density I think these may be a little too close, they are ten feet apart from each other. The history of these types of projects in our neighborhood is not very good. I would urge you to vote against this.

Alderman Thiel: The more I look at this project the less I like it.

Tim Brisiel, Developer & Builder: We feel this is the best use for this land. The direction that we received from the Planning Commission was that a higher density would be suitable for that location as long as it is detached single family homes. We did the zero lot line orientation so that we could maximize the useable space on one side of that property due to the narrow lot. We are trying to appeal to the young professional group. We are trying to put an attainable housing on the market in Fayetteville which is difficult to find. We laid it out with the intentions of a community feel.

Tim gave a brief description of the project.

Alderman Allen: The Council has made attainable housing a number one priority. Nothing is going to be perfect about it. I think it has been balanced out to waylay the fears of the neighbors that it would be snatched up by students. I don't think the distance between the houses is a big deal. I don't see this as being a detriment to the neighborhood.

Tim Brisiel: If you look at similar subdivisions they may not be the zero line orientation but density and zero lot lines is not always a bad think. There are many subdivisions where on either side of the homes there is less space than we have right here. We have more usable space on one side of the home.

Alderman Lucas: This looks real good on paper. This neighborhood is one of those neighborhoods that is not fancy, the homes around there are very modest and it is one of those neighborhoods that we have tried to protect. We have a lot of apartments between Lewis and Porter Road. This is an old neighborhood and they have had to fight everything. It needs to be RSF-4 to preserve compatibility with the rest of the neighborhood. To me infill can create sprawl sometimes. It forces families with children to move farther out. If we don't protect these

established neighborhoods we are going to have another Leverett School situation. Families want a little space around their home for their children and so they are having to move out. That really bothers me and worries me. I would like to see this as RSF-4.

Alderman Jordan: My thoughts echo Shirley's. I have had several contacts with residents in the area. There were concerns at the Ward 4 meeting about people buying and putting students in them which there is nothing we can do about that. This neighborhood has for years fought different developments. I think the R-6 is a little too dense. I also have problems with access. It is just not compatible with the neighborhood. I will not be able to support it.

Mayor Coody: If this fails it will be a year before you can come back without some substantial changes. It looks like you have a good chance of having your project turned down tonight. So do you want to go ahead and move forward with that or do you want us to table it and you come back with a different plan and maybe visit with the Ward 4 folks some more?

Tim Brisiel: I prefer to table it.

Alderman Jordan moved to table the ordinance indefinitely. Alderman Lucas seconded the motion. Upon roll call the motion to table passed unanimously.

This Ordinance was Tabled Indefinitely.

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.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: A signed copy of the bill of assurance in the acceptable format by the City Attorney has been submitted. This is an appeal of the Planning Commission's decision to deny this project unanimously. Staff also recommended denial. I can not speak for the Planning Commission but from our perspective and findings in the rezoning request, the bill of assurance does not alleviate those concerns. Staff still has concerns with this.

Alderman Ferrell: What was your concern about the bill of assurance?

Jeremy Pate: Any bill of assurance is hard to track. They can be amended to the Council without notification to the property owners and without the Planning Commission making a recommendation.

Alderman Ferrell: Are bills of assurance recorded?

Jeremy Pate: Yes.

City Attorney Kit Williams: Regardless of what you are going to do I think you should add a subsection three to the ordinance to acknowledge the bill of assurance.

Alderman Rhoads moved to amend the ordinance to add a Bill of Assurance. Alderman Rhoads seconded the motion. Upon roll call the motion passed unanimously.

Alderman Thiel: Initially when I saw this I felt that this is a business that has been there and the owner should have the right to continue that business as it is. After listening to Jeremy and our staff recommendation I think there are still other ways they can achieve this that might be more acceptable to the Council and to the Planning staff. I probably will not support this rezoning. C-2 is a pretty strong zoning.

Alderman Allen: I would like to explore what those options might be. These peoples livelihood, their whole life, is put into this piece of land. I do not want to take away their way to make a living, their retirement, and their future.

Jeremy Pate: A conditional use permit is another option.

Alderman Allen: Would that limit it to one thing.

Jeremy Pate: Yes. It is usually aligned with a very specific use in mind. Rezoning the property is a policy decision that affects other property around it as well. The conditional use process may be a little more cumbersome. If it changes uses the applicant can come back before the Planning Commission and request a similar type of application.

Alderman Allen: I certainly am not an advocate of spot zoning. I feel like this is a situation that was created through no fault of the applicant and that is a real concern to me. Does the applicant intend to use the building in the same way as they are now indefinitely?

Donald Wilson, representing the applicants: Absolutely. Until they sale it or whatever happens to the property. Mr. Wilson gave a revised copy of the bill of assurance to the Council. He stated they have tried to limit this to the type of activity that the building has historically been used for.

Mr. Wilson explained what the bill of assurance and the use limits are that they are limiting the use of the property too. In the bill of assurance we have offered a 20 foot buffer zone to the south end of the property. We have had no neighbors complain to us. We tried to address all the concerns. All we want to do is use the property like we have always used it. If we can have only one conditional use on the property we have probably substantially devalued our property, because no one is going to buy the property if all they can use the property for is the conditional use. We are asking that you let us keep the value where it is and use it for what we have been using it for. This is nothing new for this area. There are a lot of businesses in the area that have

been grandfathered in. The city says we are not grandfathered in because it was not an auto repair store when it was annexed into the city. I would say we are grandfathered in as a trade services business because that is what we have been using it for. That is all we are asking for.

Alderman Allen: What does our City Attorney think about the bill of assurance?

City Attorney Kit Williams: He has followed the form that I prepared for the bill of assurance. It meets the requirements that I have and I think it is an enforceable bill of assurance. It is up to you to decide if it has the right terms in it. From a legal point of view it is certainly an adequate bill of assurance.

Alderman Allen: A conditional use runs with the property. When does it end if it is left open?

Alderman Jordan: I think it is six months.

Alderman Thiel: Is the entire piece of property being used for this business?

Patricia Pearce, owner: No. The building fronts Highway 16 that is what is being used. The area behind the building is being used for a parking lot for the cars. The building has been used for many different uses during the years. It will be difficult to lease the building with a conditional use permit. I think it is unfair for the city to tell me that my building will be relatively worthless.

Alderman Thiel: I think what concerns me is the entire parcel behind being considered. You are not utilizing all of that. We are rezoning a substantial piece of property behind this. That troubles me. I could almost consider rezoning the front of the property because of in a sense the hardship. To rezone the entire property troubles me. You might want to come back with a PZD.

Alderman Ferrell: Ms. Pearce did you consider asking for the front part to be C-2 or was it your intent to do the entire piece.

Patricia Pearce: It has always been a single piece of property so I guess we did not consider it. I would hate to think that I would have a long term tenant or someone who wanted to buy that property from me if they just had an ability to add on to the back of that building. Every limitation the city does to me decreases the value of that property to me.

Alderman Ferrell: Plus you have been paying commercial taxes on it for 30 years. Approximately what year did the printing business start out there?

Person from the Audience: 1984.

Alderman Ferrell: What was it before it was a printing company?

Patricia Pearce: It was a drapery shop and a TV repair business before that.

Alderman Ferrell: I know it has always been a business. I will support this. You have been there for years and paying taxes. Public law does not intend I don't think to take something.

Mayor Coody: The use that is happening on the property at the time it is annexed is essentially grandfathered in. When the use changes after it has been annexed they have to conform to a zoning, they lose the grandfather capability. The reason the staff is concerned about it is we have had instances where someone got something rezoned really different than everything else around it and the rezoning stays permanent. That can really create an incompatibility.

Alderman Ferrell: I appreciate the second effort on the bill of assurance.

Alderman Lucas: When a piece of property is grandfathered in can they get a conditional use later on if it changes business.

Jeremy Pate: Yes.

Alderman Lucas: So we are not penalizing these people particularly. It is the same for all.

Jeremy Pate: I would say 99% of the businesses that were annexed in that election are now nonconforming uses because they are now in the City of Fayetteville. If they were still in the county they would be nonconforming because the county has zoning now as well. They are only allowed one unit per acre in those particular cases. They are nonconforming regardless if they are in the city or the county at this point in time.

Alderman Lucas: One of the things that really encourages people to come into the city is you can kind of control what you will have built next to you. This kind of concerns me because if we go to the C-2 even with the bill of assurance they do not have to contact the neighbors around them if they want to change the bill of assurance. By having a conditional use it protects the neighbors around them because then they have to be notified if there is going to be a change. They can then give their views if they want that change or not. The business can go on with this conditional use. One of the things I thought we were going to work toward with the 2025 Plan is planning areas.

Jeremy Pate: Our City Plan 2025 looks at areas not only within the city but also areas outside the city. When looking at that annexation we actually included that in our long term plans. I think this area will over time change but the timing of that change is critical. I think from a planning perspective rezoning C-2 that far out at this point in time is a timing issue. We normally look at C-2 for corner or major intersections.

Alderman Lucas: I really consider this a spot zoning so I can't support it.

Mayor Coody: If the Planning Commission can grant a conditional approval for a business is there a way to do a conditional use for a range of activities like they are asking for in the bill of assurance?

Jeremy Pate: That question was asked at the Planning Commission meeting also. In my reading of the code it is limited to a specific use. It is changing from one nonconforming use to another nonconforming use and I am not comfortable interpreting that to be just this range of uses. That could be just about anything within that use unit.

Alderman Allen: I did not know they could come back and change the bill of assurance without notifying the neighbors.

Alderman Jordan: The bill of assurance is between the city and the property owners but if the city and property owners agree they do not have to notify anybody to change it. It has to go through the City Council.

Jeremy Pate: It does not go through our notification process like it does at Planning Commission.

City Attorney Kit Williams: Since it is accepted by an ordinance it has to be changed by ordinance.

Alderman Allen: I don't like the spot zoning at all and I understand the concerns that everyone is expressing. Maybe sometimes we need to add a human factor into things. I really have a lot of trouble with the fact that people have put their livelihood into something and through no fault of their own that is going to be taken away. That is a problem to me.

Alderman Thiel: I tend to agree with Nancy but they are rezoning more. The bulk of this that is being requested as C-2 is off the highway. For C-2 zoning that seems backwards. I would feel more comfortable about this if they were just asking for the portion that would serve for the parking and the business itself. I feel like they can come back with something that we will be happier with.

Donald Wilson: C-2 was chosen because it had Unit 17 in it.

City Attorney Kit Williams: The City Council has a lot of discretion in this. They have asked to have all the acreage rezoned to C-2. The Planning Commission voted against it and they appealed it to you. It is your decision. You can look at it as an entire unit or you can look at approving only part of it as C-2.

Alderman Thiel: I would be open to amending this to include the top portion of Exhibit B.

Patricia Pearce: I am not sure if the building sits entirely on that portion.

Alderman Thiel: Maybe we should rethink this a little bit.

City Attorney Kit Williams: The applicant can apply for an administrative lot line adjustment from the Planning Division and they could reconfigure their lot to make sure they have their building totally on the front lot.

Alderman Thiel: I would be more supportive of rezoning just that top portion. You might also consider other ideas like a PZD that might work and may make the property more saleable in the future. Can they operate their business if we table this?

Jeremy Pate: Yes. Any code violations that we have are suspended pending the decision on the rezoning.

Alderman Jordan: At the end of the day we will make a decision that we think is best for the ward.

Alderman Lucas: It is not a done deal that I will agree to it if you were to come back. We have to protect the property owners around this property too. They have rights also.

Alderman Jordan: I believe the property is too large and I think it is somewhat of a spot zoning.

Alderman Thiel moved to table the ordinance indefinitely. Alderman Gray seconded the motion. Upon roll call the motion to table passed unanimously.

This Ordinance was Tabled Indefinitely.

NEW BUSINESS:

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.

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director: This is a request for 4 mills for the city. This would represent a .9 mill increase for General Fund operations, from 1.3 mills to 2.2 mills. This would generate approximately \$1 million in additional revenue to fund the General Fund. We will have answers to the questions that were asked at our meeting on Thursday.

Alderman Ferrell: I would like to invite a representative from the public schools to come and give us a brief overview of what they are looking at as far as the financial impact that is coming up for the school district.

This Ordinance was Left on the First Reading.

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.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: They gave a presentation at Agenda Session about what they have done. I think they are doing a very good job of education.

Susan Thomas, Public Information and Policy Advisor: I think the organization has done a pretty incredible job of putting together an EPA funded education campaign using 319 grant monies. We have put together a great board representing all the different stake holders. We are proud of the relationships and partnerships we have been able to build with the cities and the counties. I think this is a very positive organization. It is being looked at nationally because of the conflict between the two states, this particular organization is being watched very closely to see how we navigate those dangerous political waters and come up with a plan that in the end will serve to improve water quality.

Alderman Lucas: What fund is this coming out of? I think this is great I am just curious about the funding.

Ron Petrie, City Engineer: We have been very frugal with that fund in the last few years and we continue to collect the funds from previous years. There are a lot of eyes on that money for the next few years for the drainage improvements that we are looking at.

Alderman Lucas: That is why I want to protect it because there are a lot of drainage problems that will have to be corrected. Is there anything else that you see coming out of this in the future before you start on the drainage problems?

Ron Petrie: There are several projects that we have and we will use some of these funds for other projects.

Alderman Thiel: All these things that we are doing are requirements from the federal government for the Phase II Storm Water.

Ron Petrie: That's right. A large component of our Phase II permitting is education. That is one of the single highest point scores that you can get.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5065 as Recorded in the Office of the City Clerk.

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.

Carole Jones, Parks Department: I do not have any new information tonight. Mr. Evans gave a presentation at Agenda Session regarding his revised plan. The revised plan will save approximately 17 trees. About half of the trees that will be removed in the revised plan about half of those are compromised. They are trees that are under cut. I let our Urban Forester make the determination.

Alderman Jordan: There was some discussion at Agenda Session about a detention pond on the south end of the park and about rain gardens. What is your take on those two items?

Carole Jones: Mr. Evans addressed that. My guess is there is not enough space available to hold the volume of water.

A discussion followed on the water flows and the erosion.

Alderman Allen: Do we have a drainage ordinance in place?

Carole Jones: Yes, we do.

Alderman Allen: I would like to understand how we got here to begin with.

Ron Petrie: It is my understanding by looking at the developments in that water shed the bulk of them were done prior to the passage of the storm water management ordinance.

Alderman Allen: When was that?

Ron Petrie: The ordinance was passed in 1994. It is certainly being enforced today.

Alderman Thiel: There has been discussion about the rain gardens. Is there room on the city property to put in rain gardens? There is no way for us to mandate for people to put rain gardens in their yard is there?

Carole Jones: I think that is a question our City Attorney would need to answer.

Carole explained what rain gardens are used for and the best placement of them.

Alderman Allen: I am trying to understand why we can't do something with items that were built before 1994.

Carole Jones: From what I understand the ordinance for storm water management passed in 1994. These developments were probably reviewed before the ordinance was in place and approved before the ordinance was in place. I don't think there was a storm water management ordinance. The ordinance has been revised several times.

Alderman Rhoads: During the time that we knew we did not have an ordinance and subdivisions were being constructed did we know that it was causing this problem and if so what did we do about it.

Ron Petrie: It is very hard to go back and say what we actually knew back then. This is something that has occurred in the last ten years and primarily due to the soil out there. It quickly erodes.

Mayor Coody: What is the difference between the storm water ordinances that we have now in a broad sense versus before 1994?

Ron Petrie: In broad sense you would have to detain to match predevelopment conditions. I would say that even with today's regulations it would not surprise me if we had a problem out there, it may not be as bad, but I would suspect if we had detention ponds over that basin we would still have some erosion in this area.

Alderman Ferrell: Will the use of volunteers to plant shrubs and trees primarily be citizens that live in that area?

Carole Jones: We have not sought out volunteers to do that but it does not have to be limited to that area.

Connie Edmonston, Parks & Recreation Director: I believe the Boy Scouts are interested. There are several groups out there. We had a lot of erosion happen from 1994 to 1998 because of the massive amount of homes that was being built. It was remarkable how it happened so quickly.

Carole Jones: I went through the city files and in 1997 they recognized that there were some erosion problems then. The city has tried several things over the years to try to do things to this park and to try to fix this problem.

Aubrey Shepherd, a citizen stated this is a beautiful spot. This is where a deep draw became a gully. He talked about the use of rain gardens and storm gardens and how they help with erosion. He explained how the rain gardens work. He suggested that we educate people about rain gardens. He stated if you take out a bunch of trees to save a few trees there will be more erosion. I would like to see us wait and talk to the neighbors and do some public education.

Jim Bemis, Ward 4: I ask you for a little more time to look at this. We have no assurance that what we are doing tonight is not another dap at it. The city has tried hard to get something done out there and in the general area but folks it is still happening. Maybe there is some money out there. This is a classic example of how we rectify what has been done already to us and how we deal with it. We are only able to use about half of that park. A lot of this has occurred since 2001. Is this really going to solve the problem? It is not just this park that we are talking about we are talking about what is happening in this city. There may be some grants out there, sustainability, Mayor that is what we are looking at.

Alderman Jordan: I would like to table this. If the Council will give us a little bit of time we will see what can be worked out and what kind of grant money we can come up with. We can discuss it with the neighborhood and kick it around some more.

Alderman Lucas: Connie & Carole is this something that is doable, waiting and having some more discussion?

Connie Edmonston: We can not start on it for a while. We are looking at the first of January before we can start it and David Evans has said he could not do it until after the beginning of the year as well. It needs to be done before spring or we are going to have to wait until the dryer part of the year.

Alderman Jordan moved to table the resolution indefinitely. Alderman Lucas seconded the motion. Upon roll call the motion to table passed unanimously.

This Resolution was Tabled Indefinitely.

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.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: Planning staff recommended approval of the rezoning request. The Planning Commission voted unanimously to forward this request to you. Jeremy gave a brief description of the rezoning.

Alderman Thiel: I have not heard from anyone except for one person that did not want any more beauty shops out there. I did hear from someone that said there are not enough businesses on Huntsville. I strongly support this.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5066 as Recorded in the Office of the City Clerk.

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.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the vacation. The Planning Commission recommended approval.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5067 as Recorded in the Office of the City Clerk.

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.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the vacation. The Planning Commission voted 7-0 and staff is recommending approval.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5068 as Recorded in the Office of the City Clerk.

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.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the vacation. The Planning Commission voted unanimously to approve this vacation and staff is also recommending approval.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5069 as Recorded in the Office of the City Clerk.

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

Alderman Thiel: The Environmental Concerns Committee recommended this. I think the only concern is that this will cost a lot more and it will not. I think it is a good thing that we are doing. It is very forward thinking and I am pleased that we have someone on board that brought this forward.

Alderman Lucas: Would you explain some of the things we are doing for the public.

John Coleman, Sustainability Coordinator: My top priority is looking at the existing buildings and the energy consumption that is going on. I am benchmarking those against other buildings around the country and the EPA's energy star standard. The date the buildings were constructed does not coincide with the energy efficiency that was gained in those buildings. This LEED Silver Policy is the one that was the most cost effective certification that you can achieve through the LEED standard.

John explained the process that he used and other companies that are going after LEED certification. He stated the 4% premium most of that goes towards additional construction, better technology, more efficient technology implemented in the building and in the design so that you will see that pay back over the years. Especially in a city building because we expect to own a building for more than 20 years.

Alderman Lucas: I saw a program that said one of the biggest polluters is construction.

John Coleman: That is right. Construction and demolition waste accounts for about one quarter of the land fill waste. That is a significant amount. LEED construction addresses that issue.

Alderman Ferrell: I would like to add an amendment to this to read *provided a variable cost benefit analysis is received from an independent professional engineer or architect*. What I am saying is one that is involved in the design of the building or the structure that we are doing.

Alderman Cook: It depends on what areas of LEED certification that you go after that affects the premium that you pay. The more technical you go with materials will add a higher premium.

Alderman Thiel: What does a variable cost analysis mean?

Alderman Ferrell: That means is the cost that we are going to put into this are we going to get them back out. The benefit for the cost that we are going to pay up front should be in favor of the citizens of Fayetteville that are paying for it.

Mayor Coody: Is it a five year pay back or a 100 year pay back.

Alderman Ferrell: Yes.

Alderman Cook: It is all going to be a pay back it just depends on how long the pay back is.

Alderman Thiel: I would say *private* rather than independent.

Alderman Ferrell: That's fine.

Alderman Ferrell moved to amend the resolution to add *provided a variable cost benefit analysis is received form a private professional engineer or architect.* **Alderman Lucas** seconded the motion. Upon roll call the motion passed unanimously.

Alderman Jordan: I hope that this starts a trend to where every citizen will look at energy savings as a whole.

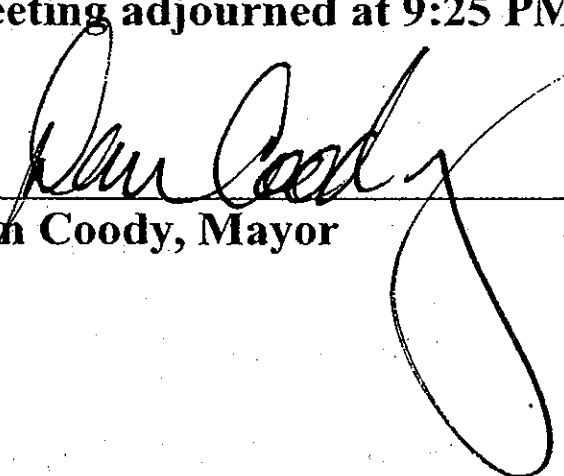
Mayor Coody: One of the reasons we want to do this is because we want private folks to do this and if we don't step up and lead by example we can't expect anybody else too.

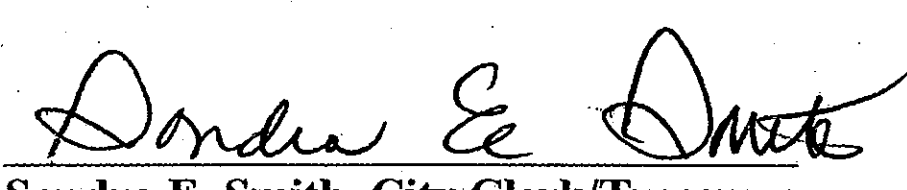
Alderman Gray: I am very proud of Fayetteville for taking the lead in this sustainability move.

Alderman Jordan moved to approve the resolution. **Alderman Gray** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 176-07 as Recorded in the office of the City Clerk.

Meeting adjourned at 9:25 PM



Dan Coody, Mayor

Sondra E. Smith, City Clerk/Treasurer

RECEIVED

SEP 21 2007

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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September 21, 2007

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

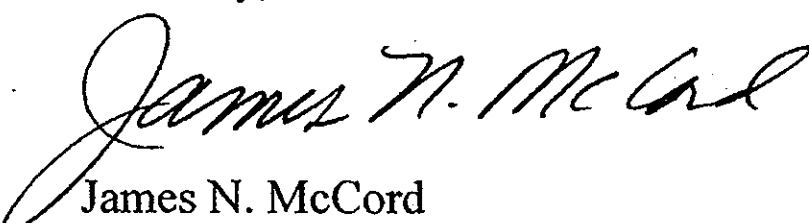
VIA HAND DELIVERY

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

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



**City of Fayetteville Arkansas
City Council Meeting Minutes
October 16, 2007**

A meeting of the Fayetteville City Council was held on October 16, 2007 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

Pledge of Allegiance

Housing Authority Board Appointment

Alderman Cook stated the Housing Authority met and they selected Hugh Earnest as their appointment. The Nominating Committee has interviewed him several times and does not need to interview him again. So at this time we are recommending his appointment.

Alderman Cook moved to approve the appointment of Hugh Earnest to the Housing Authority Board. **Alderman Thiel** seconded the motion. Upon roll call the motion passed unanimously.

CONSENT:

Approval of the September 4 and September 18, 2007 City Council meeting minutes.

**The September 4, 2007 City Council minutes were approved.
The September 18, 2007 City Council minutes were removed.**

Bid #07-58 Joe Perme Construction: A resolution awarding Bid #07-58 and approving a contract with Joe Perme Construction d/b/a Perme Excavating in the amount of \$105,692.17 for renovations at the City Animal Shelter; and approving a project contingency in the amount of \$10,569.83.

Resolution 177-07 as Recorded in the office of the City Clerk.

Bid #07-65 Graybar Electric: A resolution awarding Bid #07-65 and approving the purchase of ninety-five (95) Dynamic Light Fixtures from Graybar Electric in the amount of \$59,014.95 for Phase III of the Scull Creek Trail.

Resolution 178-07 as Recorded in the office of the City Clerk.

Bid #07-65 Composite Materials Technologies: A resolution awarding Bid #07-65 and approving the purchase of ninety-five (95) light poles from Composite Materials Technologies, South Carolina, LLC in the amount of \$51,775.00 for Phase III of the Scull Creek Trail.

Resolution 179-07 as Recorded in the office of the City Clerk.

NWA Democrat Gazette: A resolution approving one-year agreements with the Arkansas Democrat-Gazette – Northwest Edition for display and legal advertising.

Resolution 180-07 as Recorded in the office of the City Clerk.

Telecommunications System Upgrades: A resolution approving the purchase of a CS1000e Telecommunications System from AT&T through the state purchasing contract in the amount of \$51,172.94 to upgrade the city's communications infrastructure; and approving a 9% contingency in the amount of \$4,605.56.

Resolution 181-07 as Recorded in the office of the City Clerk.

Fayetteville Municipal Airport Revised Mission Statement: A resolution approving a revised Mission Statement for the Fayetteville Municipal Airport, Drake Field.

Resolution 182-07 as Recorded in the office of the City Clerk.

Sam's Club Grant for Veterinary Supplies: A resolution authorizing the Fayetteville Animal Services Division to accept a grant from Sam's Club in the amount of \$3,000.00 for the purchase of veterinary supplies; and approving a budget adjustment to recognize the grant revenue.

Resolution 183-07 as Recorded in the office of the City Clerk.

Romine Lawsuit Insurance Deductible: A resolution to approve a budget adjustment in the amount of \$50,000.00.

Resolution 184-07 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read with the September 18, 2007 City Council minutes removed. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

UNFINISHED BUSINESS:

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 ordinance was left on the First Reading at the October 2, 2007 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance and Internal Services Director asked the Council to accept the Millage for the city of 4 mills which represents an increase of .9 mills for General Fund operation. The General Fund revenue estimate is \$33.2 million; the proposed General Fund budget is \$35.5 million leaving a short fall of \$2.3 million. The Administration's position is to fund that deficit by changing the capital split of the one cent sales tax received by the City allowing more in the General Fund and less in the Capital Fund and proposing a .9 mill increase which would generate \$995,000 for the City. The situation is due to the full impact of the Compensation Plan from last year and progression and merit increases for the proposed budget. In addition to that we are experiencing declining sales tax revenue which will result in a budget short fall of about \$1.5 million by the end of the year. I think it is going to pick up.

He listed new industries that are going to contribute to the sales tax revenue. He stated I think we are going to pick up an extra of about \$400,000 next year; however that would still leave us with a projected short fall of roughly \$1 million next year in revenue to what we have projected this year.

He briefly discussed all the options that have been looked at during previous meetings. He addressed the option of a merit increase, a COLA increase and a hiring freeze. He stated that a hiring freeze is a temporary solution to the situation. He also discussed budget reductions and he stated if we pursue them we are going to talk about reducing services to the citizens of Fayetteville and we would have to look at that very carefully. He addressed the use of reserves pointing out that that is our only safety valve and we don't know what direction the economy may take and that would also be a short term solution.

The perspective of the Administration and my personal recommendation is that we go with the .9 Millage increase because that provides more of a long term solution to the situation and would solve potential problems down the road. It would also give us a little more flexibility if in fact we have to react to changing economic conditions or a continued down trend in sales tax.

Paul explained what is funded with the General Fund.

He stated I will entertain any questions.

Mayor Coody: There was a story in today's paper that could be construed if you look at it just right that if we approve .9 mills that it would allow for a 3.8% COLA and that is not what is on the table at all. I just want to make sure that a 3.8% COLA is not on the table with any recommendation.

Paul Becker: We are not recommending that at this point. It would be \$960,000 to the General Fund. If we look at the cost to the entire city; it would be \$1.4 million because you would take into consideration the Water and Sewer and Solid Waste Divisions. That is just the COLA which we are not recommending. We are going to have a compensation package that treats everyone equally.

Alderman Cook: I have been talking to a lot of citizens over the last two weeks and by far most citizens are against the Millage. The ones that state that they would support that feel like that we as a Council and Administration have to do our due diligence to convince them and that we have made every cut that we possibly can. Where I am at right now is I do not want to support the Millage and I want to make some recommendations of how I think we can avoid raising Millage.

Compensation, if we go ahead and pay the remainder of the 2007 Compensation Plan and forgo the 2008 progression and merit increases that saves about \$270,000 based on your numbers. Let's say we didn't do a hiring freeze on Public Safety and did it on non uniformed that would be roughly \$600,000 based on your percentages. I am going to support cutting trails. When we do the 2009 budget I want to ask for that money back but I don't have a problem with cutting trails. If we do 60/40 split you said it was about \$1.5 million. With those items put together that equals to about \$2.4 million in savings which is a little over what we need according to your \$2.3 million number. I can't say that I am married to every one of those ideas. If we do a 60/40 split, my recommendation is that we do it for one year only that it sunsets at the end of 2008 because I don't like that idea frankly. I think it should stay 50/50. Right now we are talking about 2008 so I wouldn't have a problem shifting that just for 2008. I would recommend that if we do that then six months from now that we come back and review the budget, where we are at that point and see if we can bring some of this back in or see where the sales tax is. Maybe we are going to be better off or we may be worse, we don't know. At that point if we decide that we need Millage then I am willing to talk about it then. Right now the citizens are not convinced that we need the Millage. I haven't heard one person that supports that. We are up here to represent them and I want to do what they think is right. Another reason I don't support the Millage is you just talked about cushion. We only have so much money in reserve. This Millage is also a cushion because we can levy up to five mills. So if we start using all our cushions we get to some point down the

road where we don't have any cushion left and it is really going to get ugly. I think we should try to do what we can now to balance budget and forego voting in the Millage.

Mayor Coody: We did the 50/50 raises because we had to bring everybody up to market, half the raise was this year and half was 2008. So even though we said we would be giving the other half in 2008 you are basically saying hold off on that. The increase in 2009 would be 2008's raise. Would we just continue to have no raises?

Alderman Cook: If there is any where that we put money back in it is going to be employee raises because we promised them. I think if anything, the COLA would be the thing we should fund more than anything. That is what gets us behind faster than anything. If we don't try to keep their salaries up every year then we are going to get further and further behind. Really the bottom line is how much money do we have? Six months from now if we sit down and look at the budget and things are good then maybe we can throw that back in there.

Mayor Coody: On the hiring freeze part, this would be that if somebody quits or retires, we don't replace them. So we wouldn't replace people on a random basis.

Alderman Cook: If we have to replace positions then they can come back before Council and we will review it.

Paul Becker: Yes it would get us through but it is a short term solution.

Alderman Ferrell: Paul, Kyle mentioned the 60/40 that you had mentioned before as your recommendation. I have seen some different figures on that. Kyle's recommendation would be just for this budget year. Are you comfortable with if something like that were to be passed that when it comes budget time next year that you are going to go back to 50/50?

Paul Becker: No, because that means we would have to gain in sales tax approximately \$1 million, if we gained a million dollars more than expected, we could do that. That would be the magnitude that we would be looking at. In other words we would be revisiting the entire issue again next year. I would be comfortable reviewing that but everybody needs to understand that we would have to look at that again next year. Unless we had \$1 million additional in some other source of revenue, we would be in exactly the same position we are in this year.

Alderman Ferrell: What would the difference between a hiring freeze on all personnel and not exempting Police and Fire?

Paul Becker: Police and Fire are about 60% of the number that I gave you. The largest majority of them are Police even more than Fire. That number would come down roughly \$185,000, if it's everybody we are talking about roughly \$376,000 per quarter or a \$1.5 million per year. Again, we have already packed \$316,000 into that because we are budgeting at 98% of full employment.

Alderman Ferrell: Kyle, was your idea on that, regardless of which freeze came about, that if we lost a critical employee that would come before the Council for approval?

Alderman Kyle: That is the way we used to do it.

Paul Becker: I think that would be a necessary step.

Alderman Thiel: I sent Paul a question and I don't think you have the answer yet about whether or not that money that is obligated to the Beaver Water District is coming out of the Water Sewer Fund or the General Fund because that is \$200,000.

Paul Becker: I don't have that answer yet. I will discuss that with David as soon as he gets back.

Alderman Thiel: What concerns me is the public's perception that they have not seen any good examples of why we can't cut more than we have cut. The only example they have seen was a lot of folks don't think that taller grass is really worth an increase in Millage that is the perception. I think the people on the Council are aware that it is more than that as far as services offered to the community. I think we haven't done a very good job of explaining that. I think the fact that Kyle has come out with some ideas, that indicates to the public what we would have to do in order to make this work without the Millage. I don't know if I support the idea of not having either merit raises or COLA. I think that will throw us back to a point of no return. I think a lot of Kyle's recommendations are good. It really concerns me that we have not had an opportunity to look at a budget. Tonight in our boxes there was a program expenditure summary which is a little bit more than we have seen so far. I can go through here and I have several questions about why some of these divisions were increased. Some of them have done a very good job of cutting. I would have a question about Human Resources, that is \$160,000 more.

Paul Becker: Human Resources has Worker's Compensation in it which has increased, also most of the increases you are going to see into those budgets are in the personnel category and that is because of the compensation plan last year. In Human Resources we also brought on a new advisor for benefits, etc.

Alderman Thiel: The Mayor's Administration is plus \$33,000. I don't want to necessarily get into a discussion of the budget because we have not seen it entirely. I am just pointing out that there are questions. The Aldermen are responsible for passing this budget and we hear from our constituents what they want, what they would support and what they won't support. With us trying to make this decision without having a budget that we can review our constituents may feel like that is not necessary. It really does make it difficult for us to make this decision about the Millage. It seems like every year we end up at this point. I know it is difficult for you. When do you get all the divisions budgets?

Paul Becker: In August we put them together.

Alderman Thiel: We have had this discussion too, let's start discussing the budget earlier, and it seems like it has gotten shoved a little later this year than it has in the past.

Paul Becker: No, this is not later this year, that was not passed out until November in the past.

Alderman Thiel: No, we started looking at the budget in October.

Paul Becker: I think that last year it was the same summaries that I have given. I will keep feeding data as we have it.

Alderman Thiel: I'm just saying it does make it difficult for us to make this decision. There might be \$200,000 out there that could be shifted back to Water and Sewer. It concerns me...

Mayor Coody: I share everyone's concerns; yes the public is always against raising taxes pretty much unless it's proven to them that it is the best alternative ~~of~~ doing nothing. I wish we could do a better job of explaining to the people. We don't own the media so it's hard for us to get a complete message out there like I wish we could. There are some things that concern me about this and I am not crazy about raising taxes either. One of the reasons we are having this discussion yet again is because every year we tend to take the staff's recommendations and these guys are good at what they do. The last three years we have not taken their recommendations and we have made a band-aid approach, we will do less than what they are recommending and hope for the best. The best doesn't happen, and then we will take the next recommendation and do less than that and still hope for the best and the best doesn't happen. We keep doing this. I have a feeling this Millage is going to fail, but the thing that scares me is not just 2008, but future City Council's and future Mayor's are going to be dealing with what we are putting in place today. I for one can't look at the bottom of my feet and think that we are looking at the vision of the future.

Mayor Coody gave past examples and expressed his reasons why the Council should pass the Millage increase now instead of later. We need to look at the slide in our sales tax revenue, we are so loaded up with sales tax, we are out of balance relying on sales tax. It is the most regressive tax that you can pass. We do not have a diversified portfolio for our revenue stream. If we say no to this, then next year I don't think anyone is going to vote to raise property taxes four days before an election. If things do not go as well as we hope we are going to be in a real bind by 2009 because we will have accumulated years of a sinking General Fund. The decision we make right now is what we are going to live with for the next three years from my perspective. I would rather be cautious and hope for a soft landing and not just hope for the best and if it doesn't work out we will deal with it later because later could be very draconian. I don't want to raise taxes right along with anybody else, but that is the issue. We can't just look at 2008.

Alderman Thiel: I don't feel like we can pass this tonight. Some of us have not had a chance to review this that was given to us. We have another opportunity; we can hold this until after the agenda meeting. Between now and then we need to get the information out to the public what this means. I don't know how much the public is concerned about merit raises for our employees, they should be though, because we will lose good employees and I think that is something that could be emphasized. I just don't think we have done a good enough job yet and hopefully we can do it in the next two weeks between now and the next agenda meeting. It's not a matter of hearing from our constituents either as much as it is feeling comfortable and educating the public.

The analogy that was in the newspaper was not a good analogy. I think there are a lot more things in this than that and we need to get that education out.

Mayor Coody: Two years ago we got our staff to cut back even though our population is growing and inflation is running every year. Our buying power is shrinking along with every other dollar in the country. We asked our staff, even though we are loading them up with more and more work because of a higher population that is demanding more services, to cut. This year we asked them to make another cut which was on top of the cut before. The year before that was a tight budget year too. We have been tightening the belt and getting more and more efficient. The staff performs at a superior level to any government that I have seen. We get compliments all the time. We are the lowest taxing city in Northwest Arkansas.

In 1993 we rescinded our mills due to the school increasing their Millage. That set the stage for us having to get more efficient which is a good thing. We have reached the point where inflation and a growing population we can't continue to tighten our belt to the point that we start losing staff and have to also cut back on services at the same time that our population is growing. We are not seeing a reduction in the need for services that is the thing that concerns me. We will try and do a better job to educate the public more on what this less than one mill increase would do for us. It is a concern that every year we keep putting off the inevitable.

Alderman Cook: Where does it end though, that is what makes me nervous? At our Ward 2 meeting several of the citizens said if we have been demonstrating efficiency and tightening our belt then show it to them. Let's go back five or six years and show them where we have done that. People aren't convinced of that.

Mayor Coody: It's hard to educate folks because everybody is so busy and they don't pay attention until times like these and they don't look back. Everybody recognizes the high quality of services. They don't recognize though that we are doing it for less money than any other city. That right there is proof of efficiency, it's just hard to get that word out sometimes.

Alderman Ferrell: Mayor, with all do respect, I think that your administration comes to us with recommendations and we look at them and more often than not we take their recommendations. However, at the end of the day they are not policy makers, we are the policy makers. We have to do what we think is the right thing to do to get from point "A" to point "B". We share your concerns about the revenue. We can't keep going to the well. We have to come to some kind of compromise.

Mayor Coody: The City Council is the policy setting body, you approve the budget. You can do anything you want with this budget and we will live with it one way or the other. To make this budget whole the compromise was that I think we can do it for .9 because of the Sam's opening up and the Malco opening. I am banking on a good financial future even though I don't think we have seen the end of the drain of the resources of the sales tax from Fayetteville because of what Rogers is doing. I am concerned that this .9 mill is the compromise. Paul has said he is not convinced that this .9 is going to do it. If we do hold off on raises and those good times don't return, then that is just going to make it when it does come time to catch up, it will be a huge spike in spending just like we had three or four years ago. We will be back in the middle

of those problems that we thought we had solved. It is our job to really look down the road some.

Paul Becker: In answer to Alderman Thiel's question, she is correct and we should look more in depth at the budget and we will do that and keep feeding you data as we can. That certainly is going to be an ongoing thing between now and when we pass the budget. That is something we are intending to do and should do.

Mike Reynolds, Police Captain speaking on Chief Tabors behalf gave a brief overview of the Police Department budget. He discussed past budget cuts that have been made. He stated Chief Tabor feels that any more reductions would cause him to eliminate our park patrol division and our school resource officers. The priority one and two calls continue to increase. The response time has continued to increase from 2006 to 2007. He stated that with any other reductions we would not be able to provide the service that the citizens of Fayetteville have come to expect and the Police Department that we feel is the best in the state.

Alderman Thiel: I think that is a very good example to the public of what we might lose if we do not fund this. If the Millage increase is not passed, you have to reduce that even more. You have already tightened your belt to that point, is that correct?

Mike Reynolds: That is correct. We have had no increases in our budget other than personnel services which is compensation since 2006. We are to the point where we can't tighten our belts any more and Chief Tabor is not comfortable with the proposed budget he has right now.

Alderman Thiel: I think you have cited some really good examples of how we have tightened our belts and I hope that some of this does get out to the public.

Alderman Ferrell: Did you say that if there are further cuts made or if it goes the way the budget is that the recommendation is to stop park patrol and the officers in schools?

Mike Reynolds: That is correct Mr. Ferrell. If we are asked to make more cuts, we will have to make cuts in services. Right now with the budget we have presented, we are not to that point, but if staff comes back to us and asks us to make any further cuts than what we have made then it will have to be personnel.

Alderman Ferrell: I just wanted to make sure that the budget that is already in for the Police Department is the one that you have been looking at Paul, is that correct?

Paul Becker: That's correct.

Mayor Coody: So basically, their numbers assume that we approve the .9 mills. Isn't that right?

Mike Reynolds: Yes sir.

Alderman Ferrell: If there was a shuffle and they take away from what the budget is right now you might have to stop those things.

Mike Reynolds: That is correct; if we are asked to make any more cuts at all past the point that we have already made it will be personnel.

Dominic Swanfeld, representative of the Fraternal Order of Police discussed how the wages will be treated even if the Millage does not go through. He stated with the progression raises not moving forward as we were told last year that they would, it would place some officers without a bump in salary for five to seven years. He asked what happened with the progression raises. We were told that the progression raises would continue and now they have been put on the chopping block.

Last year Mr. Ferrell did not make any promises he said as long as we did not run out of emergency funds the COLA would be there. He discussed the raises they have received in the past and also what they have not received in raises during past years. There are long term affects that not receiving progression raises will cause. Our buying power is shrinking, costs are going up, and if we don't get a COLA our buying power is down. In the long run I suspect you will have officers leaving this department and moving into private business. I would be curious to ask City staff what happened to the progression raises.

Alderman Ferrell: What happened was the revenue for the City was not where it was going to be. I would like to correct one thing you said, you stated that I said you were going to get your COLA. There were three members of the committee and what we told you every time was "if the revenue is there".

Dominic Swanfeld: No, you said if the emergency fund ran out.

Alderman Ferrell: I disagree with you.

Dominic Swanfeld: Okay, I've got minutes here from the meetings.

Alderman Ferrell: Okay, that's fine. We said if the revenue was there. What did you mean by emergency fund?

Dominic Swanfeld: I don't know what you meant by that sir.

Alderman Ferrell: You've got garbled transmission buddy. We said if the money was there.

Dominic Swanfeld: Was that to go to the COLA or progression raises.

Alderman Ferrell: All of them.

Dominic Swanfeld: Absolutely not, that is not correct.

Mayor Coody: I am going to call this conversation quits because it's getting a little more hostile than I like. We will visit about this and get it buttoned up. I don't think the COLA's were promised, I know the raises were, but I don't think the COLA's were.

Dominic Swanfeld: That is correct. The raises were promised.

Alderman Ferrell: Provided we had the revenue.

Alderman Thiel: By progression raises do you mean step raises?

Dominic Swanfeld: Yes Ma'am.

Alderman Thiel: You have not received step raises?

Dominic Swanfeld: In 2008, no.

Alderman Thiel: Well no, not in 2008, so they are not funded in 2008. The step raises are not funded in 2008 whereas the merit raises are? Is that correct?

Mayor Coody: The question is has the budget staff eliminated step raises for the police for 2008?

Paul Becker: No.

Mayor Coody: I didn't think so. I think the step raises probably are in there, we wouldn't have cut those out. We are treating everybody equal.

Dominic Swanfeld: So progression raises will be given in 2008?

Paul Becker: The progression raises are in the proposed budget for \$35.5 million.

Dominic Swanfeld: For Police and Fire staff?

Paul Becker: This is for Police and Fire and they are based on a number we got from Human Resources.

Dominic Swanfeld: That is not what I was told.

Mayor Coody: I think you might have been given the wrong information. You might talk with the budget staff and double check that.

Alderman Jordan: It was my understanding that the step raises would be there.

Alderman Gray: Is it dependent upon the Millage increase to get that raise.

Mayor Coody: If we don't get the .9 mil and we have to cut another \$1 million out of the General Fund, then what happens?

Paul Becker: We will have to discuss the options that we have been talking about.

Mayor Coody: So basically, if the .9 mil isn't approved they are going to have to come back with a budget that reflects \$1 million more cut out of the budget and everything is going to be in the table including wages. Wages is 80% of our budget.

Paul Becker: 82% of the General Fund is personnel.

Mayor Coody: There is no way we can cut \$1 million without having a direct impact on our personnel.

Dominic Swanfeld: Last year we were told as we went into 2008 we would continue to get progression raises across the board until you got to the maximum of the range. Is it the city staff's philosophy that we will get progression raises across the board every single Police and Fireman next year?

Mayor Coody: You would have to talk to the Wage and Benefit Committee and the Budget staff.

Paul Becker: They are going to have to talk to Human Resources on that.

Mayor Coody: I want to make sure that everyone is on the same page. I know we are going to discuss this at a later Council meeting. There is too much confusion right now for us to be talking about progression, step, 2007 and 2008.

Dominic Swanfeld: If the answer is that we have to ask HR then that means no, we aren't going to get it. If we were going to get it we should know.

Mayor Coody: I am asking you to talk to the Budget Staff and HR and everyone get on the same page, because there is too much confusion where you are calling progression verses step verses what the Wage and Benefit Committee remember and what you remember. Everybody needs to be on the same page. We are not going to vote on this tonight so we will discuss this again and you will have a chance to get this completely straightened out.

Alderman Jordan: I believe what I am seeing in the documents we have been given is that the step is in next year's budget. We will have to get in to where the cuts would be made. According to what we have, the steps seem to be in the next budget, is that correct Paul?

Paul Becker: That is correct.

Gary Dumas: If the Council recalls in one of the budget sessions, a memo was given to you that talked about merit and progression. On the progression it indicated that if you were above market, there would not be an additional progression increase because as we talked about in the

Compensation Committee meetings last year, every job has a maximum value. What we were trying to do was move everyone to market. The funding of the remainder of the Compensation Plan will have everyone moved to market and if you are above market you will not be advanced above that until you have caught up in time.

Dominic Swanfeld: That affects about eight officers for about \$8,000 with the City Police Department.

Alderman Jordan: To me Dominic, I do not think that we are going to give merit raises to the non uniformed personnel and not give something to the Fire and the Police.

Mayor Coody: Everyone is going to be treated the same.

Dominic Swanfeld: If that is the case, I understand that, but as it stands right now all merit employees will get a raise and about eight Police Department employees will. That is the current proposal on that desk right there.

Fire Chief Tony Johnson: I want you to know that I support the 2007 Millage levy. In working with Budget and research, we began taking a look at our budget last year and it began with phasing firefighters in and the final step is to add one. I ask that you fully fund the Fire Department to our request which is why I am supporting the Millage levy of 2007.

Mayor Coody: Why don't you describe the ratings that we have for the fire service here in Fayetteville.

Fire Chief Tony Johnson: Currently the City of Fayetteville has an insurance service organization rating of a four. That rating is from one to ten, one being the best and ten being the worst, or no fire protection whatsoever. We are on the verge of a number three rating which represents a deduction in the fire insurance that our residents pay in the City of Fayetteville. I will be calling for a rating review from the Insurance Service Organization in Chicago as soon as we complete Station #3 and move our crews in there. We believe that we are prepared to reduce that rating or to go for a better rating. This will also improve our response time.

Chief Johnson gave examples of the positive difference that the Fire Department has on Fayetteville.

Alderman Thiel: What was our rating?

Mayor Coody: Four.

Fire Chief Tony Johnson: It has been a four for about five years.

Mayor Coody: We can't build new stations and not put men and women in it so as we build a station we staff it with minimal staffing, three people per apparatus and we have just enough apparatus to really handle a territory. We have been spreading our stations out in such a way to have better response times. Also getting our water system rebuilt in such a way that we can keep

higher pressures across town better. With the increased water infrastructure and fire service infrastructure that is going to improve our rating which will decrease the cost of home owner's insurance.

Fire Chief Tony Johnson: I ask the Ward 1 representatives, I strongly support this legislation and I ask of you collectively as well. Thank you.

Alderman Jordan: I think the number one priority of the Council, for the employees, they are not going to send anybody home. I can assure you that I don't want to send anybody home. We are having to work on what we think is best for the City while we try to keep everybody working at the same time, that is a difficult task facing us right now. There has been some stuff brought up here tonight that everyone needs to go back and have more meetings and see what we can work out. I know that everyone up here is open minded and fair minded and I can assure you we will do the best we know how to do for you and the citizens.

Alderman Allen: I think that public education and public misconception is important. I think that people have a feeling that we are not being very good stewards with their money. Everybody knew that at some point the economy would soften and it has everywhere. I feel like that in order for the citizens to have a good feeling about any kind of a Millage that they have to feel like the City has done everything that they could possibly do to tighten their own belt and look at every feasible thing. It seems like June would be a good time to reevaluate this and see how this has impacted us. I certainly want to take care of our public safety people that is the most important thing we can do for our citizens. I don't feel comfortable passing this kind of vote until I feel like we have done everything we can do to show the citizens that we are sucking in our belts.

Mayor Coody: I know for the last several years we have examined it all. It doesn't get any more factual than the budget numbers from the Police Department and the same for the Fire Department. People think that Fayetteville is an expensive place to live because of taxes we are by far the lowest taxing City in Northwest Arkansas. We are well below everybody else and we provide better service. I don't think the citizens want us to decrease our services. It's easy to say we just need to tighten our belts but when it comes down to it the belt tightening is going to be who gets to go home for good. We are being very conservative. We want to provide good services.

Alderman Gray: I may be the only alderman, but I have had my very strongest supporter tell me to raise the taxes. They realize that it has to happen in order for us to continue the quality of life and service that we are used to in Fayetteville. We have inflation in every area why would we not expect to have it in our city government. I don't want to down the road have to add three or four mills. I feel like we need to take this step and as my supporters have said lets raise this Millage so we can take care of some of our concerns at this time and not keep getting further behind. I will be supporting this Millage increase.

Alderman Ferrell: There were some members of the Council and staff that spent countless hours on the Compensation Committee and we were working with all employees trying to look for a way to come out with a good deal and make a recommendation. I am confident that at the

end of the day whatever is decided, this Council is going to do their best to try to make sure that we are fair with what we do.

Mayor Coody: I know that the Wage and Benefit Committee and Compensation Committee spent a lot of time on this and really poured your souls into it. We all owe you a debt of gratitude for the amount of time you all put into that effort. Thank you very much.

Alderman Lucas: I am still struggling with this. I realize that the staff has worked real hard on this to get this budget to us. She gave examples of past budgets that she has experienced when working for a hospital. I don't think the answer every time is to dip into the reserve or to increase sales tax or Millage. I just don't think that is the solution every time.

Alderman Cook: So are we going to wait until Agenda Session to discuss it again?

Mayor Coody: Yeah, I would suspect so.

Paul Becker: If I may suggest, we have to pass it in October so we would have to have a special meeting for passage.

Alderman Thiel: Hopefully a lot of this information can get out to the public one way or another and if there are questions about the airport that does need to be clarified.

Paul Becker: The airport is an enterprise fund and it doesn't relate to this particular discussion.

Alderman Thiel: We haven't actually started funding that yet have we?

Mayor Coody: No, it has been paying its own way. It has its own budget and funding. There was a lot of wrong information passed around about it. I think our airport staff sent out an email to correct all the misinformation.

Paul Becker: I would suggest that we set a meeting time and have all the departments come in and you can address the questions on the budget and what they have done in the past.

Mayor Coody asked the news reporters present at the meeting is there a chance that we can get with you and the Department Heads and do a feature story on this issue. He discussed the impact the passage of the Millage would have on a resident.

Alderman Jordan: I would like another budget session before we vote on this.

A discussion followed on a date and time to meet for a budget working session.

The Council decided to meet Thursday, October 25th at 4:30 PM.

This ordinance was left on the Second Reading.

Mayor Coody discussed the Environmental Protection Agency's arrival in Fayetteville on October 25th.

NEW BUSINESS:

Riparian Zones Protection: A resolution to protect and restore riparian zones.

Mayor Coody read the entire resolution at the request of Alderman Thiel.

Alderman Thiel: The Environmental Concerns Committee worked on this and felt very strongly that we needed to protect and restore our riparian zones whenever we had the funds available to do so. Kent Landrum was a big part of us working on this and I think it is a good thing as a reminder to the public that our riparian zones are very important to our water quality.

Alderman Ferrell: Isn't this what Geo-Syntec is making recommendations on?

Alderman Thiel: Actually they are going to do a lot more than that; they are going to look at ways in which we can reduce our phosphorous levels into Beaver Lake.

Alderman Ferrell: I thought that was one of the ways we could do it by protection.

Alderman Thiel: I think that everything we have done in here they will highly recommend and they might go beyond what we have recommended.

Alderman Allen: I think this is a good resolution and I move for approval.

Alderman Allen moved to approve the resolution. **Alderman Thiel** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 185-07 as Recorded in the office of the City Clerk.

ADM 07-2748, R-PZD 06-2190 (Woodbury): An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2190, Woodbury, located on the south side of Zion Road and east of Taliesin Lane, containing approximately 11.66 acres, to reflect revised building setbacks in Planning Area 2 as described and depicted herein.

City Attorney Kit Williams read the ordinance.

Tim Conklin, Planning and Development Management Director gave a brief description of the item. He stated they are just asking to amend the PZD to allow them to build what was shown on the plan and modify the booklet.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5070 as Recorded in the Office of the City Clerk.

VAC 07-2722 (Menninger): An ordinance approving VAC 07-2722 submitted by Alan Reid for property located at 301 South West Avenue to vacate three rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of the property and the full width of the un-constructed extension of South Street on the north side of the subject property, a total of 0.30 acres.

City Attorney Kit Williams read the ordinance.

Tim Conklin gave a brief description of the item.

Alderman Lucas: You are vacating South Street?

Tim Conklin: We are vacating South Street but we are leaving about 20 feet of the east end that is along West Street and not vacating that part.

Alderman Thiel clarified which map was the correct map.

Tim Conklin stated that the one that was handed out at Agenda Session is the correct map.

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

City Attorney Kit Williams read the ordinance.

Alderman Thiel: I haven't heard from anyone in that neighborhood and they are pretty active about their concerns. I feel comfortable with it since it's putting that much more into the city park.

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

City Attorney Kit Williams read the ordinance.

Tony Menninger, the requester asked what changes had been made.

Mayor Coody: Is this something that can be explained quickly or should we leave it on the third reading until the next meeting?

Tim Conklin: I think we should leave it on the third reading and we can talk more about why staff worked with their surveyor and made that recommendation.

Alderman Ferrell moved to table the ordinance to the November 6, 2007 City Council meeting. **Alderman Rhoads** seconded the motion. Upon roll call the motion passed unanimously.

Mayor Coody stated Tim can work with you on this and we can discuss it again in three weeks.

2008 Employee Benefits: A resolution approving the placement of group major medical coverage with Blue Cross/Blue Shield of Arkansas to run from January 1, 2008 through December 31, 2008, with the right of renewal for four annual renewals; renewing COBRA and Section 125 Cafeteria Plan administration with Datapath; HSA account administration with Delta Trust & Banking Corp.; employee-paid dental insurance with Delta Dental; and accidental death and dismemberment coverage with ACE-USA for plan year 2008.

Missy Leflar, Human Resources Division Manager gave a brief description of the employee benefits. These are the only city paid services subject to Council approval at this time and of those the only thing that would be different than last year is the health insurance. She discussed the selection process and stated the Benefits Committee voted in favor of Blue Cross. She stated that the expense is almost \$1 million less than if we would have stayed with CIGNA for 2008.

Mayor Coody: In 2009 what do you expect to happen to this premium amount?

Missy Leflar: We quite frankly expect it to go up and we were advised before we voted by our brokers that employees and the City should expect it to go up. The bid came in low to entice us to do business with them. The Health Benefits Committee does expect it to go up next year. It is going to get more expensive and not less. She went on to discuss the Human Resources budget.

Mayor Coody: Which fund would pay for this increase next year and the following years?

Missy Leflar: General Fund. I would like to add that Stephen's Inc. did negotiate a 15% reduction in the Delta Dental benefits which is employee paid and does save the employees \$64,500. I think they are doing a really great job.

Alderman Jordan: I think this is wonderful. I am going to move for approval.

Alderman Ferrell: This is one of the few committees that I have served on that I was really impressed at how knowledgeable the members on the committee were. It has to do with their

own benefits. The questions they asked were good questions and Stephen's Inc. gave very candid answers but I was impressed that the employees know that this is what it is going to cost and everyone was well informed. You did a great job at that Missy. Thank you.

Mayor Coody: Do you have any idea how much it might go up in the subsequent years?

Tom Kane, a representative of Stephen's Inc.: Based on Blue Cross's trend it's about 8% across their entire book of business. That is going to vary based on demographics and industry and other factors.

Mayor Coody: If you apply that 8% to us what kind of dollar amount do you think that looks like?

Tom Kane: Based on the premium we are projecting for 2008, 8% would be somewhere in the neighborhood of \$270,000.

Mayor Coody: And in 2009 you could just project another 8% on top of that?

Tom Kane: Yes. We have some ideas that we have discussed with Missy that we can start implementing over the next few years and hopefully mitigate some of those increases.

Mayor Coody: But we can plan on a quarter million dollar increase for next year.

Tom Kane: If nothing is done to change.

Missy Leflar: The Council also does need to approve or disapprove the staff recommendations on the allocations on the increases in the memorandum. Staff recommends that with regard to the traditional health plan that the City follow what it has done historically which is split that percentage of increase evenly with the employees and that the city absorb the high deductible plan cost.

She pointed out in the packet where that memorandum was located. She explained the coverage expenses.

Alderman Ferrell: What was the net effect of the City picking those up?

City Attorney Kit Williams: I can say that usually that actual decision is made at budget time with the budget as opposed to ahead of time and the resolution does not reflect that.

Missy Leflar: Open enrollment begins the week of November 12th and they are going to need to know so that they can make decisions on what would be coming out of their paychecks.

Alderman Ferrell: Your recommendation is that the City do this?

Missy Leflar: Yes.

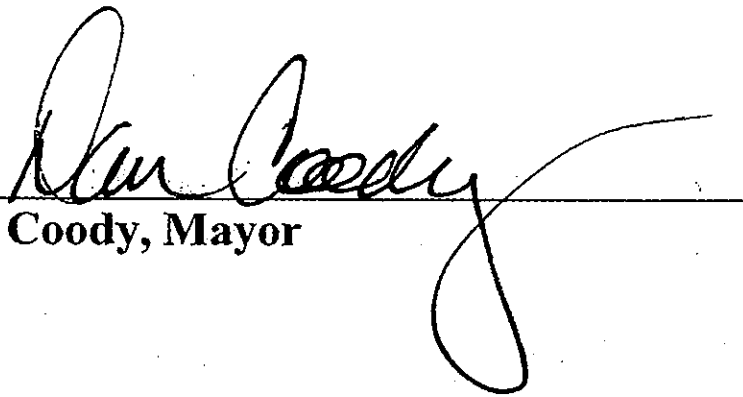
City Attorney Kit Williams: If you want to actually divvy up the cost of the increase according to what has been recommended to you by Human Resources and the memo then you need to have Section 3 in your resolution to adopt the recommendations of the staff in the way you divide up the increase.

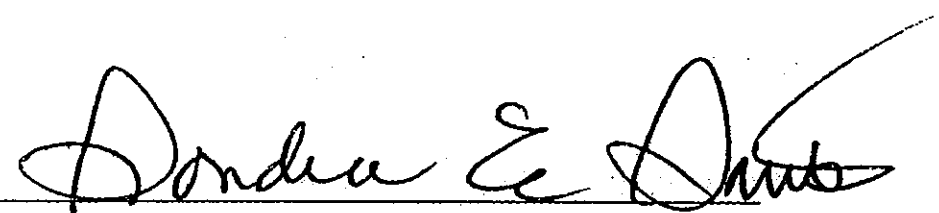
Alderman Ferrell moved to amend the resolution to add Section 3. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

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

Resolution 186-07 as Recorded in the office of the City Clerk.

Meeting adjourned at 7:50 PM



Dan Coody, Mayor

Sondra E. Smith, City Clerk/Treasurer

September 28, 2007

PLANNING DIVISION
CITY OF FAYETTEVILLE
113 WEST MOUNTAIN ST.
FAYETTEVILLE, AR 72701

C-PZD OF THE SUNSHINE HOUSE

APPLICANTS: GREG AND ANGIE LANDERS
20628 HILLCREST DR.
SPRINGDALE, AR 72764

Dear Planning,

Please review this letter and the attached plan sheets for our submittal of the conceptual C-PZD for The Sunshine House project.

SUMMARY: The Sunshine House will be a PZD located in central Fayetteville near the intersection of Township St. and Old Wire Rd on a parcel containing an existing house, and 2 acres located at 2460 N. Old Wire Rd. We are proposing a Commercial PZD in order to operate a fully functional day-care center out of the existing house on the property.

GENERAL PROJECT CONCEPT FOR REZONING OF PROPERTY LOCATED IN
FAYETTEVILLE AT 2460 N. OLD WIRE ROAD:

- A. Current ownership: Albert G. and Nancy T. Erbach.
Existing house and its lot sale is pending.
- B. Proposal is to rezone the house and 2 acres to a Commercial PZD to allow the operation of a day-care center out of the existing house on the property to include approximately 40-60 children and approximately 10-30 employees.
- C. General project concept:
 - 1) The existing street layout will not change. We will expand the driveway near the house to accommodate a parking area for our employees and customers. We will also add an 1800 square foot privacy fence in the back yard to allow for a safe playing area for the children.
 - 2) The submitted survey plat depicts the single proposed planning area.
 - 3) The lot provides its own natural buffer areas with the tree lines and brush that surround the property.
 - 4) We are not proposing to remove any trees from this property. We want to keep it "as is" as much as possible.
 - 5) The only change that may require some additional storm water drainage areas is with the addition of the parking area.
 - 6) Undisturbed Natural Areas – Not Applicable
 - 7) There will be no change to the existing water and sewer.
 - 8) We are not proposing any "Development and Architectural Design Standards." The house will stay "as is."

9) Building Elevations – Home Pictures (see attachment A)

- D. With the rezoning of this property our intended open date will be early January 2008.
- E. There is only one planning area covering the entire parcel. Please see attached survey for Child Care Facility.
- F. Zoning criteria (see attachment B)
- G. See attachment C comparing the existing and proposed zoning. The house will be brought to code according to DHS, the Fire Department, and the Health Department as outlined in accordance with their requirements to obtain a license for a child care facility. We have already had a preliminary inspection performed by the Fire Department and the Health Department and they have both given their consent to operate a child care center in this house. A final inspection will be required from both departments once we are open in order to obtain our license. The owner/applicant is not aware of any hazardous, sensitive, or natural resource areas, or any other hazards on the property.
- H. Closest park is located next to the property (Gulley Park).
- I. Reason for zoning change – In order to buy an existing house and property for the operation of a neighborhood child care facility. The request for rezoning is due to the fact that in Use Unit 4, a Child Care Facility is allowed as a Conditional Use Permit in RSF-4 zoning district; however, in a residential zoning district a maximum of only 10 children are allowed. I would like to have 40-60 children in this facility; therefore, it will need to be rezoned to a commercial zoning. However, a standard commercial zoning such as C-1 or C-2 is not appropriate due to the surrounding residential neighborhood. The proposed C-PZD zoning will allow for the child care facility, while limiting the uses and character of the project to ensure that it is compatible with the surrounding neighborhood. We feel that there is a definite need for a “quality” facility with a more “home-like” environment that will accommodate the Fayetteville community in the surrounding area. The residential appearance of the homes give the child care facility a “home-like” environment for the children and the natural beauty of the property will provide them with unique learning opportunities that a traditional commercial facility cannot.
- J. The day-care facility will relate well to existing and surrounding properties as there are a few other commercial facilities within 1 mile of the property (i.e. Several churches two of which operate child care facilities within the church, and a law office located at the corner of Township St. and Old Wire Rd.). Also with the C-PZD it will allow us to ensure that the home is still compatible with the surrounding neighborhood. We want to keep the “home-like” feel as much as possible; therefore, preserving the neighborhood environment.
 - 1) Land Use – There is a church located next to the property as well as a city park and we feel this will provide compatibility and harmony that will only enhance the child care center as a commercial facility.
 - 2) Traffic – Old Wire Rd. is coded as a “Collector Street” on the Master Street Plan. We do not foresee any traffic issues with this location.
 - 3) Appearance – The appearance of the property will not change. We want to keep the residential, “home-like” environment as much as possible.
 - 4) Signage – I would like to post a sign on the house or in the driveway to just list our name, hours, etc.

- K. Project's compliance with the Fayetteville City Plan 2025 – we believe a child care center at this location is consistent with the City Plan 2025 Guiding Policies for Residential Neighborhood Areas by:
- 1) Protecting the current residential architecture
 - 2) Encouraging a development scale to maintain compatibility and proportionality between nonresidential and residential land uses.
 - 3) Site new residential areas accessible to community amenities and schools
 - 4) Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
 - 5) Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
- L. Traffic study has not been requested by the city.
- M. There will be no impact on city services, including the availability of water and sewer.
- N. "STATEMENT OF COMMITMENTS"
- The statement of commitments shall, in all cases describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:
- 1) Dedication – no parks, streets, water, or sewer lines would be built that would require dedication to the city.
 - 2) On or off site improvements: Any fees associated with the addition of the parking area and privacy fence would be paid at the request of the city.
 - 3) The property contains no land in a floodplain or delineated wetland area, and a tree preservation plan will be drawn at the request of the city.
 - 4) There are no project phasing restrictions anticipated.
 - 5) Fire Protection – The home would be brought to code based on inspection by the City Fire Marshall. A preliminary inspection has already been performed and consent has been given. A final inspection will be performed before opening to issue the license.
 - 6) There are currently no other commitments imposed by the city.
 - 7) Parks/Trails/Open Space Commitments – Not Applicable
 - 8) Proposed Preliminary Building Elevations (see attachment A).
- O. Conceptual Descriptions of Development Standards
- 1) Screening and Landscaping – Addition of Parking Area and home will be professionally landscaped and well maintained. The parking lot will be landscaped in accordance with City ordinance.
 - 2) Traffic and Circulation – The driveway is a circle drive that will allow easy access to and from the property. No traffic impact is expected.
 - 3) Parking Standards – Parking will be provided in accordance with City ordinance. We will provide 1 parking space for each employee and the circle drive will provide adequate area for the dropping off and loading of children.
 - 4) Perimeter Treatment – The parking lot will receive perimeter landscaping in accordance with City ordinance with shrubs screening the parking area and one tree planted every 30 feet along the street.
 - 5) Sidewalks – Not Required
 - 6) Streetlights – Not Applicable
 - 7) Water – Existing water in place

- 8) Sewer – Existing sewer in place
- 9) Streets and drainage – will not change
- 10) Construction of Nonresidential Facilities – We will convert the existing garage into an additional child care room and the back yard will be fenced in for an outdoor play area.
- 11) Tree Preservation – A plan will be drawn, at the request of the city, with the addition of the parking area.
- 12) Architectural Design Standards (see attachment A).
- 13) Proposed Signage - I would like to post a sign on the house or in the driveway to just list our name, hours, etc. (approx. 2ft x 2ft wooden sign)
- 14) View Protection – Not impacted
- 15) Revocations – We understand causes for revocation and will take all necessary measures to avoid revocation.
- 16) Covenants, Trusts, and Homeowner Associations – Not Applicable

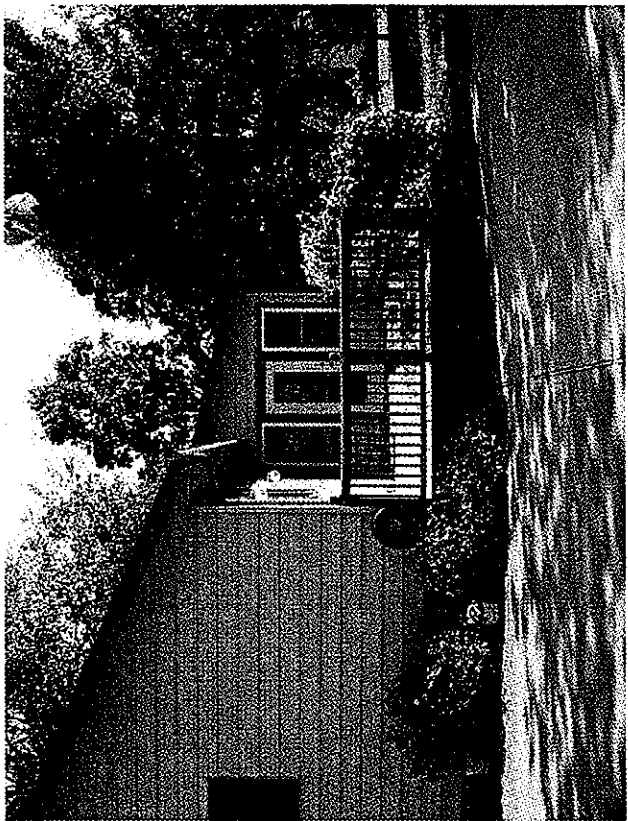
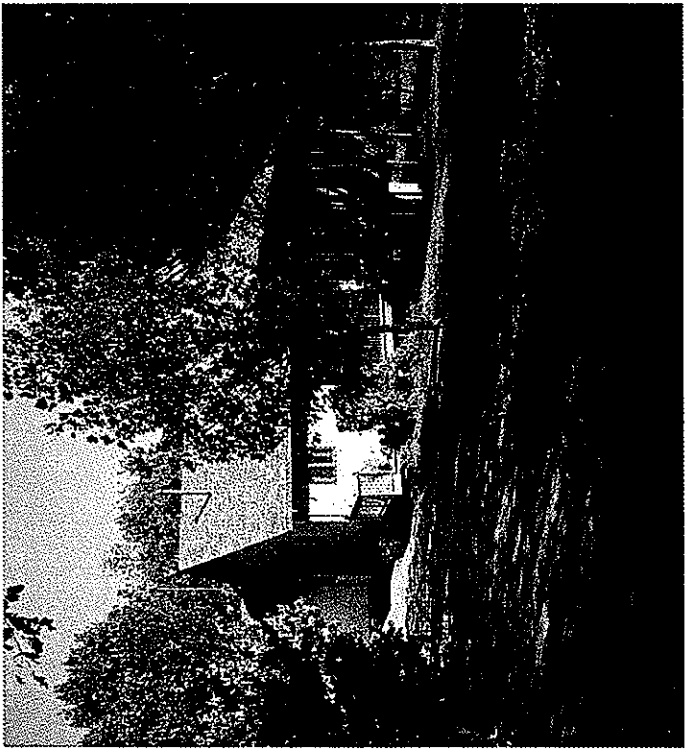
P. RESPONSE AS TO HOW THE PROPOSAL FULFILLS THE INTENT/PURPOSE OF THE PLANNED ZONING DISTRICT:

This development fulfills the intent and purpose of the Planned Zoning District Ordinance by permitting a development with a unique use that is not allowed in any other PZD. The PZD would allow the sale of an existing home, ensuring the existing low density housing found in the present neighborhood. It would also provide compatibility and harmony with the few existing commercial properties surrounding this property as well as the public park at the back of the property.

THANK YOU FOR YOUR CONSIDERATION OF OUR SUBMITTAL. WE LOOK FORWARD TO WORKING WITH YOU TOWARDS A SUCCESSFUL PROJECT. PLEASE FEEL FREE TO CALL ANGIE AT 479-236-3932 IF YOU HAVE ANY QUESTIONS OR COMMENTS.

Respectfully,

Greg and Angie Landers



ATTACHMENT B

PLANNING AREA 1 ZONING CRITERIA

(A) Purpose. The Planning Area 1 Zoning Criteria is designed to permit and encourage 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

Unit 4 Cultural and Recreational Facilities (Child Care Center/Nursery School Only)

(2) Conditional uses.

Unit 2 City – wide uses by conditional use permit

Unit 3 Public protection and utility facilities

Unit 24 Home occupations

(C) Density.

Intensity.

Acreage: 2.00 acres

Number of dwelling units: 1

Density: 0.5 units per acre

Non-residential Sq. Footage: 5,000

Intensity (Non-residential SF/Acre) 2,500

(D) Bulk and area regulations.

	Single-family dwellings
Lot minimum width	70 feet
Lot area minimum	8,000 square feet
Land area per dwelling unit	8,000 square feet

(E) Setback requirements

FRONT	SIDE	REAR
25 ft.	8 ft.	20 ft.

(F) Height. Structures in the Planning area 1 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 structures.

(G) Building Area. On any lot the area occupied by all the buildings shall not exceed 40% of the total area of such lot.

(H) Landscaping. The project will be landscaped in accordance with City ordinance.

(I) Parking. Parking will be provided in accordance with City ordinance.

(J) Architectural Design Standards. See photos of the existing house attached to the PZD booklet.

(K) Signage. One sign on the house or in the driveway to list the name of the business, hours of operation (two-foot by two-foot wooden sign).

ATTACHMENT C

ZONING COMPARISON CHART The Sunshine House C-PZD

Existing Zoning		Proposed Zoning	
RSF-4		PA-1	
Uses			
Permitted Uses			
Unit 1	City-wide uses by right	Unit 1	City-wide uses by right
Unit 8	Single-family dwelling	Unit 8	Single-family dwelling
		Unit 4	Cultural and Recreational Facilities
Conditional Uses			
Unit 2	City-wide uses by conditional use permit	Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities	Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities	Unit 24	Home occupations
Unit 24	Home occupations		
Unit 36	Wireless communications facilities		
Density			
Units per acre	4 or less	Acreage	2.0 Acres
		Dwelling Units	1 unit
		Density	0.5 units per acre
Bulk and Area Regulations			
Lot width minimum	70 ft.	70 ft.	
Lot area minimum			
Residential	8,000	9,000 sq. ft.	
Lot area per dwelling unit	8,000	9,000 sq. ft.	
Setback Requirements			
Front	25	25	
Side	8	8	
Rear	20	20	
Height Requirements			
Maximum building height of 45 feet. The height may be increased over 45 feet by obtaining a variance after hearing by the Planning Commission.		Maximum building height of 45 feet. The height may be increased over 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 structures.	
Height Requirements			
None		On any lot the area by all the buildings shall not exceed 40% of the total area of such lot.	

CITY COUNCIL MAPS

November 06, 2007

Sunshine House PZD

**Physician's Surgery Center Vacation
Township Heights Subdivision Appeal**

1912-13 U. S. G. S. 1000

1000 1000 1000 1000

1000 1000 1000 1000

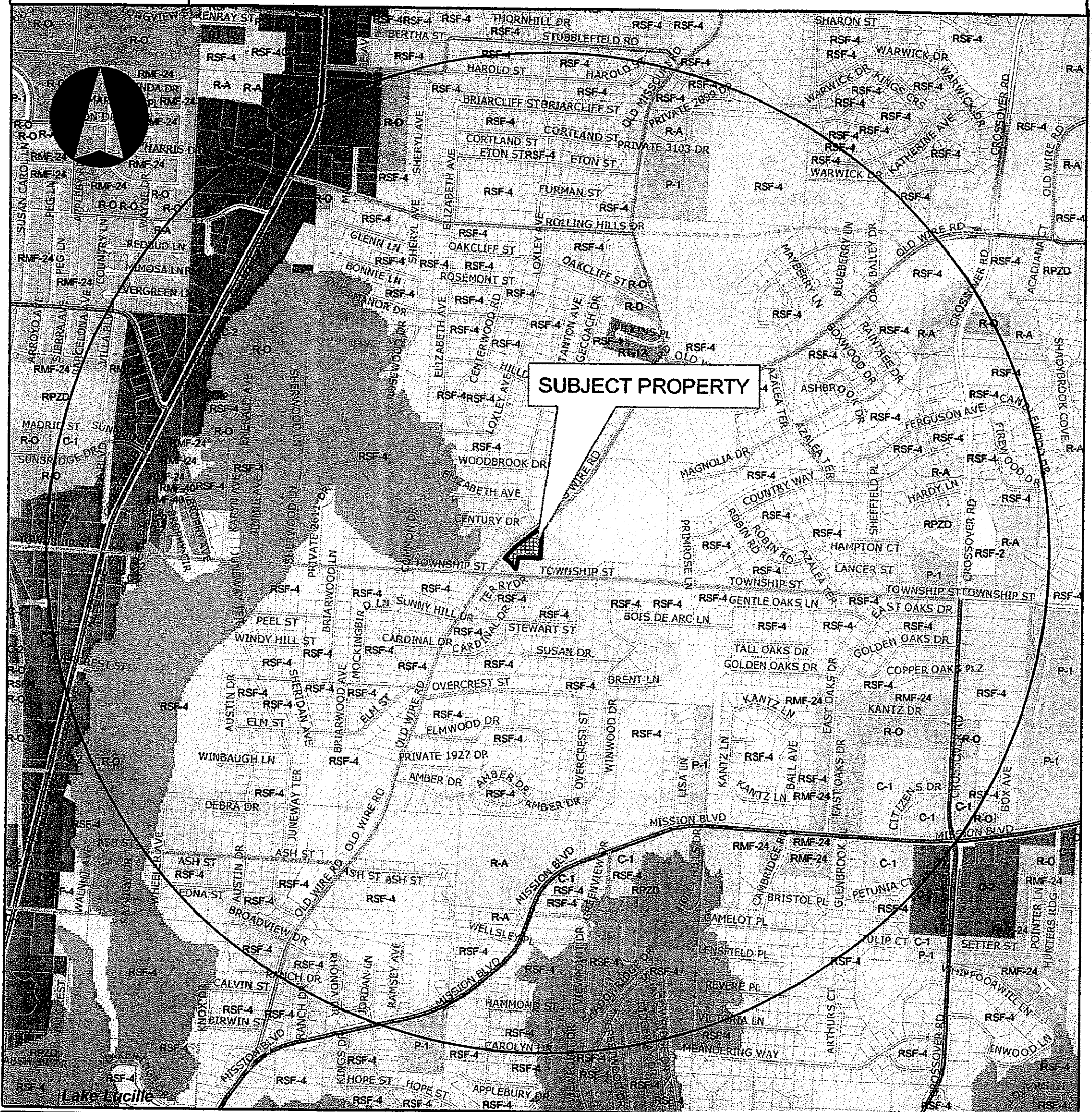
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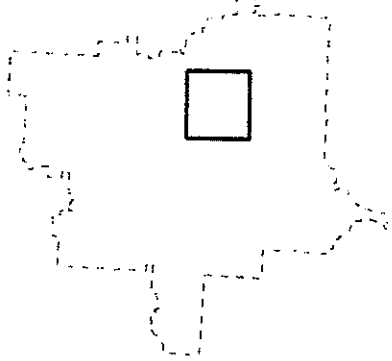
CPZD07-2726

One Mile View

THE SUNSHINE HOUSE



Overview



Legend

Subject Property

CPZD07-2726

Boundary

Planning Area

Overlay District

Outside City

Legend

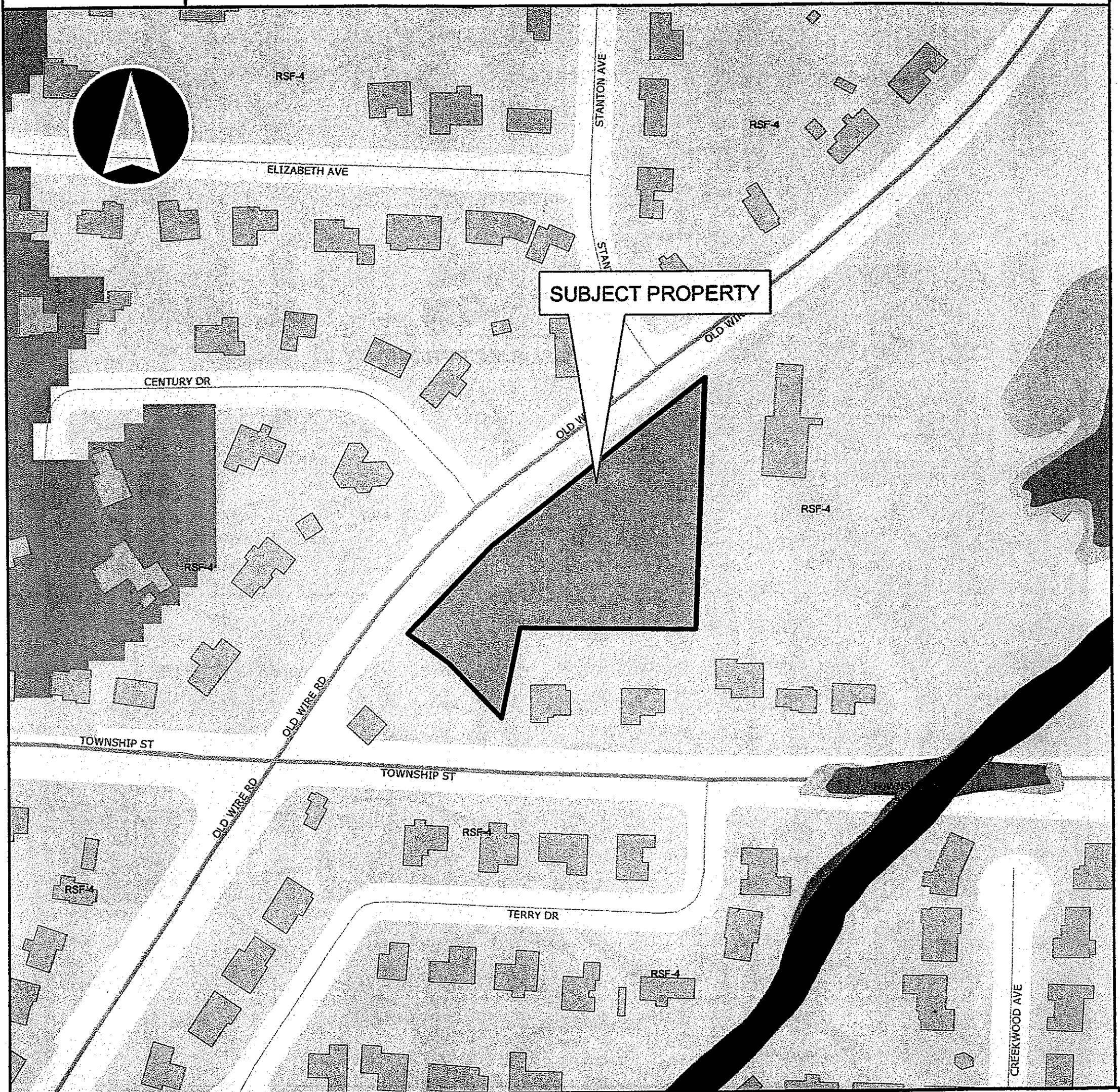
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

CPZD07-2726

Close Up View

THE SUNSHINE HOUSE



Overview

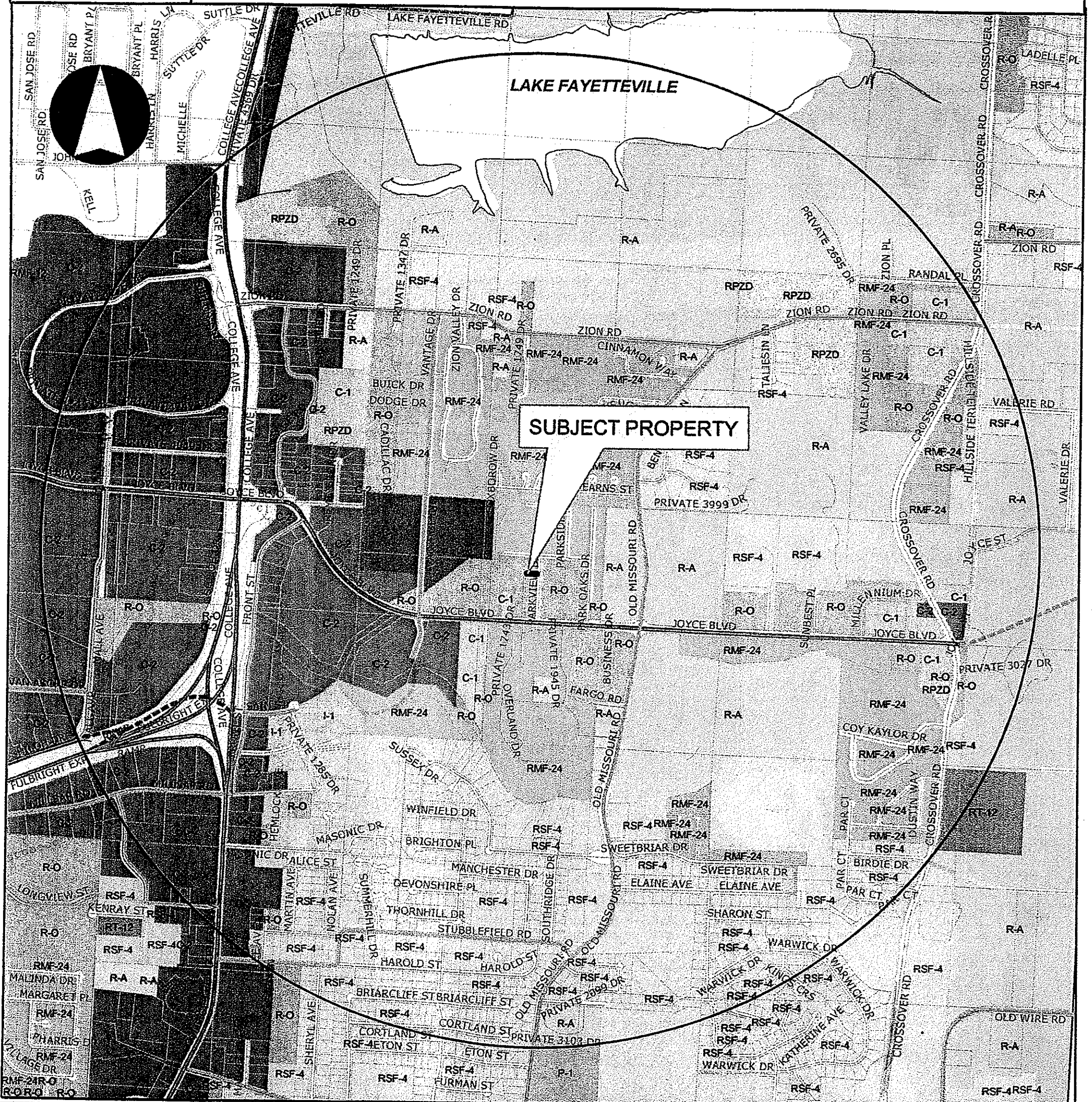


0 75 150 300 450 600 Feet

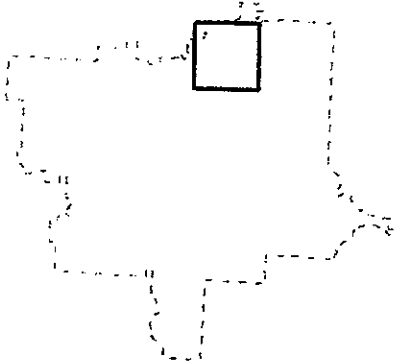
VAC07-2733

One Mile View

PHYSICIAN'S SURGERY CENTER



Overview



Legend

Subject Property

VAC07-2733

Boundary

Planning Area

Overlay District

Outside City

Legend

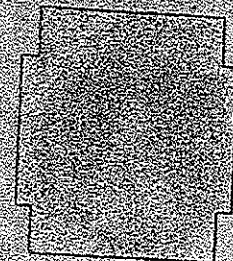
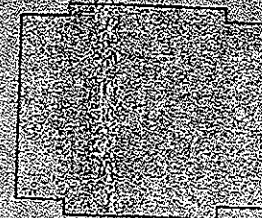
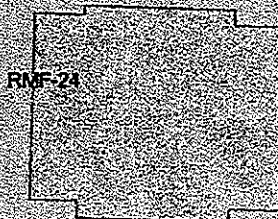
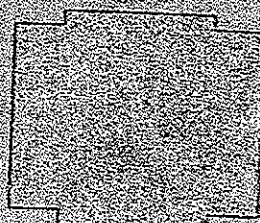
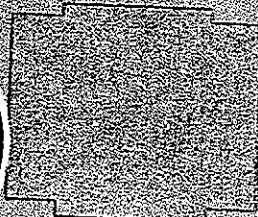
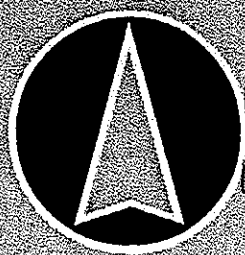
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

VAC07-2733

Close Up View

PHYSICIAN'S SURGERY CENTER



PARKSHORE DR

PARKSHORE DR

SUBJECT PROPERTY



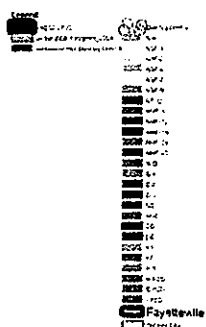
PARKVIEW DR

R-O

R-O

C-1

Overview

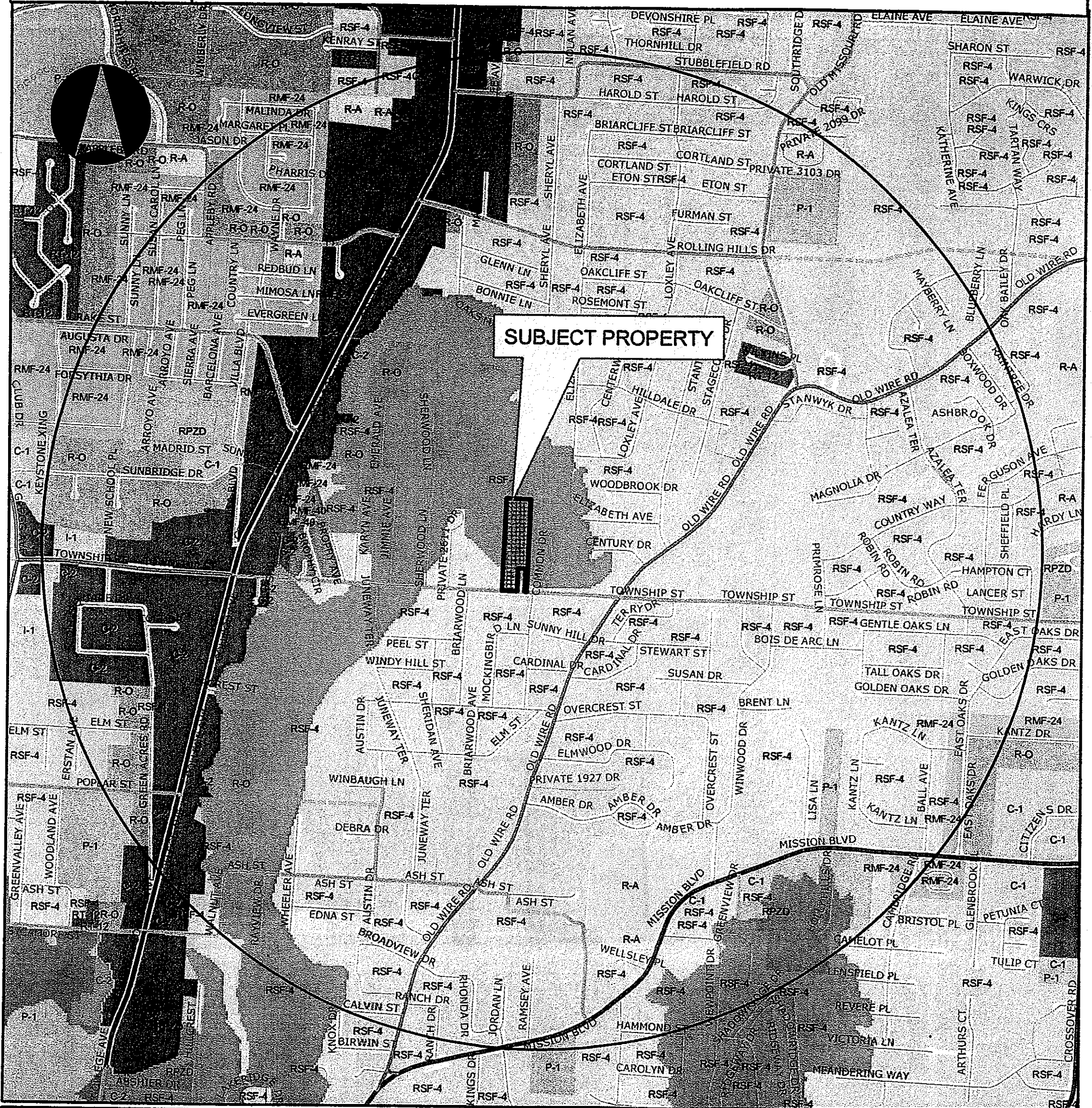


0 37.5 75 150 225 300 Feet

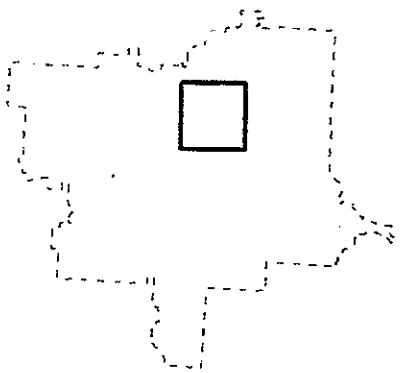
PPL07-2679

One Mile View

TOWNSHIP HEIGHTS



Overview



Legend

Subject Property

 PPL07-2679

Boundary

 Planning Area

 Overlay District

 Outside City

Legend

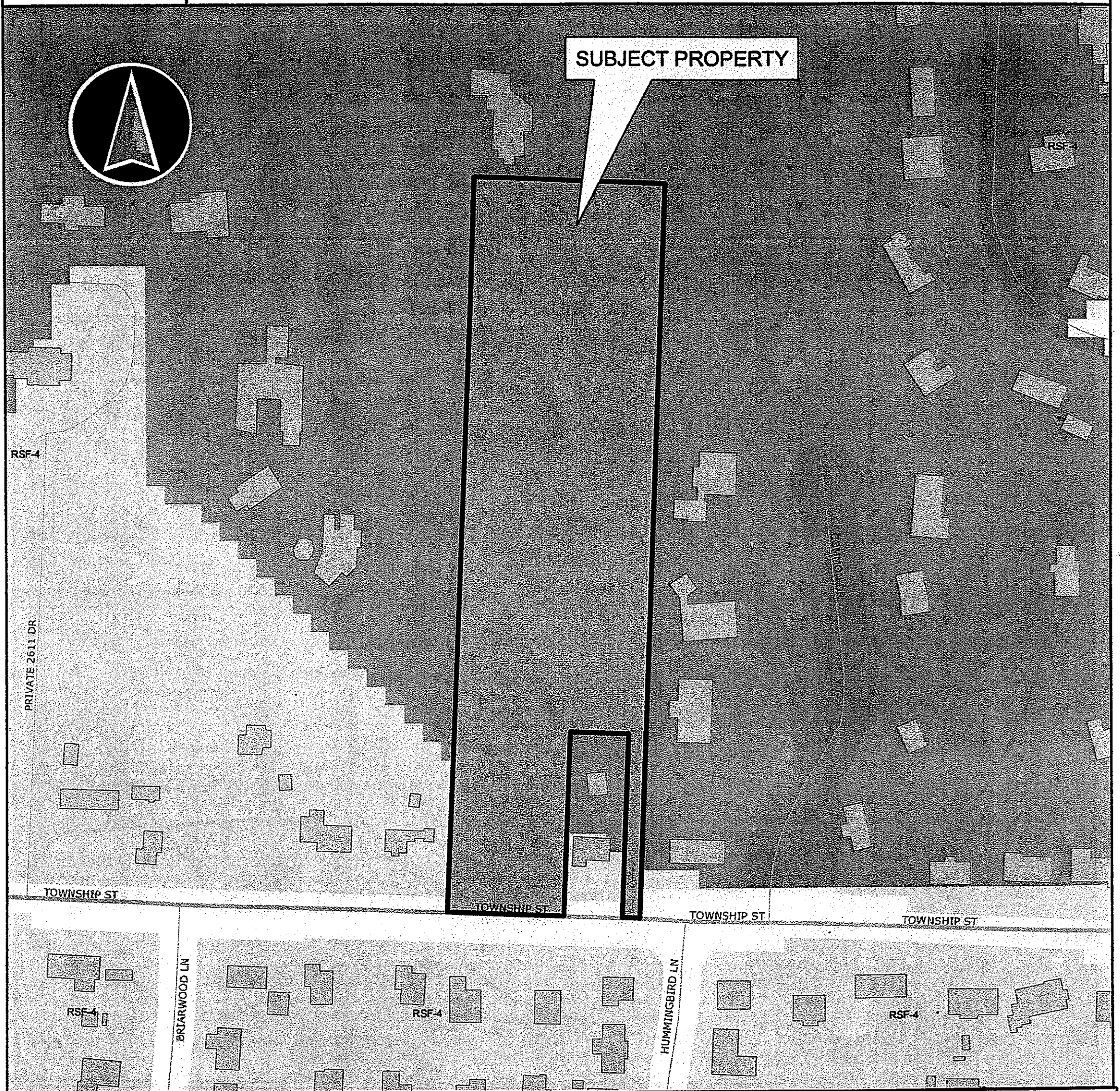
 Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

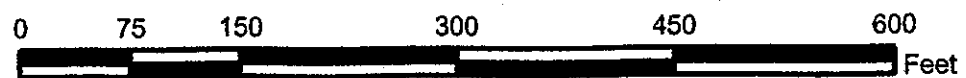
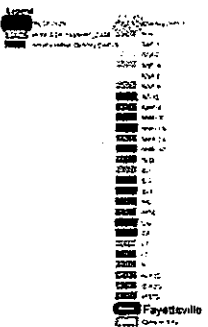
PPL07-2679

Close Up View

TOWNSHIP HEIGHTS



Overview





September 5, 2007

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

RE: TOWNSHIP HEIGHTS SUBDIVISION APPEAL

Council Members,

On behalf of our clients, Randy and Kelly Davidson, I would like to appeal the August 27, 2007 decision of the Planning Commission, to deny PPL 07-2679, Township Heights. In order to properly prepare additional data to present to the Council, I am requesting that this item be put on the October 2, 2007 City Council Agenda.

This project consists of approximately 5.57 acres of wooded property, on the north side of Township Street, approximately ¼ mile west of the intersection with Old Wire Road. The property is currently zoned RSF-4. We are proposing splitting the property into 21 residential lots and one lot containing a detention pond. The proposed density is 3.77 units per acre. The majority of this property lies within the Hillside Hilltop Overlay District. The proposed preliminary plat meets or exceeds all Unified Development Code requirements for an RSF-4 development within the Hillside Hilltop Overlay District. "Best Management Practices" from the HHOD Ordinance were used in the design of this development. We have requested no waivers with regards to this development, and the project received favorable recommendations from the City Engineer, Mr. Petrie, and the Director of Planning, Mr. Pate.

Planning Commissioners present at the August 27 meeting, cited "the creation or compounding of a dangerous traffic condition" as their reason for voting against the approval of the preliminary plat. We strongly, but respectfully, disagree with this reasoning. Not unlike numerous streets in Fayetteville, Township suffers from periods of high traffic volumes at peak hours. We feel that this situation, while certainly inconvenient, is far from dangerous. Dangerous traffic situations generally involve conditions such as high speeds, reduced sight distances, or confusing/complex traffic maneuvers (i.e. lane shifts, lane changes or lane merges). None of these conditions exist along this stretch of Township Street. On the contrary, the proposed entrance to this development has over 600 feet of sight distance, in both directions, only two lanes of traffic, and a posted speed limit of 25 miles per hour. The expected traffic generated by this development, approximately 210 vehicle trips per day, will be less than 2% of the overall traffic on Township for the same 24 hour period, based on a recent count performed by the City Transportation Department.

Please contact me, if you have any questions or need further information regarding this project, at 582-4234 or thennelly@h2ci.net.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Hennelly', with a stylized flourish at the end.

Thomas A. Hennelly, P.E.
President

To: Fayetteville City Council
From: Bob O'Connell
2800 Sherwood Lane
Ward 3
Subj: Township Heights Appeal

My wife and I are against this appeal.

DANGEROUS TRAFFIC CONDITION

Anyone who says this section of Township is not dangerous is absolutely wrong. Albeit it is not the most dangerous street or the only dangerous street in Fayetteville but take it from someone who drives it several times a day and walks multiple times a week to Gulley Park--in my opinion it is dangerous. I would not think of riding a bicycle on it. On page CD166.18, para. 7,d,iv of the Fayetteville Code it states, "The proposed development would create or COMPOUND a dangerous traffic condition. For the purpose of this section, a dangerous traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, HIGH TRAFFIC VOLUME, topography, or the nature of the traffic pattern.

Township is a collector street designed to handle 4,000 to 6,000 vehicles per day depending on turn bays. It now carries 12,000 per day. If the city staff thinks 12,000 is not dangerous, then what is? 14,000? 18,000? 20,000? ? ?. It all adds and compounds even when you add 200 per day.

TREE PRESERVATION IN HILLSIDE OVERLAY DISTRICT

The package you received on this appeal states that the tree canopy currently is 93% and the infrastructure(street, sewer and water line into the subdivision) would result in the tree canopy to be reduced to 55%. The hillside ordinance requires each lot retain 30% canopy to get a building permit. The package states that mitigation(even for the lots) will not be required for this development and in one place in your package(Tree Preservation and Protection Report) states that mitigation will not be required as a condition of approval.

The average lot size of each individual lot is .19 of an acre(less than a 1/5 of an acre).. I believe I remember the developer stating at the Planning Commission meeting on this subject that the price range for the houses would be around \$25,000. I am not a tree expert but I don't believe you can build a \$250,000 house, two car garage, driveway and dig lines for electricity, water and sewer and save 30% of the canopy on a 1/5 of an acre. I believe you use your judgment and intellect on the issues that come before you and if you do not believe they can accomplish the above then I assume the plan before you violates a city ordinance. Please see Page CD166:18, section 7, d, ii.

CONFORMITY WITH EXISTING NEIGHBORHOOD AND PROPERTY VALUES

The average lot size per house of the abutting neighbors to this proposed development is 1 house per 2.31 acres. One of these houses is on multiple lots. If you throw this house and its lots out of the analysis the average lot size per house is .72 of an acre. Remember the average lot size of the proposed development is .19 acre. This means that when compared to abutting neighbors the lot size of surrounding neighbors is either almost 4

times larger or 12 times larger. The abutting lot sizes are:

Rester .58 of an acre

Krodell .70

Carmack .75

Henry .70

Caywood 13.42

Graue .46

McMahon 1.88 (two houses)

The county records from which I prepared this information had the actual acreages on some of these properties and others I had to calculate acreage based on lot measurements.

I sincerely believe that the property values of many of these neighbors will be negatively affected if this development is approved. I have been told that you are not able to consider conformity or property values effects on this issue.

If the city staff, city administration or city council will not consider these items in their decision making process then WHO WILL??? Some of these neighbors have been paying taxes in Fayetteville for years and their home may be their largest investment.

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
November 6, 2007**

A meeting of the Fayetteville City Council will be held on November 6, 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

Agenda Session Presentations:

1. Discussion on Minutes

Mayor's Announcements, Proclamations and Recognitions:

1. Citizen's Police Academy Graduates

Presentations, Reports and Discussion Items:

A. Consent:

1. Approval of the September 18, October 2 and October 16, 2007 City Council meeting minutes.

2. **Steele Crossing Investments III, LLC:** A resolution accepting a donation from Steele Crossing Investments III, LLC of approximately 17.9 acres of real property on behalf of the people of the City of Fayetteville, Arkansas for the purpose of connecting Scull Creek Trail with Mud Creek Trail.
3. **Zion Road Improvements:** A resolution approving a construction contract with _____ in the amount of \$_____ for improvements to Zion Road from College Avenue to Vantage Drive; and approving a five percent (5%) project contingency in the amount of \$_____.
4. **Sales and Use Tax CIP Bonds Series 2007:** A resolution approving a budget adjustment to appropriate the proceeds of the Sales and Use Tax Capital Improvement Bonds, Series 2007 in the amount of \$14,257,819.00 for the Wastewater System Improvement Project.

B. Unfinished Business:

1. **VAC 07-2722 (Menninger):** An ordinance approving VAC 07-2722 submitted by Alan Reid for property located at 301 South West Avenue to vacate three rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of the property and the full width of the un-constructed extension of South Street on the north side of the subject property, a total of 0.30 acres. ***This ordinance was Tabled at the October 16, 2007 City Council meeting to the November 6, 2007 City Council meeting.***

C. New Business:

1. **ADM 07-2762, Amend Chapter 161:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Section 161.26, District P-1 Institutional to add Use Unit 5, Government Facilities, as a permitted use in the P-1 Zoning District.
2. **RZN 07-2708 (City of Fayetteville Fire Stations):** An ordinance rezoning those properties described in rezoning petition RZN 07-2708, for approximately 8.11 acres, located at various locations from various zoning districts to P-1, Institutional.
3. **C-PZD 07-2726 (The Sunshine House Daycare):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2726 The Sunshine House, located at 2460 North Old Wire Road, containing approximately 1.95 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated Master Development Plan.
4. **VAC 07-2733 (Physician's Surgery Center):** An ordinance approving VAC 07-2733 submitted by CEI Engineering Associates, Inc. for property located at 3873 North Parkview Drive to vacate portions of a utility and a drainage easement on the subject property, a total of 0.06 acres.

5. **Broyles Commercial Funding, LLC Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Broyles Commercial Funding, LLC in the amount of \$36,422.00 for the upsizing of approximately 752' of 8" water main to 12" water main.
6. **Phillip/Martin Development Partners, LLC Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Phillip/Martin Development Partners, LLC in the amount of \$48,886.20 for the widening of Zion Road; and approving a budget adjustment in the amount of \$53,123.72.
7. **Township Heights Subdivision Appeal:** An appeal of the Planning Commission's decision to deny PPL 07-2679, Township Heights.
8. **James A. Cole and Linda L. Cole Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by James A. Cole and Linda L. Cole.
9. **Kathy Denise Ferguson Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Kathy Denise Ferguson.
10. **Deloris Mae Tuck Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Deloris Mae Tuck.
11. **Gary Combs, LLC Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Gary Combs, LLC.

Agenda Additions:

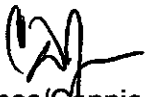
Announcements:

1. **City Council Tour: November 5, 2007**

Adjournment:

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

November 6th, 2007
City Council Meeting Date


Carole Jones/Connie Edmonston
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

Approval of a land donation proposed by Steele Crossing Investment III, LLC for approximately 17.9 acres of land associated with CMN Business Park II Phase III (15.39 acres) and Lot 5 (2.49 acres) west of Steele Boulevard and north and south of Van Asche Drive. The land is needed to connect Scull Creek Trail with Mud Creek Trail.

\$0.00
Cost of this request

Category/Project Budget

Park Land Dedication/Donation
Program Category / Project Name

Account Number

\$ -
Funds Used to Date

Program / Project Category Name

Project Number

Remaining Balance

Fund Name

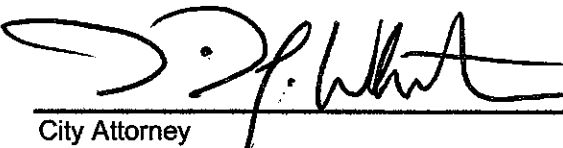
Budgeted Item ☐

Budget Adjustment Attached ☐

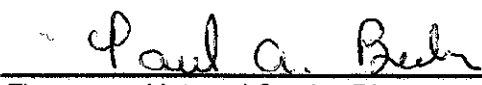

9-17-07
Department Director **Date**

Previous Ordinance or Resolution #

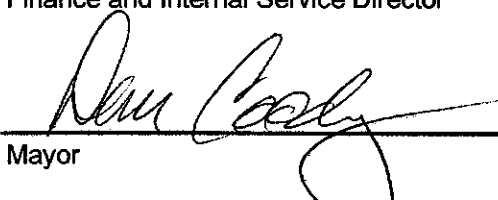
Original Contract Date:


10/22/07
City Attorney **Date**

Original Contract Number:


10-22-07
Finance and Internal Service Director **Date**

Received in City Clerk's Office



10/22/07
Mayor **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: October 17, 2007
RE: CMN Business Park Land Donation

RECOMMENDATION

Approval of a land donation proposed by Steele Crossing Investment III, LLC for approximately 17.9 acres of land associated with CMN Business Park II Phase III (15.39 acres) and Lot 5 (2.49 acres) west of Steele Boulevard and north and south of Van Asche Drive.

BACKGROUND

There are approximately 45 acres of deed restricted land currently existing within CMN Business Park II Phases I, II and III. Under consideration for donation to the City of Fayetteville by Steele Crossing Investment III, LLC are approximately 17.9 acres of this deed restricted land.

The proposed land donation is located in CMN Business Park II Phase III (15.39 acres) and Lot 5 (2.49 acres). (See enclosed colored 11" x 17" exhibit.) The land is needed to connect Scull Creek Trail with Mud Creek Trail. Receipt of the land needed for the trail connections is possible only by accepting the entire land donation areas offered by Steele Crossing Investment III, LLC. The Parks and Recreation staff believes that large, buffer areas provide a nice environment along trailways. This is also in accordance with the City Plan 2025 goal of assembling an enduring green network. The proposed land donation was approved by the Parks and Recreation Advisory Board on October 1, 2007 (see attached minutes).

DISCUSSION

The proposed land donation is deed restricted by the U.S. Army Corps of Engineers through a 404 permit. Under the regulations of the existing 404 permit (see enclosed copy), mitigation and monitoring of the deed restricted land is required. The mitigation and monitoring requirements for land within CMN Business Park II Phase III have been completed (see enclosed letter from the U.S. Army Corps of Engineers) except for the work associated with the on-going construction of the Van Asche bridge. Monitoring of this portion will be required for two years after the bridge work is completed.

City Council Meeting of November 6, 2007

Agenda Item Number

Steele Crossing Investment III, LLC has agreed to retain the responsibility of this additional monitoring with the exception of any impacts which may occur during the construction of the multi-use trails or utility improvements within the easements associated with the deed restricted areas (see enclosed letters). Additionally, Steele Crossing Investment III, LLC is dedicating a 20-foot trail easement between Phase III and Lot 5 (through Lot 19) per a concurrent plat that was submitted to the Planning Division on October 4, 2007.

BUDGET IMPACT

This land donation is expected to have minimal impact to the Parks and Recreation budget. There is minimal maintenance allowed since the donated areas are deed restricted by the 404 permit.

Attachments:

Colored 11" x 17" Exhibit
PRAB Minutes October 1, 2007
U.S. Army Corps of Engineers 404 Permit
U.S. Army Corps of Engineers Letter
Steele Crossing Investment III, LLC Letters (2)

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A DONATION FROM STEELE CROSSING INVESTMENT III, LLC OF APPROXIMATELY 17.9 ACRES OF REAL PROPERTY ON BEHALF OF THE PEOPLE OF THE CITY OF FAYETTEVILLE, ARKANSAS FOR THE PURPOSE OF CONNECTING SCULL CREEK TRAIL WITH MUD CREEK TRAIL.

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 approximately 17.9 acres of real property which Steele Crossing Investment III, LLC has so generously donated to the City of Fayetteville for the purpose of connecting Scull Creek Trail with Mud Creek Trail.

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

**FAYETTEVILLE
PARKS AND RECREATION ADVISORY BOARD**

Meeting Minutes October 1, 2007

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order by Vice Chairman Jay Davidson at 5:37 P.M. on October 1, 2007 in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Present:

Parks and Recreation Advisory Board members Davidson, Biendara, Hatfield, Burke, and Bitler were present, with Davis arriving later. Colwell and Mauritsen were absent. Park Staff Edmonston, Jumper, Jones, Wright, Coles, Thomas, Trail Coordinator Mihalevich and audience were in attendance.

1. Approval of September 10th, 2007 PRAB Meeting Minutes

PRAB Motion: Bitler asked that the minutes be amended to show that he was not present for the August minutes approval, so the vote should have been 7-0-0. Bitler said he arrived at the meeting after the vote. Bitler then motioned to accept the amended minutes, and Davidson seconded the motion. Motion passed by voice vote 5-0-0.

2. Park Land Dedication

Development Name:

Engineer:

Owner:

Location:

Park District:

Units:

Total Acres:

Land Dedication Requirement:

Money in Lieu Requirement

Existing Parks:

Developer's Request:

Staff Recommendation:

Carole Jones, Park Planner

Sowder Land Dedication for Scull Creek Trail

N/A

Glenn and Victoria Sowder

North of Wilson Park., east of Frisco Street

SW

N/A

Unknown at this time

Unknown at this time

N/A

Wilson Park

Dedication of 0.74 acres to create a park land bank

Several negotiations were made on this project between the owner and city staff before an agreement was reached on the proposed land dedication. It is imperative that the city obtain this land for Scull Creek

**Developer's Comments:
Justification:**

Trail. Staff recommendation is approval as submitted.

Developer is requesting to dedicate approximately 0.74 acres of land to the City of Fayetteville Parks Division and create a park land bank to remain with Glenn and Victoria Sowder or an associated LLC to be used for future development within the southwest park quadrant. In the future they plan to build approximately 60 multi-family units along the remaining acreage to the north along Frisco Street and near the intersection of North and Gregg Streets. They are also requesting that their future development be locked into the current park land dedication rate of 0.017 acres/unit with this dedication.

In order to expedite the construction of Scull Creek Trail they would like to proceed with the dedication prior to the development of the multi-family housing. This dedication will also accommodate Frisco Street which is currently located on their property. As part of the proposed development project the northern part of Frisco Street should be relocated to the east about 30 feet so it is within the existing street right of way.

Burke wanted to know what we were going to do with the north part of the property.

Mihalevich said it offers options for future use for a trailhead parking lot.

Davidson asked where the property line was located.

Jones replied that the property was to the north and on North and Gregg. Sowder owns the entire main strip, and wants to develop the north part of the property.

Hatfield asked why the park land overlaps the street right of way.

Jones said that there were many meetings in which that subject was discussed. The floodway line is the cut off point. Sowder wants to bank it for forty two or forty three multi-family units.

Bitler asked if this was a take it or leave it proposition.

Sowder said at some point it will be take it or leave it. He said for nine years he has been paying taxes on the roadway. He attended all twelve of those neighborhood meetings. He said this was not the first time his family had been involved with the City in this area. In the 1920's, his grandfather took up a collection in the neighborhood and build the first bridge over Skull Creek next to Wilson Park.

Bitler wanted to know if the Gregg St. extension was going to affect this request.

Jones said she wasn't sure, but she thought the expansion had been dropped.

Bitler said he thought there was a sign on Gregg St. that said it was part of a bond for expansion.

Sowder replied that it had been dropped. He said he had a contract on Maple St. and lost the contract and \$300,000 because the street won't be down the east side of the railroad tracks.

Sowder then asked if there were any more questions.

Hatfield wanted to know if it's the City's request that they maintain the right of way on Gregg.

Sowder said that he owns that street now, and he hasn't started charging tolls on it yet. He said he supposed the City could do anything that it wants.

Jones said that the City would propose to make it a thirty foot public access easement in which the street and drainage would be maintained by the Transportation division.

Bitler asked if it would be deeded as park land.

Edmonston said she asked the City Attorney if the City could take in a public street as a private park donation. She was told yes.

Hatfield asked if anyone had talked to the City Engineer about allowing public parking lots in this area because of the floodway.

Mihalevich said there would hopefully be no long term parking, but possibly a trail head once Wilson Park's parking lots become full.

Edmonston said the bottom line is that the City needs this land for the Skull Creek Trail.

Bitler said his concern is that we don't know what's going to happen with the Gregg St. extension project. What would happen if the highway decided to come through the trail?

Mihalevich said that the City is coming through first with the trail.

Davis then asked if the trail would follow the tracks.

Mihalevich said it would be to the south.

Davis wanted to know when the multi-family units would be built.

Sowder said it could be up to ten years away.

Davis queried if Sowder would have to pay additional fees down the road.

Sowder replied that it was his understanding that he wouldn't have to.

Edmonston said the property would be banked at the existing rate. It can be sold to another developer using the Park Land Dedication land.

Davidson asked if the land was subdivided, could it still be banked?

Edmonston said yes.

Bitler asked why the trail was coming down the east side and then the west side. Why not bring the trail down to Lafayette?

Mihalevich said they wanted to make the connection with Wilson Park. On the west side is a creek and a really big ravine.

Edmonston said she wanted the board to make a requirement that the drainage also be maintained by Transportation.

PRAB Motion: Two motions were made. Davis motioned to accept as approved. Bitler seconded it. Bitler then amended the motion to ask that Transportation maintain the drainage. Davis seconded it. Both motions passed 5-1-0 by voice vote, with Hatfield voting no.

3. Park Land Donation

Development Name:

Engineer:

Owner:

Location:

Park District:

Existing Parks:

Developer's Request:

Carole Jones, Park Planner

CMN Business Park Phase III Land
Donation

McClelland Consulting Engineers, Inc.

Leonard Boen and Jim Irwin

East of Gregg Avenue; west of Steele Blvd.;
north and south of Van Asche Drive
NW

Mud Creek Trail and future Park West

Developer is requesting to donate
approximately 15.39 acres of CMN Business
Park Phase III and 2.49 acres of Lot 5 to the
City of Fayetteville. This will accommodate
the construction of north Scull Creek Trail.

The land is currently under deed restriction by the U.S. Army Corps of Engineers. Mitigation and monitoring of the deed restricted land is complete except for a portion of the land that is associated with the construction of the Van Asche Drive bridge. Monitoring of this portion will be required for two years after construction of the bridge is completed. The current owners will perform the required monitoring for the portion of the land that is associated with the construction of the bridge. Additionally, the owner of Phase III (Leonard Boen) has agreed to dedicate a public access easement for a portion of Scull Creek Trail that lies between the two land donations.

Staff Recommendation: Approve as submitted

Mihalevich said there were deed exceptions for the utilities. There was some room left for trail amenities.

Burke asked what the length of the trail would be.

Mihalevich replied that it would be roughly three fourths of a mile. It would connect Mud Creek and Skull Creek.

Hatfield asked if the City Attorney was ok with the deed restrictions.

Mihalevich said he was not sure.

Mike Morgan from McClelland said that the five year monitoring period required by the Corps of Engineers is done. There will be a two year monitoring period after the bridge is constructed, which will be the responsibility of the client.

Bitler commented that it seems great. He asked if we were missing anything.

Edmonston replied that she didn't think so.

Davis wanted to know what type of maintenance was needed for this area, other than the trail.

Coles said that most of the area would remain natural, so no maintenance would be needed.

Burke asked why we wanted land that we wouldn't be using.

Edmonston replied that it was always nice to have extra greenspace.

Biendara added that green is always good along trails.

PRAB Motion: Davis motioned to accept as approved. Biendara seconded it. Motion passed by voice vote 6-0-0.

4. Park Land Dedication

Alison Jumper, Park Planner

Project History: This project was presented to PRAB as Waterbrooke at the 7-11-05 meeting. The Board made a recommendation of accepting 2.76 acres of park land for 115 units. Additionally, the developer was required to make drainage improvements and place fill in the park area. The improvements have been made. The roads and infrastructure for the development have been constructed. The development has been sold to a new developer who is proposing a new plan for the property.

Development Name:	Quarry Trace Commons
Engineer:	Appian Centre for Design
Owner:	Nock Investments
Location:	North of Hwy. 16, East of Bayarri Park
Park District:	SE
Units:	146 Single Family, 92 Multi Family
Total Acres:	Approximately 35 acres
Land Dedication Requirement:	5.06 acres
Money in Lieu Requirement	\$202,720
Existing Parks:	None within ½ mile
Developer's Request:	Dedication of approximately 3 acres with remaining requirement paid as fees in lieu.
Staff Recommendation:	Dedication of approximately 3 acres with remaining requirement paid as fees in lieu (approximately \$86,400).
Developer's Comments:	
Justification:	In addition to the dedicated park land, the developer is providing several POA amenities such as a pool, pavilion and walking trail around the old quarry to provide recreational opportunities. Additionally, the tree preservation area is adjacent to the dedicated park land and will be labeled as a tree preservation/recreation area, thereby expanding the land that will be open to the public.

Davidson wanted to know the total acreage required.

Jumper replied it would be just over five acres.

Davis asked where the additional recreational area would be.

Jumper said it was the old quarry area.

Bitler asked what type of condition the quarry was in.

Coles replied it was a big pond right now.

Bitler queried if there would be sufficient recreational opportunities in this area.

Edmonston answered that there were several potential areas for recreation.

Bitler wanted to know the size of the pocket parks.

John Nock, with Nock Investments, replied that they would be approximately one tenth of an acre.

Biendara asked how much acreage was around the pond.

Nock replied that there was roughly two acres.

Davis asked Coles what the cost of maintaining the land would be.

Coles said it is a relatively flat area. The greatest portion would be the natural area.

Davis asked if it would mainly be cutting grass.

Coles replied yes.

Hatfield said he would like us to keep the natural areas, even as the neighborhood expands out.

Edmonston said a pavilion and a play area could possibly be put there.

Nock said for the greenspace, his company, at their own cost, would build a public alley around the area with full public access. This would be a possible location for parking.

PRAB Motion: Burke motioned to accept the staff recommendation, and also the alley with the additional parking. Davis seconded the motion. Motion passed by voice vote 6-0-0.

5. Park Land Dedication

Development Name:	Alison Jumper, Park Planner Bierscheune
Engineer:	H2 Engineering.
Owner:	Blind Squirrel in the Barn, LLC
Location:	Intersection of Sycamore and Chestnut, Northeast corner
Park District:	NW
Units:	15 multi family units
Total Acres:	Approximately 1.12 acres
Land Dedication Requirement:	0.26 acres
Money in Lieu Requirement	\$10,200
Existing Parks:	Gregory Park and Scull Creek Trail
Developer's Request:	Money in lieu
Staff Recommendation:	Money in lieu
Developer's Comments:	
Justification:	The existing park and trail corridor in the service area of this development will serve the recreational needs of the residents. The land requirement for this development does not provide enough land for a neighborhood park. Additionally, surrounding land is already developed prohibiting future park land in the area.

The only discussion was on the pronunciation of Bierscheune. It is pronounced phonetically "Beersshine".

PRAB Motion: Biendara motioned to accept the money in lieu. Davis seconded it. Motion passed 6-0-0 by voice vote.

6. Red Oak Park Update: Carole Jones, Park Planner

Carole Jones, Park Planner, met with Mr. Evans and the plan was revised. Mr. Evans presented the revised plan to the City Council at the Agenda Session on September 25. This item will be considered at the October 2, 2007 Council Meeting.

Jones said the residents in the neighborhood were still very cautious about the project, even after Evans presented to them a revised plan.

Bitler wanted to know if Evans addressed the water in the retaining area.

Jones replied that he has not made a formal study of it.

Davidson wanted to know what type of reaction the residents had.

Jones replied that they still think the project is too drastic. We can't give them the exact number of trees that will be taken out. It will go to Council. The number of trees that will be taken out has been reduced from around seventy to around fifty-five.

Bitler asked if Parks and Recreation will do a presentation to Council.

Jones said no, because there is no new data. But she said it would be a good idea to be present for questions.

Biendara said that some of the trees are barely hanging on. A big storm would take them out. She said that the residents want what they had in the past, but that is not possible.

Hatfield queried if we had had an engineer look at the area.

Jones replied that Ron Petrie had looked at it in 2001, but a full blown investigation had not been done. The Corps of Engineers denied the plan that Engineering did, but accepted Evan's plan.

Edmonston said that she was not sure what a better answer to the problem would be.

7. Volunteer Project Policy Review: Connie Edmonston, Parks & Recreation Director

This item was tabled at the September 10th PRAB meeting. It was previous called Scout Project Policy, but was changed to Volunteer Project Policy in order to be inclusive of any project a volunteer organization may wish to assist. See attached Volunteer Project Policy.

Bitler wanted to know if there was any reason Staff wouldn't approve any projects.

Edmonston said it would not be approved if it wasn't a complete project.

Davidson said he wanted the Parks and Recreational Staff to approve projects before the PRAB board heard them.

Edmonston replied that Staff would make sure it was complete before the Board heard them. Also, the volunteer would know before it was presented whether Staff approved it or not.

Bitler wanted to make sure that even if Staff doesn't like a project, the volunteer will still be able to present it to the Board.

Biendara echoed that thought. She wants them to be able to come before the Board, even though Staff may not approve the idea.

Edmonston asked the Board to vote on this.

PRAB motion: Biendara motioned that if a project is not approved by Staff, it can still be presented to the board. Davis seconded the motion. Motion passed 6-0-0 by voice vote.

8. Regional Park Update: Connie Edmonston, Parks & Recreation Director

Edmonston stated that there will be a meeting tomorrow. It's moving along.

Bitler asked if it would happen reasonably soon.

Edmonston said she has not heard a date yet.

9. Other Business:

Walker Park Neighborhood Master Plan

Jumper said the charrette went very well. The residents came up with some good ideas.

10. Adjournment: 6:50 p.m.

Minutes taken by Melanie Thomas

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DEPARTMENT OF THE ARMY PERMIT

Permittee: CMN Properties (NANCHAR, INC. AND MARJORIE S. BROOKS)

Permit No.: 11252-3

Issuing Office: Department of the Army
Little Rock District
P.O. Box 867
Little Rock, Arkansas 72203-0867

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The placement of dredged and fill material associated with temporary road crossings, permanent roads and bridges, utility lines, and commercial development of 18 parcels of land to include strip malls, offices, and parking areas. The phased development would fill approximately 13.5 acres of wetlands. The bridges would impact approximately 1 acre of additional waters of the U.S. Authorized stream crossings and associated channelization include:

1. Mall Ave./Mud Creek - Bridge with no channelization beyond the bridge structure and the wing walls.
2. Shiloh Dr./East Unnamed Tributary to Mud Creek - Box culverts with a maximum of 100 linear feet of channelization.
3. Shiloh Dr./West Unnamed Tributary to Skull Creek - Culvert with wetland impacts only.
4. Van Asche Ave./East Unnamed Tributary to Mud Creek - Box culverts with a maximum of 100 linear feet of channelization.
5. Van Asche Ave./Skull Creek - Box culverts with a maximum of 200 linear feet of channelization.
6. Steel Ave/Mud Creek - Bridge with a maximum of 750 linear feet of channelization.

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The project shall be constructed and/or accomplished as shown on the attached drawings, sheets 1 through 12 of 12, dated July 22, 1999.

Project Location: The development is located along Mud, Skull, and Clear Creeks, in sections 23, 26, and 27, T.17 N., R. 30 W., Fayetteville, Washington County, Arkansas.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2002. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

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6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. You shall not channelize or otherwise manipulate any portion of a "waters of the United States" other than the specific areas around the crossings as authorized by this permit and as required in the final approved mitigation plan. To the maximum extent practicable, all work shall occur during low flow periods.

2. You shall install and maintain, at all times, required elements of the Erosion Control Plan (ECP). You shall restore any ECP elements that are damaged, due to rain events, construction activities, or other causes, at the resumption of construction activities.

3. You shall remove available material from existing wetlands (donor sites) for use in the created wetland mitigation areas. This material shall be removed prior to any construction activity, planned or otherwise, within the donor site. You shall either deposit the material directly into the created wetlands or stockpile and maintain the material outside of the floodway until final use. The stockpile shall be maintained in a condition to promote growth of native hydrophytic vegetation when reused in the mitigation area.

4. You shall field mark and preserve, from any construction activities, all wetlands being avoided by this permit, donor sites, stockpile areas, and any wetlands created for mitigation.

5. You shall submit a comprehensive mitigation plan which incorporates all features of the previously submitted conceptual mitigation plan, for approval, to the Little Rock District within 30 days of the date of this permit. The plan shall include maps and/or drawings of mitigation measures (both in-stream and wetlands), earth work and structure details, final elevations, areas of approved limited activities such as mowing, test plot locations, plantings species list, monitoring requirements, mitigation site markers, and succession goals. Additional mitigation requirements are listed below:

a. As wetland mitigation, you shall dedicate in perpetuity the area defined by the Federal Emergency Management Agency's 1991 floodway boundary (or reasonable modifications thereof, as approved by the Regulatory Section), along Mud and Skull Creeks,

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the adjacent wetlands along Skull Creek, and the buffer zone (city greenway belt) along the east unnamed tributary to Mud Creek (totaling approximately 50 acres). The mitigation area shall be mapped by a registered land surveyor. The map shall be identified as Exhibit "A." You must take the action required to record this permit and the notice of deed restriction, including Exhibit "A", with the Registrar of Deeds in Washington County, Arkansas. Documentation of the deed restriction recording shall be provided to the Chief, Regulatory Section, U.S. Army Corps of Engineers, P.O. Box 867, Little Rock, Arkansas 72203, within 60 days of the issuance of this permit. The mitigation area shall be field surveyed, and the boundaries marked and maintained by steel or concrete post monuments at each corner and every 300 feet between corners. There shall be signs placed every 1,000 feet identifying the area as a Corps of Engineers Wetland Mitigation Area.

b. You shall complete all required wetland mitigation work including plantings by May 31, 2000. You shall complete all required stream mitigation by August 31, 2000.

c. You shall plant both the created wetland and enhanced wetland areas on 25-foot spacings (70 trees/acre). Plantings along the upland riparian buffers shall include two (2) alternating rows of trees, on 25-foot spacings, along both sides of the stream and both upland edges of the floodway (eight (8) rows of trees total). A minimum of forty percent (40%) of the total required tree plantings shall be larger container trees. You shall indicate the general location of these container trees on the final mitigation plan.

d. You shall establish and field mark a representative number of test plots to use in annual sampling for monitoring reports. The same plots shall be used each monitoring period.

e. After planting, the mitigation site shall be monitored (see special condition 5d above.) and a survival rate of seventy percent (70%) or 49 saplings per acre shall be achieved. In the count of the 49 required saplings, no more than 25% or 12 saplings can be native volunteer saplings. For the native volunteer saplings to be included in wetland areas, they must be on the National List of Plant Species that Occur in Wetlands, with a Region 2 indicator of FAC or wetter. Replanting each year, as necessary to achieve the 49 sapling per acre survival rate, shall be done for a minimum of five (5) years. Herbaceous hydrophytic vegetation shall achieve greater than 50 percent (50%) of available ground cover in created wet meadow mitigation areas, with the remaining area to be open water.

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f. You shall monitor the stream and wetland mitigation areas for a minimum of 5 years. You shall submit a monitoring report to the Little Rock District each year by December 31. The monitoring reports shall contain the following information at a minimum:

(1) Map of the mitigation area with all sampling plots marked. Sample plots shall be consistent year to year.

(2) The counts of all planted and native volunteer saplings within the mitigation areas, observations of natural regeneration of saplings, and total calculated number of saplings per acre. The succession rate of the container trees shall be separately indicated.

(3) Observations of herbaceous hydrophytic vegetation developing on the mitigation site.

(4) Description of hydrology at the time of the report. Description of hydrology fluctuations during the reporting period and actions taken to maintain adequate hydrology for the survival of the plantings.

(5) Descriptions of stream conditions in areas of required stream mitigation.

(6) Photographs of key areas of the wetland and stream mitigation areas. Location and direction of photographs shall be shown on the map in (1) above.

h. You shall submit a final report on the success of the mitigation area, including a wetland delineation of the mitigation areas, at the end of the 5-year initial monitoring period. If any element of the mitigation is not successful, then further plans and mitigation shall be required.

6. The mitigation areas shall remain as wetlands and wildlife habitat in perpetuity and shall not be converted to another use, including but not limited to: clearing, logging, bushhogging or mowing (except in pre-approved areas clearly identified within the final mitigation plan), spraying with herbicides, filling, levelling, draining, dumping, construction of any structure, or any other activity that would adversely impact the natural state of the area. Natural resource management, wildlife enhancement, or floodplain management activities involving alteration of the property or vegetation thereon would require prior written approval from the Little Rock District Corps of Engineers.

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Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403).

(X) Section 404 of the Clean Water Act (33 U.S. Code 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Marjorie S. Brooks
(PERMITTEE) MARJORIE S. BROOKS

9-2-99
(DATE)

Charlotte S. Steele, Sec.
CHARLOTTE S. STEELE, SEC.-NANCHAR, INC.

Nancy S. Rubick, Pres.
NANCY S. RUBICK, PRES.-NANCHAR, INC.

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This permit becomes effective when the Federal official,
designated to act for the Secretary of the Army, has signed
below.


Thomas A. Holden Jr.
Colonel, Corps of Engineers
District Engineer

9/8/99
(DATE)

When the structures or work authorized by this permit are still
in existence at the time the property is transferred, the terms
and conditions of this permit will continue to be binding on the
new owner(s) of the property. To validate the transfer of this
permit and the associated liabilities associated with compliance
with its terms and conditions, have the transferee sign and date
below.

(TRANSF.REE)

(DATE)

Attachment

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EXHIBIT D

RESTRICTIVE COVENANTS FOR CENTERWOOD SUBDIVISION

TO: THE FAYETTEVILLE PLANNING COMMISSION
AND THE FAYETTEVILLE CITY COUNCIL

This 7TH day of JULY, 1995, the RESIDENTS OF CENTERBROOK SUBDIVISION, hereinafter referred to as "Residents" and NANCHAR, INC. and MARJORIE S. BROOKS, hereinafter referred to as "Developers" hereby submit the following for consideration:

I. BACKGROUND.

1. The Developers have submitted an application for the rezoning of certain real property immediately adjacent to the east and north boundaries of Centerbrook Subdivision.
2. The Residents, through their designated representatives, have expressed to the Developers their concerns in regard to such development and their desires to preserve the character of their neighborhood.
3. Through negotiation, the Residents and Developers have reached certain agreements in regard to the property described in Exhibit "A", attached hereto and made a part hereof.

II. AGREEMENT.

1. RESIDENTS: Contingent upon approval by the Planning Commission and the City Council of all sections and clauses of this agreement, the Residents hereby express their support of rezoning requests R95-24 and R95-25.
2. DEVELOPERS: Contingent upon approval by the Planning Commission and the City Council of rezoning requests R95-24 and R95-25, the developers agree as follows:
 - a. The Developers agree they shall not request or pursue the opening of Northwood Avenue. Further, they agree to support the residents and advocate to the Planning Commission and the City Council that Northwood Ave. shall remain closed.
 - b. The Developers shall reserve on the final plat and in the subdivision covenants a 20' strip running adjacent to and along the entire east boundary and a 15' strip running adjacent to and along the entire north boundary of Centerbrook Subdivision as a "natural buffer". Such buffer shall serve as a noise and sight buffer between the two zoning districts and shall remain in its natural state.
 - c. Developers shall require the placement of a solid fence or a masonry wall not less than 6 feet in height along the east boundary and the north boundary of the natural buffer. The materials used shall be consistent and compatible with the

Exhibit "E" - Centerbrook Covenants

materials used for the building construction. Such requirements shall be reflected on the final plat and in the subdivision covenants.

d. Developers hereby agree to calculate the rear setback from the fence provided for in c. above, instead of the rear property line. This yields a minimum of a 40' building setback, in lieu of a 20' setback from the subdivision boundary, on the east, and yields a minimum on a 35' building setback, in lieu of a 20' setback from the subdivision boundary, on the north. These building setbacks will be reflected on the final plat and in the subdivision covenants.

e. Developers agree to calculate the height regulations set forth in the Code of Fayetteville from the placement of the fence instead of the subdivision boundary, and such shall be reflected on the final plat and in the subdivision covenants.

f. Developers agree to impose restrictive covenants, in regard to the construction material allowed, which are consistent with those covenants imposed in the CMN Business Park-South.

g. Developers shall design and construct a drainage system in compliance with the Drainage Control Ordinance and the Drainage Design Manual of the City of Fayetteville. The drainage plan shall address all drainage adjacent to the Centerbrook Subdivision and shall provide for a system to relocate the drainage onto the Developers' property. The system shall be approved by the City Engineer of the City of Fayetteville.

h. Developers agree to restrict the following uses which may otherwise be allowed in a C-2 zone for that area described in Exhibit "A": (those areas stricken are designated below with the letter, word or phrase stricken out).

USES BY RIGHT:

Unit 1 - City-Wide Uses by Right

- consists of public uses, essential services, agricultural uses, open land uses, and similar uses which are either subject to other public controls or which do not have significantly adverse effects on other permitted uses and are, therefore, permitted as uses of right in all districts.

Includes:

-Agricultural, forestry, and fishery:
fields crop farms
fishery

forest
fruit, tree, and vegetable farm

-Essential services located in public rights-of-way:

fire alarm box
fire hydrant
passenger stop for bus
police alarm box
sidewalk
street, highway, and other thoroughfare street
signs, traffic signs and signals
utility main line, local transformer and station
and similar facilities customarily located in
public right-of-way

-Recreation and related use:

arboretum
historical marker
park area
parkway
wildlife preserve

-Water facilities:

reservoir (open)
watershed conservation or flood control project

Unit 4 - Cultural and Recreational Facilities

- consists of cultural and recreational uses to serve the residents of the community.

includes:

-art gallery, library, museum
-child care center, nursery school
-church
-college or-university
-dormitory
-auditorium
-stadium
-community center
-detention-home
-golf courses
-hospital
-park
-playfield, playground
-private-club-or-ledge
-riding stables
-school (elementary, junior high, senior high)
-swimming pool
-tennis court
-theater (legitimate)
-zoo

Unit 12 - Offices, Studios and Related Services

-consists of offices, studios, medical and dental labs, and other compatible or supporting services and sales.

includes:

- advertising agency
- artist's studio
- barber and beauty shops with six or few chairs
- computing service
- data processing service
- drafting service
- dental clinic
- financial institution
- funeral home
- medical clinic
- office buildings
- social and welfare agencies
- studio for teaching any of the fine arts
- sales of supplies and equipment:
 - architects and artists supplies
 - business machines
 - dental supplies
 - medical and optical supplies
 - office furnishings
 - scientific instruments
- services:
 - auto-parking-garage
 - blue printing
 - employment agency
 - photo copying
 - printing
 - ticket office (transportation and amusement)
 - travel agency
 - veterinary small animal out-patient clinic

~~Unit 13 - Eating Places~~

~~established so that eating places can be located as needed without necessarily introducing other commercial uses.~~

~~includes:~~

~~eating places, other than drive ins, which do not provide dancing or entertainment.~~

* NOTE: No Fast Food

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~~Unit 14 --- Hotel, Motel and Amusement Facilities~~

~~-----consists of hotels, motels and certain types of amusement facilities,~~

~~-----includes:~~

~~-----auditorium
-----dance hall
-----hotel
-----membership lodge
-----motel
-----motion picture theater
-----night club
-----restaurant providing dancing and/or entertainment
-----tavern~~

Unit 15 - Neighborhood Shopping Goods

- variety of frequently purchased commercial goods, where convenience of location is more important than comparative shopping. These uses are grouped in limited areas while prohibiting all others not necessary near the residential areas.

includes:

-retail trade:
bookstores

food:

bakery
food specialties store
dairy products
~~grocery~~
~~super markets~~
delicatessen
health food store
drug store
florist
hardware store
home furniture store
service establishment :
dry-cleaning
barber and beauty shop
laundry
news and magazine stand
laundry-(coin-operated)
service station
picture framing (retail)

Unit 16 - Shopping Goods

-stores selling retail goods which are ordinarily purchased less frequently and often have a community-wide or regional market.

includes:

-retail trade establishment:

- antique shop
- apparel and accessory
- clothing
- fur apparel
- liquor-store
- millinery
- shoe
- tailoring

-automotive-marine craft establishment:

- auto-accessory-store
- auto-sales
- boat-and-accessories
- bicycle shop
- book store
- camera shop
- dry goods
- garden supply

-general merchandise establishment:

- department store
- mail order
- trading stamp redemption store
- hardware store
- hobby shop
- home furniture:
 - appliances
 - china
 - glassware
 - draperies
 - curtains
 - floor coverings
 - furniture
 - music instruments
 - radio and television store
 - record and tape shop
 - jewelry
 - leather goods and luggage
 - optical goods
 - pet shop
 - sporting goods
 - stationery store
 - toy shop

-service establishment:

- branch community facility

-----boats-and-accessories
medical and orthopedic appliances
personal help:

-----animal-hospital

-----auctioneer

barber and beauty shops

bindery

-----cabinet-maker

-----frozen-food-locker

drapery service

dry cleaning

laundry

linen-supply-and-industrial-laundry

-----packing-and-crating

rug cleaning

taxidermist

-----tool-sharpening

-----repair-service-

armature-rewinding

-----auto-repair

-----auto-wash

-----electrical-repair-service

furniture

-----mattresses

-----motors

radio and television repair

shoe

tailoring

-----reupholstery

-----rug-repair

Unit-18---Gasoline-Service-Stations, and Drive-In-Restaurants

-----gasoline-service-stations-and-drive-in-restaurants-can-be
significantly objectionable to nearby uses, so, therefore, have
been allowed only in districts where necessary to provide this
use:

-----included:

-----gasoline-service-station

-----self-service-auto-wash-in-conjunction-with-

-----a-gasoline-service-station

-----drive-in-restaurant

Unit-19---Commercial-Recreation

-----commercial-amusements-which-ordinarily-do-not-require-large
sites-and-often-peak-location-in-or-near-developed-commercial
areas:

-----included:

-----billiard-and-pool-parlor
-----bowling-alley
-----domino
-----slot-car-track
-----skating-rink
-----penny-arcade
-----indoor-theater

Unit-20---Commercial-Recreation,--Large-Sites

-----commercial-recreation-facilities-which-are-usually
conducted-out-of-doors,--on-large-sites,--and-in-undeveloped,
outlying-parts-of-the-city,--uses-in-the-unit-have-an-adverse
effect-on-certain-other-uses,--in-that-they-are-often-noisy-and
are-large-traffic-generators--

-----included:

-----amusement-park
-----drag-strip
-----drive-in-theater
-----fairgrounds
-----fishing-dock
-----go-cart-track
-----golf-range
-----miniature-golf
-----race-track

Unit-24---Outdoor-Advertising

-----consists-of-outdoor-advertising-signs-(billboards)-on-which
space-is-leased-or-rented-by-the-owners-thereof-to-others-for-the
purpose-of-conveying-a-commercial-or-noncommercial-message--
outdoor-advertising-is-set-forth-as-a-single-use-unit-in-order-to
provide-maximum-control-over-the-location-of-outdoor-advertising
signs--

* NOTE: It is our understanding that Use Unit 25 is also an
allowed use in a C-2 zoning district.

Unit 25 - Professional Offices

-small professional offices that are compatible with medium
and high density residential areas.

includes:

-office for no more than four doctors
-office for no more than four dentists
-insurance sales

- studio for teaching any of the fine or liberal arts
- photography studio
- welfare agencies
- architect
- engineer
- attorney
- accountant
- business or management consultant
- realtor
- broker
- interior decorator
- veterinary small animal out-patient clinic

CONDITIONAL USES:

Unit 2 - City Wide Uses by Conditional Use Permit

-uses which may be conducted anywhere in the territorial jurisdiction, but which can be objectionable to nearby uses and are therefore permitted subject to conditional use permits in all district.

includes:

-public and private facilities:

- antique shop
- ~~airport, flying fields and heliport~~
- bed and breakfast facilities
- campground
- plant nursery
- ~~sewage disposal facility~~
- ~~solid waste disposal facility~~
- ~~water recreation area~~

-temporary facilities:

- ~~carnival, circus and tent revival~~
- ~~construction facility~~
- real estate sales office located at a specific location in an underdeveloped or partially developed subdivision and operated for the purpose of developing said subdivision.
- ~~sanitary landfill area~~

Unit 3 - Public Protection and Utility Facilities

-primarily of public protection and utility equipment which a) is ordinarily not located in the street right-of-way and can be significantly objectionable to nearby residential, commercial, and light industrial uses, and

- b) have requirements for specific locations or are needed to serve residential neighborhood or other local areas, and
c) are, therefore, permitted only on review.

includes:

- facilities of public service corporation
 - electric-regulating-station
 - pressure-control-station
 - transmitting-station-or-tower, radio, telegraph, telephone, television
 - other-utility-and-protective-facilities
 - airway-beacon
 - fire protection
 - police protection
- public-utility-maintenance-building, warehouse, or storage-building
- water-pipeline-rights-of-way, treatment-plant, water storage-facility
- railroad-rights-of-way-communication-and-utility-transmission-line-rights-of-way

* NOTE: the above restricted uses are applicable to above ground facilities, not those located below the ground.

Unit 21 - Warehousing and Wholesale

-includes warehousing, wholesaling and trucking of the type which is usually located to serve the central business district and is easily served by rail and highway transportation.

includes:

- warehouses
 - wholesale-establishments
 - trucking-establishments
 - building-material-establishments
 - air-conditioning
 - building-materials
 - electrical-supply
 - glass
 - heating-equipment
 - lumber
 - paint
 - plumbing-supplies
 - wall-paper
 - fuel-and-ice-establishments
 - bottled-gas
 - fuel-dealer
 - fuel-oil
 - ice-house
 - monument, including processing

-----vending-machines
-----service-establishments-
-----disinfecting-and-exterminating-services
-----janitorial-services
-----window-cleaning-service
-----contract-construction-services-
-----air-conditioning
-----building-construction
-----carpentry
-----cesspool-cleaning
-----concrete
 decorating
 electrical
-----furnace-cleaning
-----heating
-----heavy-construction
-----masonry
-----oil-well-drilling
-----painting
 paper hanging
-----plastering
-----plumbing
-----roofing
-----sheet-metal
-----stonework
-----tile-setting
-----water-well-drilling
-----housing-for-caretakers---

Unit-28---Center-for-Collecting-Recyclable-Materials

DEVELOPERS:
NANCHAR INC. AND MARJORIE S. BROOKS

BY: Melvin L. Millholland
Signature, for "DEVELOPERS"

MELVIN L. MILLHOLLAND
Print Name

PROJECT ENGINEER
Title

205 W. CENTER, FAYETTEVILLE
Address

501-443-4724
Phone Number

RESIDENTS:

Charles O. Davis
Signature

CHARLES O. DAVIS
Print Name

3359 SANDPIPER, FAY
Address

(501) 444-7562
Phone Number

Lagane D. McCarty
Signature
Print Name

3504 NORTHWOOD, FAY
Address

(501) 444-7183
Phone Number

Jay Ellis
Signature
Print Name

3441 Northwood Ave., Fay
Address

(501) 521-6592
Phone Number

Linda M. Hatcher
Signature

Linda M. Hatcher
Print Name

3532 Northwood Ave.
Address

(501) 443-5294
Phone Number


Signature

Glenn D. Clancy
Print Name

3549 Sandpiper ST
Address

443-9445
Phone Number

APR-26-2007 THU 02:57 PM

FAX NO.

P. 02



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867
www.swl.usace.mil/

Regulatory Office

FEB 16 2007

File No. 11252-3

Michele A. Harrington, P.A.
Harrington, Miller, Neihouse & Kieklak
113 E. Emma Avenue
P.O. Box 687
Springdale, Arkansas 72765-0687

Re: CMN Business Park II

Dear Ms. Harrington:

Please refer to your letters concerning the Section 404 permit issued for the CMN development and the associated mitigation and monitoring requirements for the project.

The mitigation and monitoring for Phases I and II of the project have been fully completed. We have reviewed the 5th-year monitoring report and the preliminary wetland assessment, and have also performed several site inspections. We have determined that the mitigation for Phases I and II has been successful and is in compliance with the permit conditions. There are no further mitigation requirements for these project areas.

Several of the mitigation activities within the Phase III area of the project have been completed as required. However, some of the proposed stream mitigation activities within Scull Creek could not be done until construction of the Van Asche Bridge. Therefore, a portion of the Phase III mitigation work still needs to be undertaken and monitored. This work would include stream restoration and enhancement through the bridge area with installation of a minimum flow channel, rock deflectors, and tree revetments. Monitoring of the Phase III mitigation would be required for two years after completion of the work.

The completed mitigation and deed restricted areas within the project may be donated to the Northwest Arkansas Land Trust for future environmental stewardship of the area. Further, if the land trust intends to retain responsibility for completion of the Phase III mitigation work, then the Phase III area could also be donated to the land trust. This is provided that the Section 404 permit is transferred to the land trust. The Land Trust Board of Directors would need to sign the transferee line of the permit and then submit it to Corps so that a permit transfer letter could be issued.

We appreciate the good cooperation from you and your clients throughout this successful mitigation project. If you have any questions about the permit, please contact Rocky Presley at (417) 334-4101. Mr. Kyle Clark at our Rogers office will be handling further compliance for the remaining mitigation work within Phase III. Future monitoring reports should be submitted to

APR-26-2007 THU 02:58 PM

FAX NO.

P. 03

Mr. Clark at the following address: Rogers Field Office, 2260 North 2nd Street, Rogers, AR 72756.

Sincerely,

Joyce C. Perser
for Jerry L. Harris, P.E.
Chief, Regulatory Office

Copy Furnished:

Steele Crossing POA
64 W. Colt Square
Fayetteville, Arkansas 72703

Mr. Manuel Barnes
EGIS, Inc.
314 South Main Street
Bentonville, AR 72712-5903

**STEELE CROSSING INVESTMENT III, LLC
P.O. BOX 22407
LITTLE ROCK, ARKANSAS 72221-2407
(501) 219-0919 TELEPHONE
(501) 219-0755 FAX**

July 5, 2007

City of Fayetteville Parks Board
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Re: Contribution of Nature Trail Lands – CMN Business Park II, Phase III

Ladies and Gentlemen:

This letter will confirm the intent of Steele Crossing Investment III, LLC ("Owner"), the owner of certain lands located in CMN Business Park II, Phase III, to donate certain lands located within the Deed Restricted Area to the City of Fayetteville for use in conjunction with the development of the trail along Scull Creek. The Owner proposes to deed the Restricted Area shown on Exhibit A to this letter (the "Property") to the City in fee simple absolute for use by the City subject to the restrictions and obligations imposed on the Property under the Restrictive Covenants for CMN Business Park II, Phase III, dated August 29, 2005, and field of record as Instrument 2005-0038911 on September 1, 2005, in the records of Washington County, Arkansas, a copy of which is attached (the "Restrictions").

Under the Restrictions, the Property must be used in a manner consistent with the existing restrictions imposed on the property under the Section 404 Permit issued by the Army Corps of Engineers which is attached as an exhibit to the Restrictions. Under the Permit, the Corps of Engineers required certain monitoring for a period of five years following the date of issue. Although the original five year period has expired, with the construction of the bridge for Van Asche across Scull Creek, the Corps, as a condition to its approval of the extension of the permit for the construction of the bridge, has extended the monitoring obligations an additional two years post construction. Following the contribution, the Owner would remain responsible for the monitoring and obligations of the owner of the Property under the Restrictions and Section 404 Permit through the period after completion of the construction of the bridge until the Corp releases the Property from further monitoring due to the construction of the bridge. To the extent that the construction of the nature trail or any other development activities of the City on the Property causes the monitoring period to be extended or creates any costs for compliance with the Permit within those areas affected by the City's work, then the City would be responsible for those additional costs.

The final determination of the area of the Property to be donated will be determined by the Owner and the City taking into account any portion thereof needed by the Owner in the development of the remaining property for use as set backs, buffers, landscape barriers, canopy requirements and other needs. The contribution would occur on or before December 31, 2007.

As an additional condition to the contribution, the Owner will have the Property appraised and City will acknowledge the value of the Property as set forth in the appraisal and will execute such documentation as required by the Internal Revenue Service to substantiate the donation of the Property to the City.

We are very excited about the opportunity to make this gift to the City and contribute to the Property to the development of the Fitness Trail and preservation of the Scull Creek Area for the benefit of the City and its residents.

If you have any questions, please do not hesitate to call me.

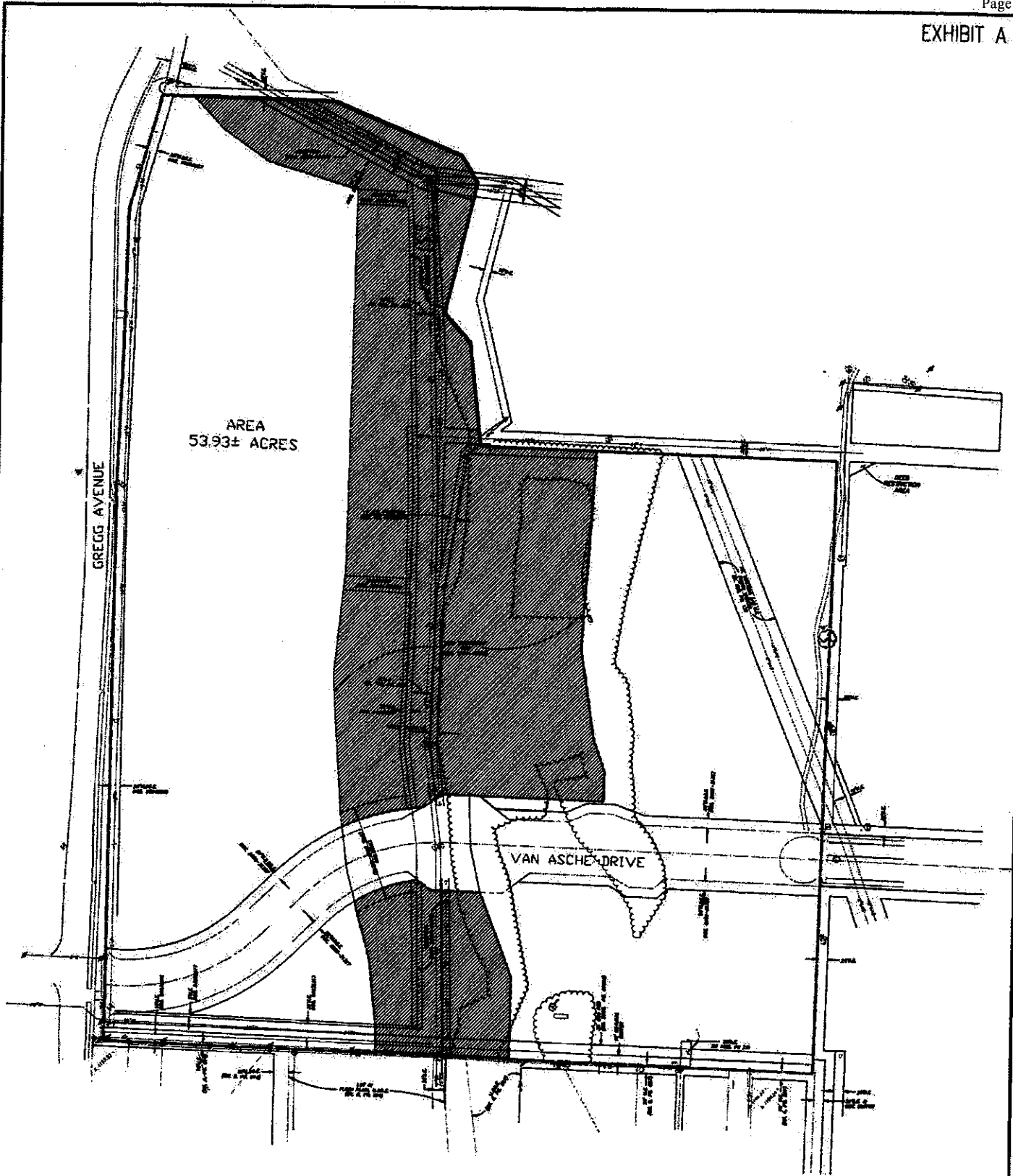
Sincerely,

A handwritten signature in dark ink, appearing to read "L. Boen - mgr.", is written over a horizontal line.

Steele Crossing Investment III, LLC
Leonard Boen, Manager

cc: Mr. Mike Morgan, McClelland Engineering

EXHIBIT A



TOTAL LAND AREA 53.93 ACRES

 DEED RESTRICTED AREA
 15.39 AC

MCE McClelland
 Consulting
 Engineers
 Incorporated
Designed To Serve

Little Rock
 900 W. Markham

Fayetteville
 1810 N. College

CMN BUSINESS PARK
 LOTS PHASE III
 DEED RESTRICTION EXHIBIT
 FAYETTEVILLE, ARKANSAS

APPROVED MGM	DRAWN BY LAM	DATE AUG. 2007	FIGURE NO.
SCALE NTS	JOB. NO. FY062189	FIELD BOOK --	1

**LOT 5 – TENANTS IN COMMON
1701 CENTerview DRIVE SUITE 201
LITTLE ROCK, ARKANSAS 72211
(501) 225-5700 TELEPHONE
(501) 227-0280 FAX**

July 5, 2007

City of Fayetteville Parks Board
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Re: Contribution of Nature Trail Lands – Lot 5, CMN Business Park II, Phase I

Ladies and Gentlemen:

This letter will confirm the intent of Irwin Real Estate Investors, LLC, LLEJ VII, LLC, CNRK, LLC, CMB Properties, LLC and Davis-Steele Crossing, LLC (collectively, the "Owner"), as tenants in common, the owner of certain lands located on parts of Lot 5, CMN Business Park II, Phase I, to donate certain lands located within the Deed Restricted Area to the City of Fayetteville. The Owner proposes to deed the Restricted Area shown on Exhibit A to this letter (the "Property") to the City in fee simple absolute for use by the City subject to the restrictions and obligations imposed on the Property under the Restrictive/Protective Covenants and or Bill of Assurance for CMN Business Park II, Phase I & II, filed of record in the records of Washington County, Arkansas, as well as the Deed Restrictions described in the Notice of Deed Restrictions initially filed December 14, 1999 (the "Restrictions").

Under the Restrictions, the Property must be used in a manner consistent with the existing restrictions imposed on the property under the Section 404 Permit issued by the Army Corps of Engineers which is attached as an exhibit to the Restrictions. Under the Permit, the Corps of Engineers required certain monitoring for a period of five years following the date of issue. As evidenced by the letter of the Corps of Engineers dated February 16, 2007, the required mitigation has been successfully completed and the monitoring period has expired. Upon acceptance of the Deed, the City would be responsible for the monitoring and obligations of the owner of the Property under the Restrictions and Section 404 Permit. The assumption of these obligations will be set forth on the deed to the City.

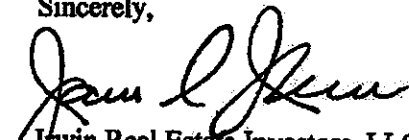
The final determination of the area of the Property to be donated will be determined by the Owner and the City taking into account any portion thereof needed by the Owner in the development of the remaining property for use as set backs, buffers, landscape barriers, canopy requirements and other needs. The contribution would occur on or before December 31, 2007.

As an additional condition to the contribution, the Owner will have the Property appraised and City will acknowledge the value of the Property as set forth in the appraisal and will execute such documentation as required by the Internal Revenue Service to substantiate the donation of the Property to the City.

We are very excited about the opportunity to make this gift to the City and contribute to the Property for the further preservation of the Mud Creek Area for the benefit of the City and its residents.

If you have any questions, please do not hesitate to call me.

Sincerely,



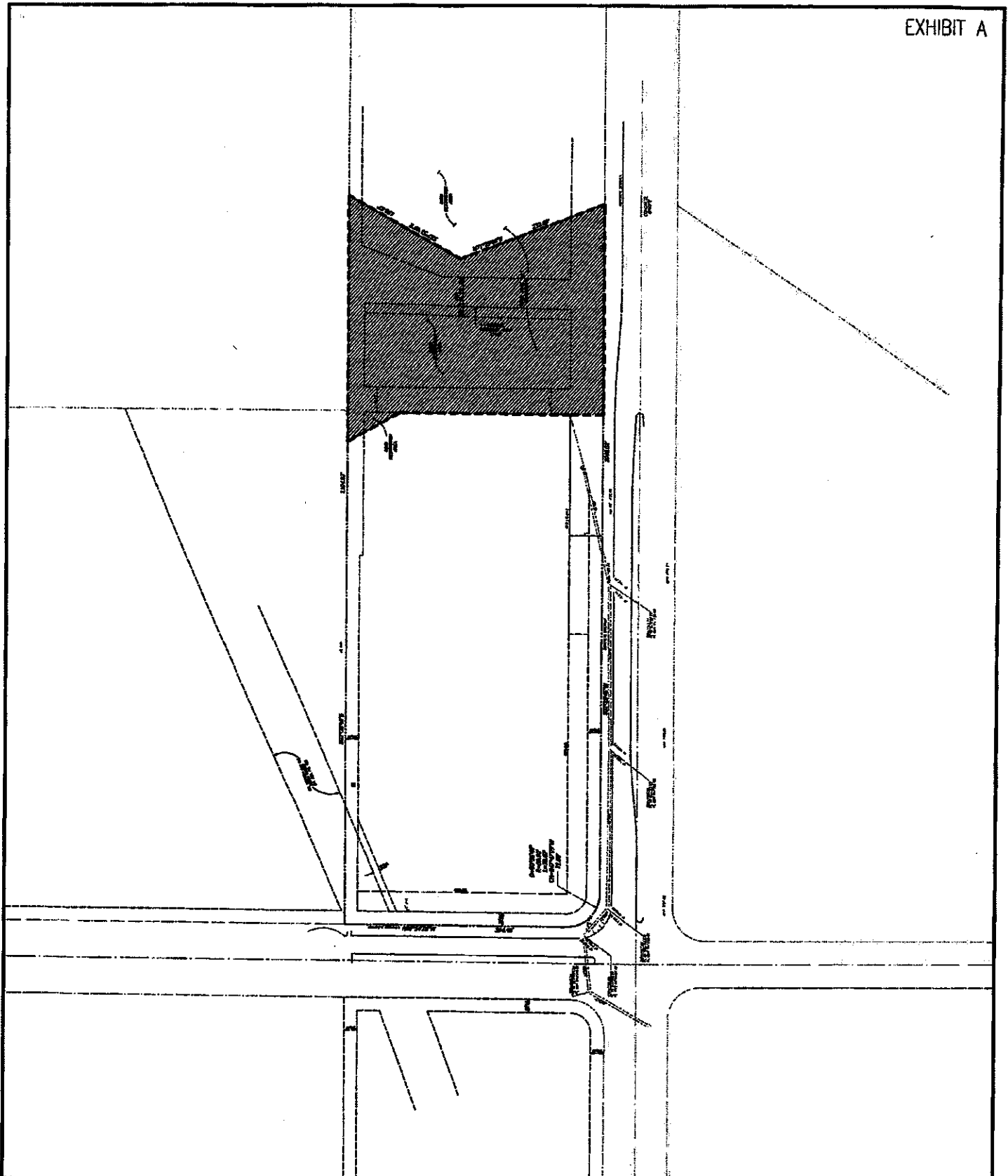
Irwin Real Estate Investors, LLC,
CNRK, LLC, CMB Properties, LLC
and Davis-Steele Crossing, LLC
Jim Irwin, as Agent



LLEJ VII, LLC
Leonard Boen, Manager

cc: Mr. Mike Morgan, McClelland Engineering

EXHIBIT A



TOTAL LAND AREA 9.32 ACRES



DEED RESTRICTED AREA
 2.49 AC



McClelland
 Consulting
 Engineers
 Incorporated

Little Rock
 900 W. Markham

Fayetteville
 1810 N. College

CMN BUSINESS PARK
 LOT 5
 DEED RESTRICTION EXHIBIT
 FAYETTEVILLE, ARKANSAS

APPROVED
 MGM
 SCALE
 NTS

DRAWN BY
 LAM
 JOB. NO.

DATE
 AUG 2007
 FIELD BOOK

FIGURE NO.
 1

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

11/6/2007

City Council Meeting Date

Ron Petrie

Submitted By

Engineering

Division

Operations

Department

Action Required:

A resolution to award a contract to _____ in the amount of \$ _____ for construction of improvements to Zion Road, from College Avenue to Vantage Drive and approve a project contingency of 5% of the Construction bid.

Cost of this request

\$ 24,496,473.00

Category / Project Budget

Zion Road (College to Vantage)

Program Category / Project Name

4520.9520.5809.00

Account Number

\$ 2,082,457.43

Funds Used to Date

Street Improvements

Program / Project Category Name

06035.1820

Project Number

\$ 22,414,015.57

Remaining Balance

2006A Sales Tax Construction

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

10.19.07
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

City Attorney

10/22/07
Date

Original Contract Number: _____

Finance and Internal Service Director

Date

Received in City Clerk's Office

ENTERED
10/19/07
abp

Mayor

10/23/07
Date

Received in Mayor's Office

ENTERED
10/23/07
JH

Comments:

Date: October 18, 2007

To: Fayetteville City Council

Thru: Dan Coody, Mayor
Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer *RP*

Subject: A resolution to award a contract to _____ in the amount of \$_____ for construction of improvements to Zion Road, from College Avenue to Vantage Drive and approve a project contingency of 5% of the Construction bid.

RECOMMENDATION:

Staff recommends approval of a construction contract with _____ in the amount of _____ for construction of improvements to Zion Road, from College Avenue to Vantage Drive, and approval of a project contingency of 5% of the construction bids..

BACKGROUND:

The Zion Road Project is one of the projects to be constructed under the Transportation Bond Program. The project consists of widening approximately 2400 feet of Zion Road to 3 lanes from College Avenue to just east of Vantage Drive, installation of an underground storm drainage system, and construction of 6 foot sidewalks on both sides of the roadway, as approved by the City Council and Street Committee. Relocation of existing water and sewer lines will also be completed as part of the project. The street and drainage designs as well as water and sewer plans have been prepared by the Engineering Division.

DISCUSSION:

Bids will be received on October 29th; a summary of the bids will be provided after the bids are received. The Engineer's Estimate of the construction cost is approximately \$2 million.

BUDGET IMPACT:

This construction contract will be funded with a portion of the 2006 Transportation Bond Issue proceeds. \$2,540,000 has been budgeted for the Zion Road Improvements Project.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH xxxxxxxxxxxxxxxx IN THE AMOUNT OF \$xxxxxxx.xx FOR IMPROVEMENTS TO ZION ROAD FROM COLLEGE AVENUE TO VANTANGE DRIVE; AND APPROVING A FIVE PERCENT (5%) PROJECT CONTINGENCY IN THE AMOUNT OF \$xxxxx.xx.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a Construction Contract with xxxxxxxxxxxxxxxx in the amount of \$xxxxxxx.xx for improvements to Zion Road from College Avenue to Vantage Drive. 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 Five Percent (5%) project contingency in the amount of \$xxxxx.xx.

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: ZION ROAD IMPROVEMENTS-COLLEGE AVENUE TO VANTAGE DRIVE

Contract No.: _____

THIS AGREEMENT is dated as of the _____ day of _____ in the year 20__ by and between The City of Fayetteville, Arkansas and _____ (hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

Widening and reconstruction of approximately 2300 LF of Zion Road, from College Avenue to Vantage Drive, including approximately 12,000 SY of Asphalt Concrete Hot Mix, 14,000 SY of 6" aggregate base, 4,800 LF of Curb and Gutter, 3,100 SY of concrete sidewalk, 1,600 LF of 18-36" Reinforced Concrete Pipe, 2,400 LF of 12" PVC water line, 1,200 LF of 8" PVC sewer line, and miscellaneous related items.

ARTICLE 2 - ENGINEER

2.01 The Project has been designed by the City of Fayetteville, Engineering Division, who is hereinafter called Engineer. The Engineer assumes all duties and responsibilities, and has the rights and authority assigned to Engineer in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3 - CONTRACT TIME

3.01 **TIME OF THE ESSENCE:**

A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

DOCUMENT 00500 – AGREEMENT (continued)

3.02 **DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:**

- A. The Work will be Substantially Completed within 330 calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and completed and ready for final payment in accordance with the GENERAL CONDITIONS within 360 calendar days after the date when the Contract Times commence to run.

3.03 **LIQUIDATED DAMAGES:**

- A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

- 4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the prices bid in the Proposal (BID FORM) which is hereto

DOCUMENT 00500 – AGREEMENT (continued)

attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.

- 4.02 As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.

ARTICLE 5 - PAYMENT PROCEDURES

5.01 **SUBMITTAL AND PROCESSING OF PAYMENTS:**

- A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.

5.02 **PROGRESS PAYMENTS, RETAINAGE:**

- A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.
1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

- a. 90% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and
 - b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.
2. Upon Substantial Completion, The City of Fayetteville shall pay an amount sufficient to increase total payments to Contractor to 95% of the Contract Price (with the balance being retainage), less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

5.03 **FINAL PAYMENT:**

- A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

- 6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:
- A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.
 - B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
 - C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
 - D. Contractor has carefully studied all:
 - (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and
 - (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.
 - E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of

DOCUMENT 00500 – AGREEMENT (continued)

the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.

- F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 **CONTENTS:**

- A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the

DOCUMENT 00500 – AGREEMENT (continued)

following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:

1. This Agreement.
2. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed.
 - b. Contractor's Bid.
 - c. Documentation submitted by Contractor prior to Notice of Award.
3. Performance, Payment, and other Bonds.
4. General Conditions.
5. Supplementary Conditions.
6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.
7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title:

ZION ROAD IMPROVEMENTS

8. Addenda numbers one (1) to _____ (___), inclusive.
9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 8 - MISCELLANEOUS

8.01 **TERMS:**

- A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 **ASSIGNMENT OF CONTRACT:**

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

8.03 **SUCCESSORS AND ASSIGNS:**

- A. The City of Fayetteville and Contractor each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

8.04 **SEVERABILITY:**

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

DOCUMENT 00500 – AGREEMENT (continued)

OTHER PROVISIONS: Not Applicable.

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor and Engineer. Two counterparts each has been delivered to The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor or identified by Engineer on their behalf.

This Agreement will be effective on _____, 20__, which is the Effective Date of the Agreement.

CONTRACTOR _____ CITY OF FAYETTEVILLE _____

By: _____ By: _____

Title: _____ Title: _____

(SEAL)

(SEAL)

Attest _____ Attest _____

Address for giving notices

Address for giving notices

DOCUMENT 00500 – AGREEMENT (continued)

_____	_____
_____	_____
License No. _____	(attach evidence of authority to sign and resolution or other documents authorizing execution of Agreement)
Agent for Service of process _____	

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

Approved As to Form:

By: _____

Attorney For: _____

END OF DOCUMENT 00500

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

Nov. 6, 2007
City Council Meeting Date

Paul A. Becker
Submitted By

Finance
Division

Finance
Department

Action Required:

Approval of a budget amendment to appropriate bond proceeds of the Sales and Use Tax Capital Improvement Bonds, Series 2007 for the Wastewater System Improvement Project in the amount of \$14,257,819.

Cost of this request

\$ -

Category / Project Budget

Program Category / Project Name

4520.9530.XXXX.XX

Account Number

\$ -

Funds Used to Date

Program / Project Category Name

Various

Project Number

\$ -

Remaining Balance

Sales Tax 2006A Construction

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Paul A. Becker
Department Director

10-5-07
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

D. J. Whit
City Attorney

10/10/07
Date

Received in City Clerk's Office

ENTERED

10/9/07

Paul A. Becker
Finance Director

10-10-07
Date

Received in Mayor's Office

ENTERED

10/12/07

Don Coady
Mayor

10/15/07
Date

Comments:



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Fayetteville City Council

FROM: Paul A. Becker, Finance Director

DATE: October 9, 2007

SUBJECT: Appropriation Authority for 2007 Series Bond Issue Proceeds

Background:

Pursuant to the passage of Ordinance 5054 on August 3, 2007, the series 2007 Bonds have been sold. To proceed with the identified projects it is necessary to create a new program in the Sales Tax 2006 Construction Fund and appropriate the proceeds in accordance with the attached budget amendment. This will supply the final funding needed to complete the WSIP project.

Recommendation:

It is recommended that the attached budget amendment be approved so that planned work associated with the WSIP can be completed.

Budget Impact:

The attached budget amendment will fund the Wastewater System Improvement Project the amount of \$14,257,819. The funds will come from the bond proceeds.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT TO APPROPRIATE THE PROCEEDS OF THE SALES AND USE TAX CAPITAL IMPROVEMENT BONDS, SERIES 2007 IN THE AMOUNT OF \$14,257,819.00 FOR THE WASTEWATER SYSTEM 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 a Budget Adjustment to appropriate the proceeds of the Sales and Use Tax Capital Improvement Bonds, Series 2007 in the amount of \$14,257,819.00 for the Wastewater System Improvement Project.

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

A. 4
Sales And Use Tax
CIP Bonus Series 2007
Page 4 of 4

Budget Year 2007	Department: 2007A Sales Tax Construction Exp Division: Program:	Date Requested 11/6/2007	Adjustment Number
--------------------------------	---	--	-------------------

Project or Item Added/Increased: \$14,257,819 is requested for the Wastewater System Improvements Project.	Project or Item Deleted/Reduced: \$14,257,819 is being requested from the Bond Proceeds account.
---	---

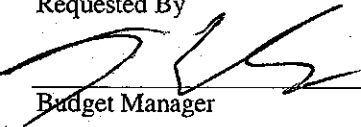
Justification of this Increase: To set up projects related to the passage of Ordinance 5054 on August 23, 2007.	Justification of this Decrease: To recognize proceeds from the sale of Sales Tax 2007 Construction Fund bonds.
--	---

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number	Amount	Project Number
Sewer Improvements	4520 9530 5815 00	14,257,819	02133 1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number	Amount	Project Number
Proceeds from bond sales	4520 0952 6884 00	14,257,819	02133 1

Approval Signatures  Requested By Date _____  Budget Manager Date 10-8-07 Department Director Date Finance & Internal Services Director Date Mayor Date	Budget Office Use Only Type: A B C <u>D</u> 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**

16-Oct-07
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 07-2722: (Menninger, 523): Submitted by Alan Reid for property located at 301 South West Avenue. The request is to vacate three rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of the property and the un-constructed extension of South Street on the north side of 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] 9-28-07
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 9-28-07
City Attorney Date

Original Contract Number: n/a

Paul a. Bach 10-1-07
Finance and Internal Service Director Date

Received in City Clerk's Office

ENTERED

9/28/07

[Signature] 10/1/07
Mayor Date

Received in Mayor's Office

ENTERED

10/1/07

Comments:

Tabled to Nov. 6, 2007 10/16/07

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 27, 2007

Subject: Right-of-way Vacation for Menniger (VAC 07-2722)

RECOMMENDATION

The Planning Commission voted to amend and forward the subject Vacation request, VAC 07-2722 Menniger. A motion to forward passed with a vote of 7-2-0 (Commissioners Myers and Ostner voted 'No').

Planning Staff recommended forwarding the requested vacation; however, with a different recommendation than that requested by the applicant and that forwarded by the Planning Commission.

BACKGROUND

This property is located on the west side of West Avenue at the intersection of South Street, Block 22 of Ferguson's Addition, and is adjacent to the City's Frisco Trail. There is an existing single-family structure located on the property. There is excess right-of-way along the property's West Avenue frontage, an un-built alley right-of-way along the west side of the property and the un-constructed extension of South Street adjacent to the north property line. These areas of right-of-way are proposed by the applicant to be vacated:

- (1) The **West Avenue** right-of-way is located on the west side of West Avenue in front of 301 West Avenue. This right-of-way is an approximately 20' wide and 50' long strip of un-constructed right-of-way adjacent to the existing West Avenue (*see attached exhibit*).
- (2) The **South Street** right-of-way is located on the north side of the property. This right-of-way is an approximately 65' wide and 140.78' long strip of un-constructed right-of-way.
- (3) The **un-constructed right-of-way** along the west property line was originally platted to be a 30' wide street. This street was never built and now adjoins a block of residences and the subject property. The right-of-way traverses from the southwest property line to the northwest property line (*see attached exhibit*).

City Council Meeting of October 16, 2007
Agenda Item Number

DISCUSSION

The Planning Commission forwarded this item to the City Council after making amendments to the requested vacation request at the Planning Commission meeting of September 24, 2007. The Planning Commission agreed with staff's recommendation to vacate the West Avenue right-of-way in front of the subject property (described in (1) above). The Planning Commission did not agree with vacating only half of the South Street right-of-way as requested by the applicant (described in (2) above). Their recommendation was to either fully vacate the South Street right-of-way, or to retain the entire right-of-way. Additionally, they recommended that the alley between Frisco Trail and the subject property be vacated as requested by the applicant (described in (3) above).

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 07-2722 SUBMITTED BY ALAN REID FOR PROPERTY LOCATED AT 301 SOUTH WEST AVENUE TO VACATE THREE RIGHTS-OF-WAY: THE ALLEY ALONG THE WEST SIDE OF THE PROPERTY, A PORTION OF WEST AVENUE ALONG THE EAST SIDE OF THE PROPERTY AND THE FULL WIDTH OF THE UN-CONSTRUCTED EXTENSION OF SOUTH STREET ON THE NORTH SIDE OF THE SUBJECT PROPERTY, A TOTAL OF 0.30 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 portions of platted right-of-way are 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 rights-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. A 10' utility easement shall be provided along the west side of West Avenue for the length of the property.

Page 2
Ord.

2. Relocation of existing utilities shall be at the owner/developer's expense including the possible need for utility easements.

PASSED and **APPROVED** this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

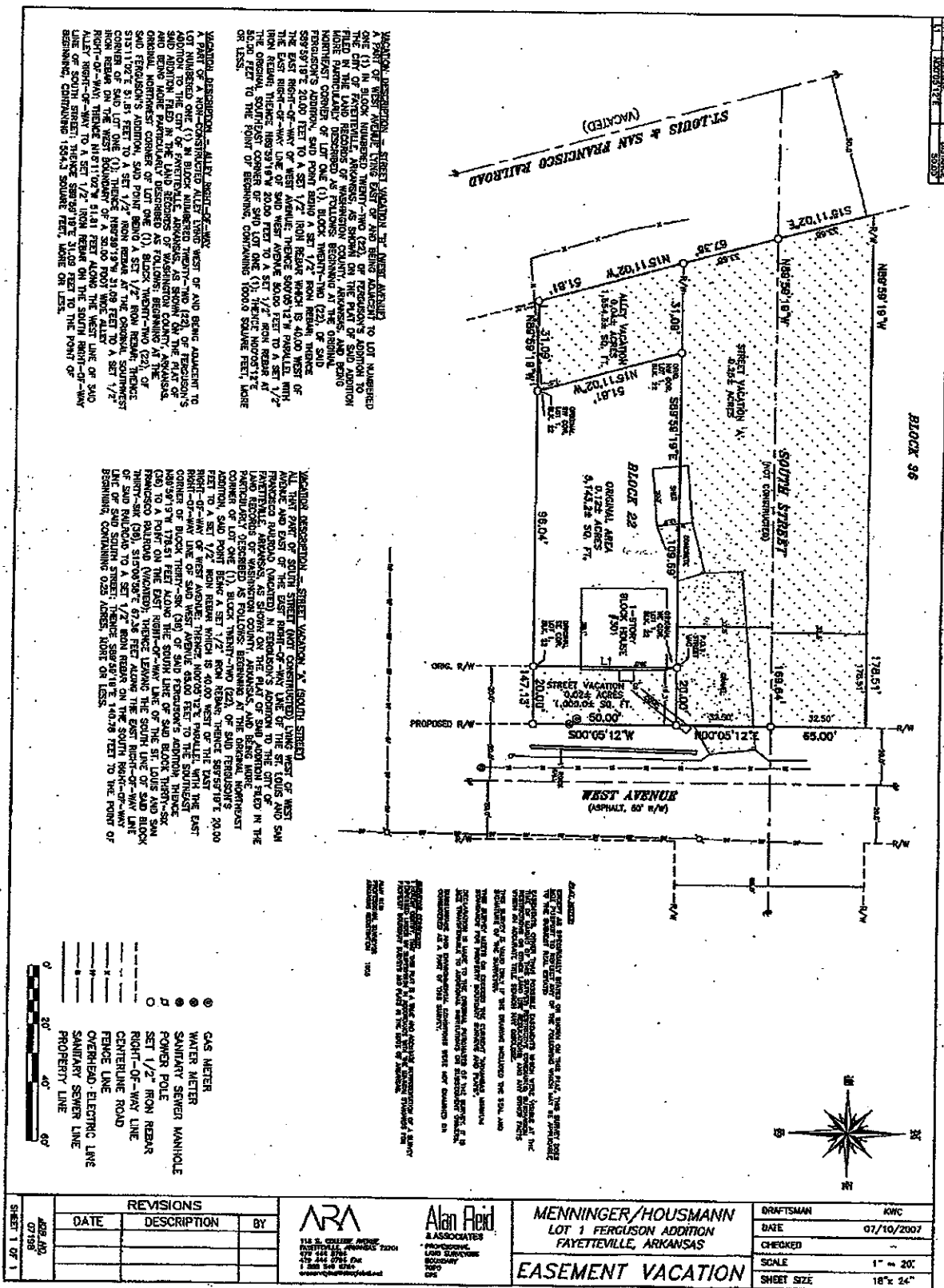


EXHIBIT "B"
VAC 07-2722

VACATION DESCRIPTION - STREET VACATION "B" (WEST AVENUE)

A PART OF WEST AVENUE LYING EAST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S89°59'19"E 20.00 FEET TO A SET 1/2" IRON REBAR WHICH IS 40.00 WEST OF THE EAST RIGHT-OF-WAY OF WEST AVENUE; THENCE S00°05'12"W PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE 50.00 FEET TO A SET 1/2" IRON REBAR; THENCE N89°59'19"W 20.00 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHEAST CORNER OF SAID LOT ONE (1); THENCE N00°05'12"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1000.0 SQUARE FEET, MORE OR LESS.

VACATION DESCRIPTION - ALLEY RIGHT-OF-WAY

A PART OF A NON-CONSTRUCTED ALLEY LYING WEST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHWEST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S15°11'02"E 51.81 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE N89°59'19"W 31.09 FEET TO A SET 1/2" IRON REBAR ON THE WEST BOUNDARY OF A 30.00 FOOT WIDE ALLEY RIGHT-OF-WAY; THENCE N15°11'02"W 51.81 FEET ALONG THE WEST LINE OF SAID ALLEY RIGHT-OF-WAY TO A SET 1/2" IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH STREET; THENCE S89°59'19"E 31.09 FEET TO THE POINT OF BEGINNING, CONTAINING 1554.3 SQUARE FEET, MORE OR LESS.

VACATION DESCRIPTION - STREET VACATION "A" (SOUTH STREET)

ALL THAT PART OF SOUTH STREET (NOT CONSTRUCTED) LYING WEST OF WEST AVENUE AND EAST OF THE EAST RIGHT-OF-WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD (VACATED) IN FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S89°59'19"E 20.00 FEET TO A SET 1/2" IRON REBAR WHICH IS 40.00 WEST OF THE EAST RIGHT-OF-WAY OF WEST AVENUE; THENCE N00°05'12"E PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE 65.00 FEET TO THE SOUTHEAST

CORNER OF BLOCK THIRTY-SIX (36) OF SAID FERGUSON'S ADDITION; THENCE N89°59'19"W 178.51 FEET ALONG THE SOUTH LINE OF SAID BLOCK THIRTY-SIX (36) TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD (VACATED); THENCE LEAVING THE SOUTH LINE OF SAID BLOCK THIRTY-SIX (36), S15°08'58"E 67.36 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD TO A SET 1/2" IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SOUTH STREET; THENCE S89°59'19"E 140.78 FEET TO THE POINT OF BEGINNING, CONTAINING 0.25 ACRES, MORE OR LESS.



PC Meeting of September 24, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: September 18, 2007 Updated September 27, 2007

VAC 07-2722: (MENNIGER, 523): Submitted by ALAN REID for property located at 301 S. WEST AVENUE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.12 acres. The request is to vacate 3 rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of the property and the un-constructed extension of South Street on the north side of the subject property.

Planner: Jesse Fulcher

Findings:

Property Description and Background: This property is located on the west side of West Avenue at the intersection of South Street, Block 22 of Ferguson's Addition, and is adjacent to the City's Frisco Trail. There is an existing single-family structure located on the property. There is excess right-of-way along the property's West Avenue frontage, an un-built street right-of-way along the west side of the property and the un-constructed extension of South Street adjacent to the north property line. These areas of right-of-way are proposed to be vacated.

- (1) The **West Avenue** right-of-way is located on the west side of West Avenue in front of 301 West Avenue. This right-of-way is an approximately 20' wide and 50' long strip of un-constructed right-of-way adjacent to the existing West Avenue (*see attached exhibit*).
- (2) The **South Street** right-of-way is located on the north side of the property. This right-of-way is an approximately 65' wide and 140.78' long strip of un-constructed right-of-way.
- (3) The **un-constructed right-of-way** along the west property line was originally platted to be a 30' wide street. This street was never built and now adjoins a block of residences and the subject property. The right-of-way traverses from the southwest property line to the northwest property line (*see attached exhibit*).

The total acreage of the three areas of right-of-way is 0.18 acres (7,923.30 sq. ft.). These areas are not anticipated to be needed by the City for transportation purposes because:

- (1) 40' of required right-of-way for **West Avenue** would remain in accordance with the

- Master Street Plan's designation of the street as an ST-40 street; and
- (2) the extension of South Street would be very steep due to the substantial slope on the west side of the property. Additionally, any extension of the street to the west would require construction over/across a City trail.
 - (3) the **un-constructed right-of-way** bisecting the property is not a feasible for reasonable street connection along any point of this block because of existing development. Additionally, the southern 178' of right-of-way, which provides the connection to Prairie Street, was vacated by Ordinance No. 5017.

Request: The applicant is requesting to vacate 0.18 acres of right-of-way within Block 22 of Ferguson's Addition.

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
Cox Communications	No Objections
Southwestern Electric Power Company	No Objections
Arkansas Western Gas	Provide a 10' utility easement on the west side of West Avenue.
Southwestern Bell Telephone	Relocation of existing utilities shall be at the owner/developer's expense including the possible need for utility easements.

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections
Engineering-Trails Coordinator	Do not vacate alley right-of-way, approximately 31.09', from the south property line through the right-of-way for South Street, approximately 85.49'.

Public Comment: No objections to the project have been received.

Recommendation: Staff recommends forwarding (VAC 07-2722) to the City Council with a recommendation for approval subject to the following conditions of approval.

Conditions of Approval:

1. Staff recommends retaining the approximately 31.09' alley right-of-way along the west side of the property for its entire length through the right-of-way of South Street, approximately 85.49'. Should the Planning Commission forward the requested vacation to the City Council, finding in favor of staff's recommendation, a new legal description and survey shall be provided prior to the request being placed on the City Council agenda.

9/24/07 PC: THE PLANNING COMMISSION FORWARDED THE REQUEST TO THE CITY COUNCIL WITH THE FOLLOWING RECOMMENDATION:

- a. RECOMMENDED IN FAVOR OF VACATING 20' OF THE WEST AVE. RIGHT-OF-WAY.
 - b. RECOMMENDED IN FAVOR OF VACATING THE 31.09' ALLEY ALONG THE WEST PROPERTY LINE.
 - c. THE PLANNING COMMISSION WAS NOT IN FAVOR OF VACATING HALF OF THE RIGHT-OF-WAY FOR SOUTH STREET. THE RECOMMENDATION WAS TO VACATE ALL OF THE RIGHT-OF-WAY FOR SOUTH STREET, OR NONE OF THE RIGHT-OF-WAY FOR SOUTH STREET. SHOULD THE SOUTH STREET RIGHT-OF-WAY NOT BE VACATED, THEN THE 20' OF WEST AVE. RIGHT-OF-WAY AND THE 31.09' OF ALLEY RIGHT-OF-WAY SHALL ONLY BE VACATED SOUTH OF SOUTH STREET.
2. A 10' utility easement shall be provided along the west side of West Avenue for the length of the property.
 3. Relocation of existing utilities shall be at the owner/developer's expense including the possible need for utility easements.

CITY COUNCIL ACTION: Required PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: September 24, 2007

Motion: Graves

Second: Trumbo

Vote: 7-2-0 (Ostner and Meyers voted no)

Comments: _____

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

By

Date

PETITION TO VACATE A PORTION OF WEST AVENUE RIGHT-OF-WAY, A PORTION OF SOUTH STREET (NOT CONSTRUCTED) RIGHT-OF-WAY AND A PORTION OF AN ALLEY (NOT CONSTRUCTED) RIGHT-OF-WAY, ALL IN FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS.

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the streets and alley herein sought to be abandoned and vacated, lying in Block 22, Ferguson Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a portion of said streets and alley which is described as follows:

SEE ATTACHED SHEET FOR LEGAL DESCRIPTIONS OF AREAS TO BE VACATED

That the abutting real estate affected by said abandonment of the alley and street right-of-way is (1) an abandoned railroad right-of-way lying to the West of petitioners property, owned by the City of Fayetteville, Arkansas, (2) a wooded tract of land lying to the North of South Street owned by the City of Fayetteville, Arkansas, and (3) the petitioners property being Lot 1, Block 22, Ferguson Addition, City of Fayetteville, Arkansas, and that the public interest and welfare would not be adversely affected by the abandonment of the above described portion of the utility easement.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described portion of the street and alley right-of-way.

Dated this 6 day of July, 20 07.

SARA HAUSMAN

Printed Name

S-j-H-

Signature

ANTON MENNINGER

Printed Name

Antony Menninger

Signature

VACATION DESCRIPTION - STREET VACATION "B" (WEST AVENUE)

A PART OF WEST AVENUE LYING EAST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S89°59'19"E 20.00 FEET TO A SET 1/2" IRON REBAR WHICH IS 40.00 WEST OF THE EAST RIGHT-OF-WAY OF WEST AVENUE; THENCE S00°05'12"W PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE 50.00 FEET TO A SET 1/2" IRON REBAR; THENCE N89°59'19"W 20.00 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHEAST CORNER OF SAID LOT ONE (1); THENCE N00°05'12"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1000.0 SQUARE FEET, MORE OR LESS.

VACATION DESCRIPTION - ALLEY RIGHT-OF-WAY

A PART OF A NON-CONSTRUCTED ALLEY LYING WEST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHWEST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S15°11'02"E 51.81 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE N89°59'19"W 31.09 FEET TO A SET 1/2" IRON REBAR ON THE WEST BOUNDARY OF A 30.00 FOOT WIDE ALLEY RIGHT-OF-WAY; THENCE N15°11'02"W 51.81 FEET ALONG THE WEST LINE OF SAID ALLEY RIGHT-OF-WAY TO A SET 1/2" IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH STREET; THENCE S89°59'19"E 31.09 FEET TO THE POINT OF BEGINNING, CONTAINING 1554.3 SQUARE FEET, MORE OR LESS.

VACATION DESCRIPTION - STREET VACATION "A" (SOUTH STREET)

A PART OF SOUTH STREET (NOT CONSTRUCTED) LYING NORTH OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S89°59'19"E 20.00 FEET TO A SET 1/2" IRON REBAR WHICH IS 40.00 WEST OF THE EAST RIGHT-OF-WAY OF WEST AVENUE; THENCE N00°05'12"E PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE 32.50 FEET TO A SET 1/2" IRON REBAR IN THE CENTER OF SAID SOUTH STREET; THENCE N89°59'19"W 169.64 FEET ALONG THE CENTERLINE OF SAID SOUTH STREET TO A SET 1/2" IRON REBAR AT THE EAST RIGHT-OF-WAY OF THE ST. LOUIS & SAN FRANCISCO RAILROAD (VACATED); THENCE LEAVING THE CENTERLINE OF SAID SOUTH STREET, S15°08'58"E 33.68 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD TO A SET 1/2" IRON REBAR AT THE SOUTH RIGHT-OF-WAY LINE OF SAID SOUTH STREET; THENCE S89°59'19"E 140.78 FEET TO THE POINT OF BEGINNING, CONTAINING 5369.3 SQUARE FEET, MORE OR LESS.

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: OZARKS ELECTRIC

APPLICANT NAME: Sonia Hausmann / Anton Menninger APPLICANT PHONE: 444-7748
REQUESTED VACATION (applicant must check all that apply): 444-8784

- ☐ 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**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR 72701

(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:

Mike Phipps 8-13-07
Signature of Utility Company Representative

System STAKING TECH
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/16/07

UTILITY COMPANY: Lox Communication

APPLICANT NAME: SANTA HAUSMAN / WITA MENNIGER APPLICANT PHONE: 444-7748
REQUESTED VACATION (applicant must check all that apply): 444-8784

- ☐ 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**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR. 72701

(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:

Michael Smater
Signature of Utility Company Representative

Surveyor
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: AEP / SWEPCO

APPLICANT NAME: SONJA HANSMAKS / ADAM MENNINGER APPLICANT PHONE: 444-7748

REQUESTED VACATION (applicant must check all that apply): 444-8784

- ☐ 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**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR 72701

(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:

Jim Dargatz
Signature of Utility Company Representative

ENGINEER I
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: AWG

APPLICANT NAME: SONJA HANSMANN/AUTON MENNINGER APPLICANT PHONE: 444-7748

REQUESTED VACATION (applicant must check all that apply): 444-8784

- ☐ 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**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR. 72701

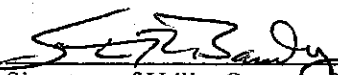
(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

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:

ARKANSAS WESTERN GAS IS REQUESTING A 10 FOOT EASEMENT ALONG THE WEST
SIDE OF WEST AVENUE.


Signature of Utility Company Representative

FAYETTEVILLE ASSISTANT OPERATING MANAGER
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 8/15/07UTILITY COMPANY: AT&TAPPLICANT NAME: Anton Menninger & Sonja Hausmann APPLICANT PHONE: 404-7784
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**)

301 West Ave Fayetteville

(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: IF ANY EXISTING FACILITIES
 REQUIRE RELOCATION - THIS WILL BE DONE @ THE PROPERTY
 OWNER'S EXPENSE AND UTILITY EASEMENTS MAY NEED TO BE
 GRANTED IF FACILITIES REQUIRE RELOCATION

Susan K Clower
 Signature of Utility Company Representative

MANAGER ENGINEERING DESIGN
 Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: FAYETTEVILLE WATER & SEWER

APPLICANT NAME: SONJA HAUSMAN/ANTON MENNINGER APPLICANT PHONE: 444-7748
REQUESTED VACATION (applicant must check all that apply): 444-8784

- ☐ 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**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR 72701

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above. TH
- ☐ 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

Water & Sewer Operations Mgr
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: FAYETTEVILLE STREET DEPT.

APPLICANT NAME: SONIA HAUSHALTS/AUSTON HEDNIGER APPLICANT PHONE: 444- 7748
REQUESTED VACATION (applicant must check all that apply): 444- 8784

- ☐ 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**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR 72701

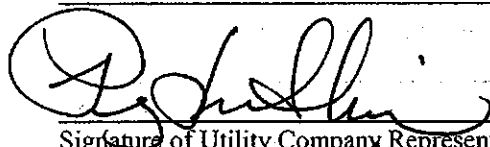
(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

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.)

* PER MATT MAHALEVICH - KEEP 31.09' (ALLEY WIDTH) ALL THE WAY ACROSS THE PROPERTY & THE WEST END OF SOUTH STREET ROW FOR TRAIL BUFFER.

No objections provided the following conditions are met:



Signature of Utility Company Representative

8/2/07

Transportation Supt
Operations Department
TRANSPORTATION DIVISION
CITY OF FAYETTEVILLE

575-8227 OFFICE

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: FAYETTEVILLE SOLID WASTE

APPLICANT NAME: SORJA HAUSSMAN / ANTON MENNINGER APPLICANT PHONE: 444-7748

REQUESTED VACATION (applicant must check all that apply): 444-8784

☐ 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**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR 72701

(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 Papp
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

City as enjoiner
to VAC
Meminger

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: August 16, 2007

Address / location of vacation: 301 S. West Avenue, Fayetteville
765-655 25-000

Adjacent property address: Parcel #s 765-02035-000, 765-02033-000, 765-02035-000

Lot: _____ Block: _____ Subdivision: _____

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)

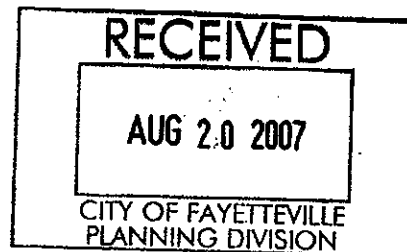
ADJACENT PROPERTY OWNERS COMMENTS:

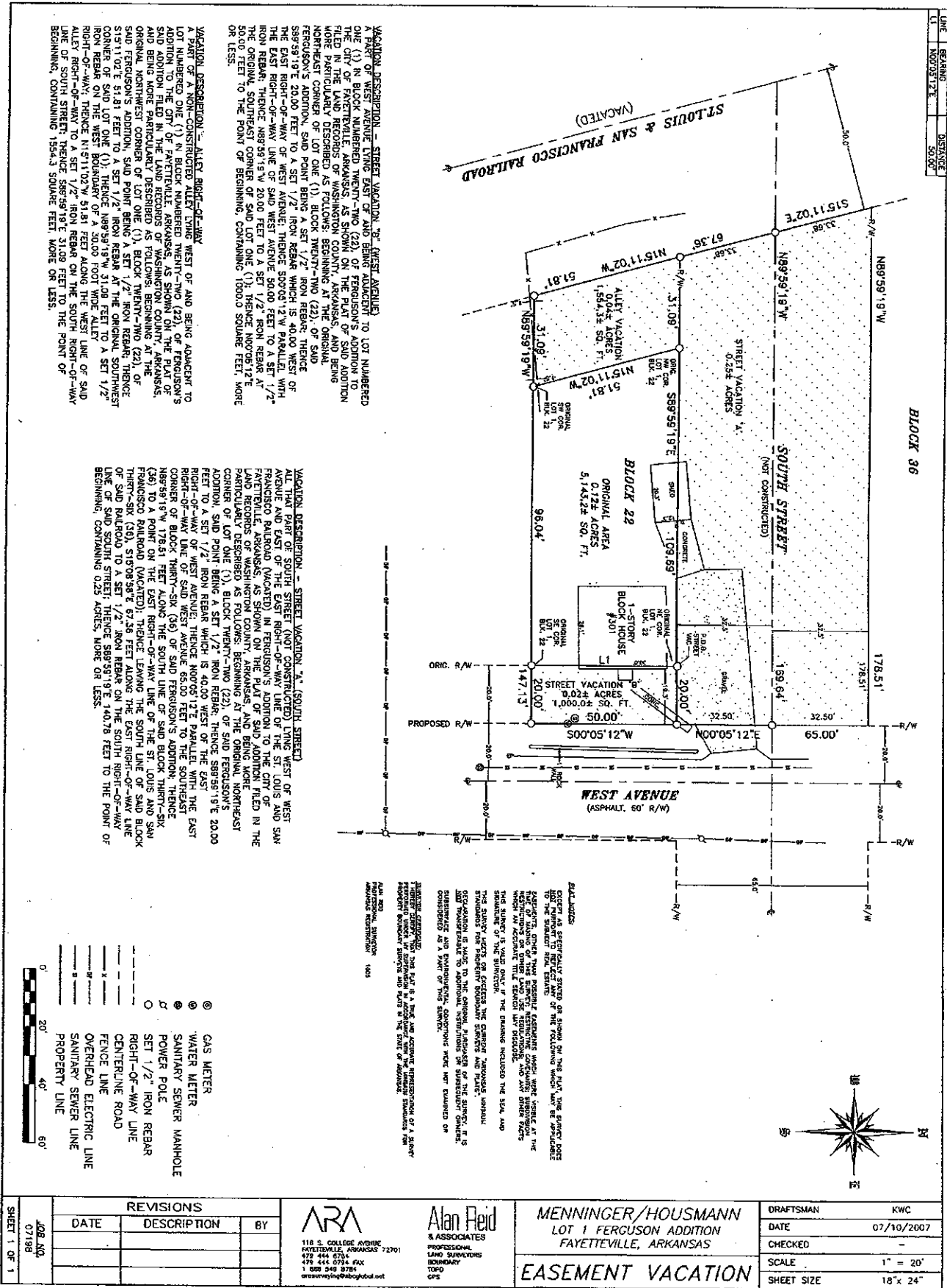
- ☐ I have been notified of the requested vacation and decline to comment.
- ☐ I do not object to the vacation described above.
- ☐ I do object to the requested vacation because:

City of Fayetteville
Name of Adjacent Property Owner (printed)

Signature of Adjacent Property Owner

Anton Meminger & Sonja Hausmann
Applicant Name

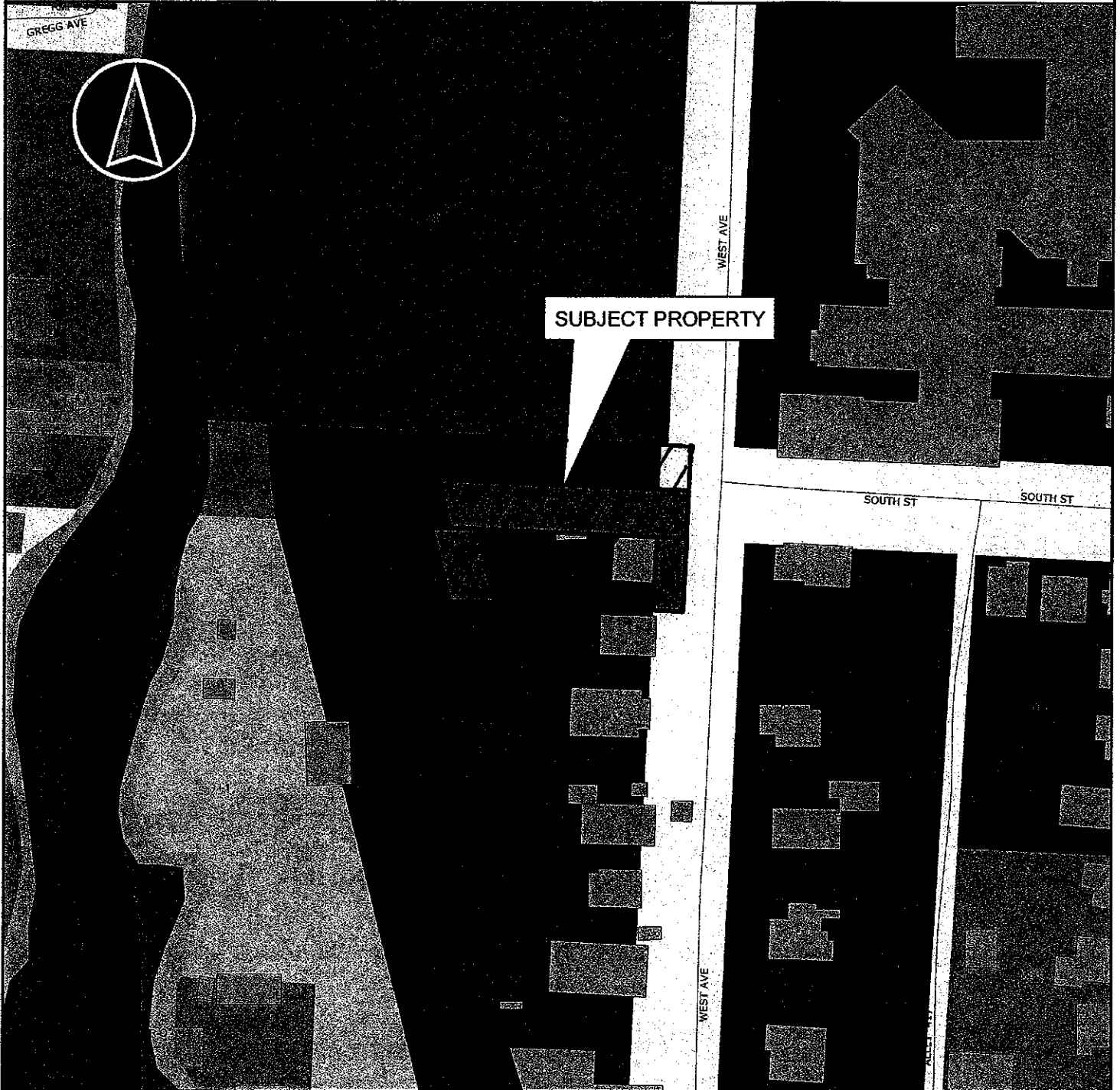




VAC07-2722

Close Up View

MENNINGER



Overview

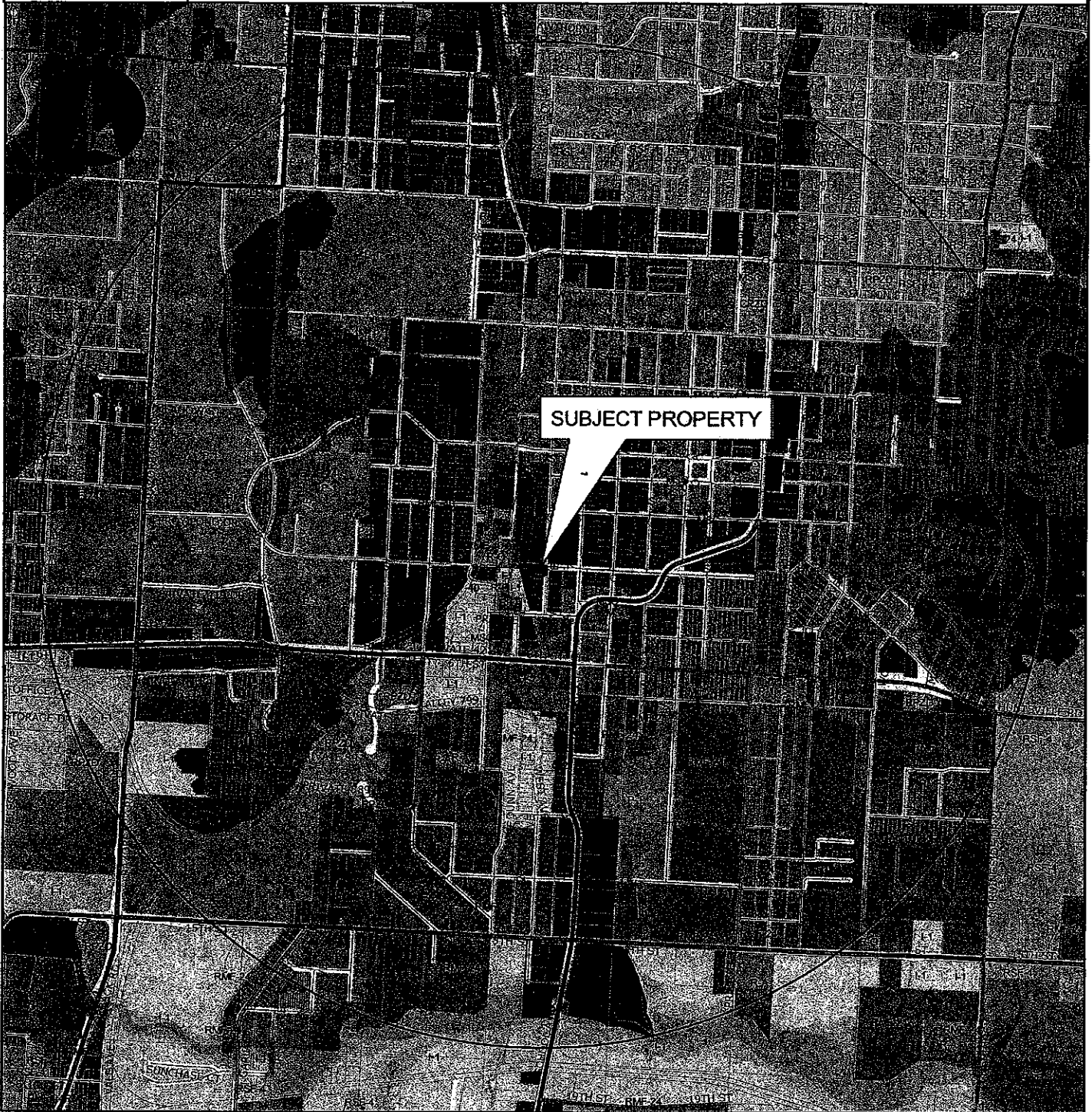


0 37.5 75 150 225 300 Feet

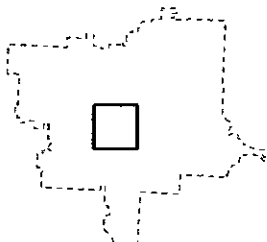
VAC07-2722

One Mile View

MENNINGER



Overview



Legend

Subject Property

VAC07-2722

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles



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
Date: 11 October, 2007
Subject: Menninger Vacation (VAC 07-2722)

Please substitute the attached, amended legal descriptions and exhibits that represent Exhibits "A" and "B" for VAC 07-2722 (Menninger).

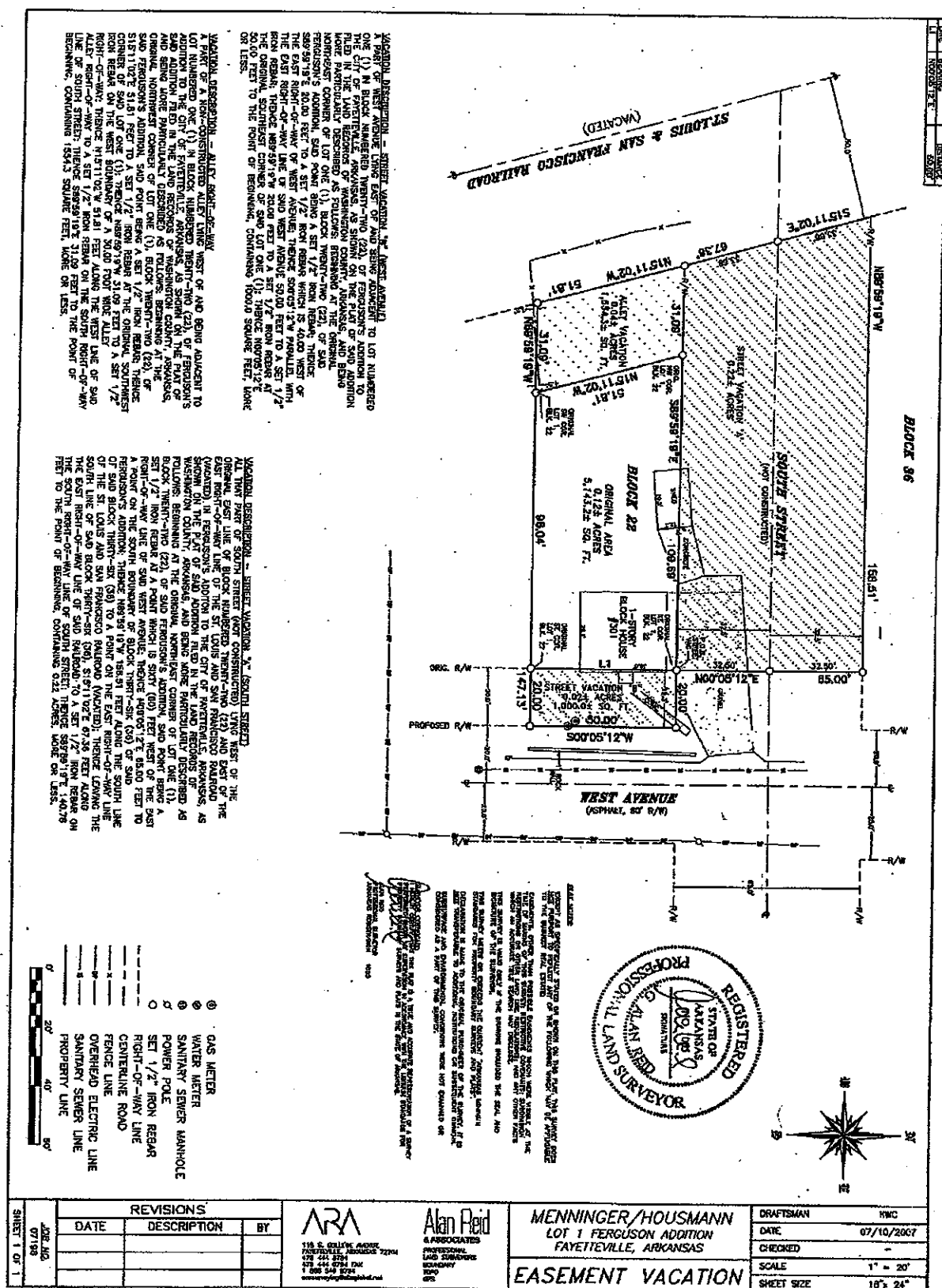


EXHIBIT "B"
VAC 07-2722

VACATION DESCRIPTION - STREET VACATION "B" (WEST AVENUE)

A PART OF WEST AVENUE LYING EAST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S89°59'19"E 20.00 FEET TO A SET 1/2" IRON REBAR WHICH IS 40.00 WEST OF THE EAST RIGHT-OF-WAY OF WEST AVENUE; THENCE S00°05'12"W PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE 50.00 FEET TO A SET 1/2" IRON REBAR; THENCE N89°59'19"W 20.00 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHEAST CORNER OF SAID LOT ONE (1); THENCE N00°05'12"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1000.0 SQUARE FEET, MORE OR LESS.

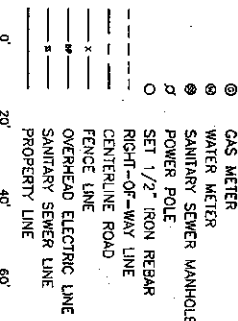
VACATION DESCRIPTION - ALLEY RIGHT-OF-WAY

A PART OF A NON-CONSTRUCTED ALLEY LYING WEST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHWEST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S15°11'02"E 51.81 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE N89°59'19"W 31.09 FEET TO A SET 1/2" IRON REBAR ON THE WEST BOUNDARY OF A 30.00 FOOT WIDE ALLEY; THENCE N15°11'02"W 51.81 FEET ALONG THE WEST LINE OF SAID ALLEY RIGHT-OF-WAY TO A SET 1/2" IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH STREET; THENCE S89°59'19"E 31.09 FEET TO THE POINT OF BEGINNING, CONTAINING 1554.3 SQUARE FEET, MORE OR LESS.

VACATION DESCRIPTION - STREET VACATION "A" (SOUTH STREET)

ALL THAT PART OF SOUTH STREET (NOT CONSTRUCTED) LYING WEST OF THE ORIGINAL EAST LINE OF BLOCK NUMBERED TWENTY-TWO (22) AND EAST OF THE EAST RIGHT-OF-WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD (VACATED) IN FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR AT A POINT WHICH IS SIXTY (60) FEET WEST OF THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE; THENCE N00°05'12"E 65.00 FEET TO A POINT ON THE SOUTH BOUNDARY OF BLOCK THIRTY-SIX (36) OF SAID FERGUSON'S ADDITION; THENCE N89°59'19"W 158.51 FEET ALONG THE SOUTH LINE OF SAID BLOCK THIRTY-SIX (36) TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD (VACATED); THENCE LEAVING THE SOUTH LINE OF SAID BLOCK THIRTY-SIX (36), S15°11'02"E 67.36 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD TO A SET 1/2" IRON REBAR ON

THE SOUTH RIGHT-OF-WAY LINE OF SOUTH STREET; THENCE S89°59'19"E 140.78
FEET TO THE POINT OF BEGINNING, CONTAINING 0.22 ACRES, MORE OR LESS.

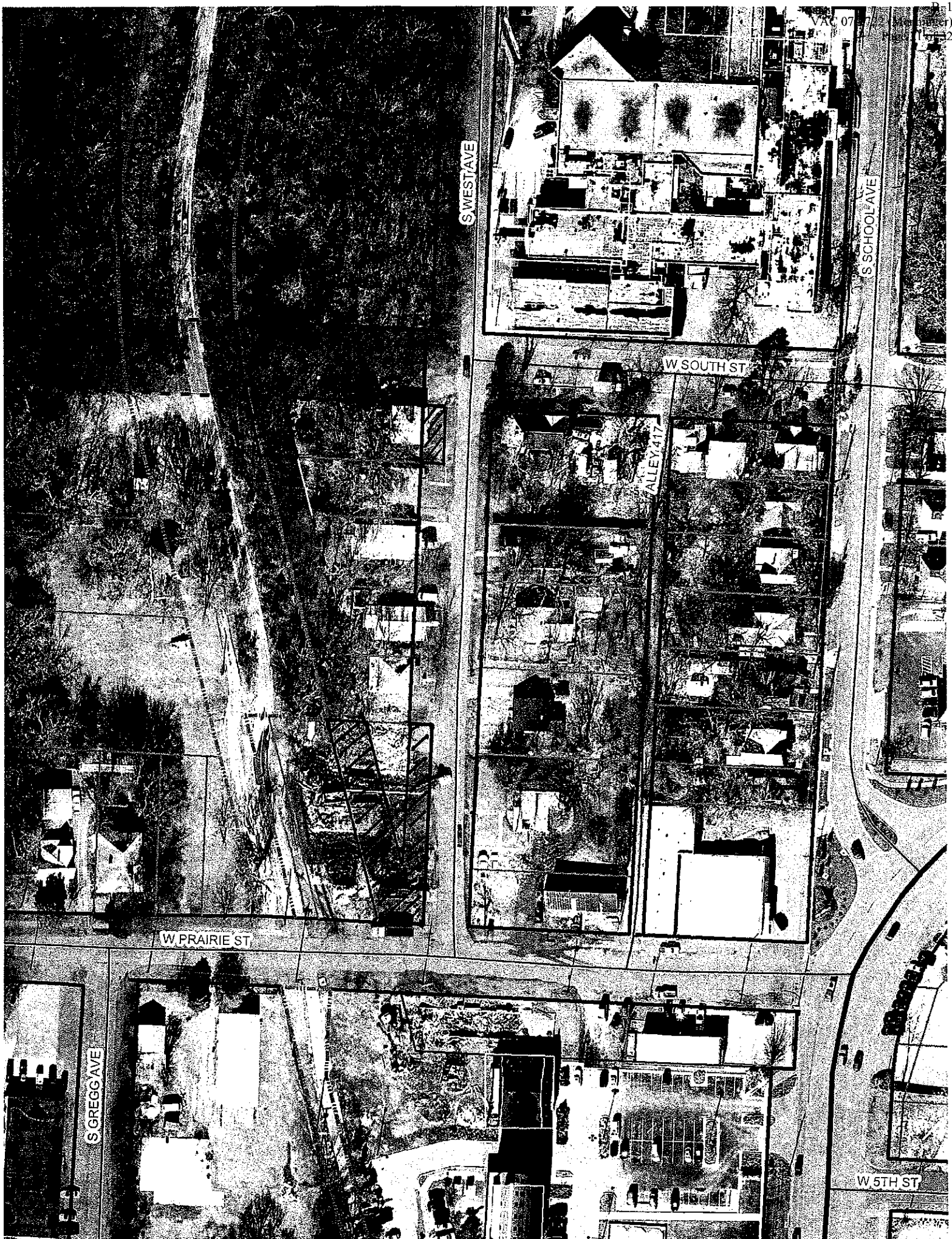


ARA
118 S. COLLEGE AVENUE
FAYETTEVILLE, ARKANSAS 72701
479 444 8784
479 444 0794 FAX
1 888 549 8784
erasurveying@abcglobal.net

Alan Reid
& ASSOCIATES
PROFESSIONAL
LAND SURVEYORS
BOUNDARY
TOPO
GPS

MENNINGER/HOUSMANN
LOT 1 FERGUSON ADDITION
FAYETTEVILLE, ARKANSAS
EASEMENT VACATION

DRAFTSMAN	KWC
DATE	07/10/2007
CHECKED	-
SCALE	1" = 20'
SHEET SIZE	18" x 24"



City of Fayetteville Staff Review Form

C. 1
ADM 07-2762
Amend Chapter 161
Page 1 of 4

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

11/6/2007

City Council Meeting Date
Agenda Items Only

Tim Conklin

Submitted By

Planning and Development Mgt.

Division

Operations

Department

Action Required:

An ordinance to amend Chapter 161: Zoning Regulations, Section 161.26 (B)(1) District P-1 Institutional, of the UDC to add Use Unit 5 Government Facilities as a permitted use within the P-1 zoning district (ADM 07-2762).

N/A

Cost of this request

N/A

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 ☐

[Signature]
Department Director

10.19.07
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

[Signature]
City Attorney

10-24-07
Date

Original Contract Number: _____

Paul A. Beal
Finance and Internal Service Director

10-24-07
Date

Received in City
Clerk's Office



[Signature]
Mayor

10/24/07
Date

Received in
Mayor's Office



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Tim Conklin, Planning and Development Management Director *T.C.*

Date: October 11, 2007

Subject: An ordinance to amend Chapter 161: Zoning Regulations, Section 161.26 (B)(1) District P-1 Institutional, of the UDC to add Use Unit 5 Government Facilities as a permitted use within the P-1 zoning district (ADM 07-2762).

RECOMMENDATION

Planning Staff and the Planning Commission recommend approval of an ordinance amending Section 161.26 (B)(1) District P-1 Institutional, of the UDC to add Use Unit 5 Government Facilities as a permitted use within the P-1 zoning district.

BACKGROUND

The City Council recently amended Chapter 162 of the UDC to remove duplicate references of uses within several use units. Staff has recently discovered the need to add Use Unit 5 Government Facilities to the P-1 Zoning District. The P-1 zoning district designation is "designed to protect and facilitate use of property owned by larger public institutions and church related organizations."

The description of Use Unit 5 is to allow main facilities of government agencies and permits the following uses: city or county jail, courts of law, fire station governmental agencies and offices, library, police station, post office, and detention home.

DISCUSSION

On October 8, 2007 the Planning Commission voted 6-0-0 in favor of forwarding this amendment to the City Council.

BUDGET IMPACT

None.

AN ORDINANCE AMENDING TITLE XV: UNIFIED
DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE
TO AMEND SECTION 161.26, DISTRICT P-1 INSTITUTIONAL
TO ADD USE UNIT 5, GOVERNMENT FACILITIES, AS A
PERMITTED USE IN THE P-1 ZONING DISTRICT

WHEREAS, Use Unit 5, **Government Facilities**, includes such uses as courts of law, jails, fire stations, detention homes, governmental agencies and offices, police stations, etc.; and

WHEREAS, the **Institutional** Zoning District P-1 is the appropriate zoning district for governmental facilities as a use by right.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §161.26 District P-1 **Institutional** (B) Uses. (1) Permitted uses, by adding and inserting Use Unit 5: **Government facilities** as the third use by right in P-1 zones as shown on Exhibit A attached.

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

EXHIBIT A

TITLE XV UNIFIED DEVELOPMENT CODE

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

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

C. 2
RZN 07-2708
City of Fayetteville Fire Stations
Page 1 of 18

6-Nov-07

City Council Meeting Date

Tim Conklin
Submitted By

Planning and Development Mgt.
Division

Operations
Department

Action Required:

RZN 07-2708: (City of Fayetteville (Fire Stations): Submitted by City of Fayetteville Planning Department for property located at various locations. The properties are zoned various zoning districts and contains approximately 8.11 acres. The request is to rezone the various properties to P-1, Institutional.

Action Required:

n/a

n/a

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

\$

-

Project Number

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐


Department Director

10.19.07
Date

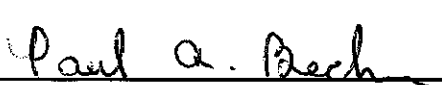
Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

10/22/07
Date

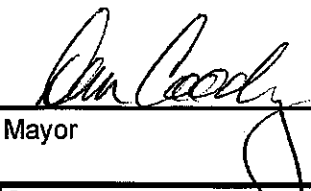
Original Contract Number: n/a


Finance and Internal Service Director

10-22-07
Date

Received in City Clerk's Office




Mayor

10/22/07
Date

Received in Mayor's Office



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Tim Conklin, Planning and Development Management Director *T.C.*

Date: October 11, 2007

Subject: Approval of rezoning fire stations No. 2 through No. 7 to P-1, Institutional.

RECOMMENDATION

Planning Staff and the Planning Commission recommend approval of an ordinance amending the official zoning map to rezone fire stations No. 2 through No. 7 to P-1, Institutional.

BACKGROUND

Fire Station #2 is located on Garland Ave. and is zoned RMF-40, Residential Multi-Family-40 units per acre, and is approximately 0.21 acres.

Fire Station #3 is located on Happy Hollow Road (under construction) and is zoned I-2, General Industrial, and is approximately 1.53 acres.

Fire Station #4 is located on Plainview Ave. and is zoned C-2, Thoroughfare Commercial, and is approximately 1 acre.

Fire Station #5 is located on Crossover Road and is zoned RSF-4, Residential Single-Family-4 units per acre, and is approximately 1.5 acres.

Fire Station #6 located on Hollywood Ave. is zoned I-1, Heavy Commercial and Light Industrial, and is approximately 3.34 acres.

Fire Station #7 located on Ruppel Road is zoned R-A, Residential Agricultural, and is approximately 1.95 acres.

The request is to rezone all six fire stations to P-1, Institutional.

DISCUSSION

On October 8, 2007 the Planning Commission voted 6-0-0 in favor of forwarding this amendment to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THOSE PROPERTIES DESCRIBED IN REZONING PETITION RZN 07-2708, FOR APPROXIMATELY 8.11 ACRES, LOCATED AT VARIOUS LOCATIONS FROM VARIOUS ZONING DISTRICTS TO P-1, INSTITUTIONAL.

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

Section 1: That the zone classification of Fire Station #2, located on N. Garland Avenue, is hereby changed from RMF-40, Residential Multi-Family, 40 units per acre, to P-1, Institutional, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the zone classification of Fire Station #3, located on Happy Hollow Road, is hereby changed from I-2, General Industrial, to P-1, Institutional, as shown on Exhibits "A-1" and "B-1" attached hereto and made a part hereof.

Section 3: That the zone classification of Fire Station #4, located on Plainview Avenue, is hereby changed from C-2, Thoroughfare Commercial to P-1, Institutional, as shown on Exhibits "A-2" and "B-2" attached hereto and made a part hereof.

Section 4: That the zone classification of Fire Station #5, located on N. Crossover Road, is hereby changed from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional, as shown on Exhibit "A-3" and "B-3" attached hereto and made a part hereof.

Section 5: That the zone classification of Fire Station #6, located on Hollywood Avenue, is hereby changed from I-1, Heavy Commercial and Light Industrial, to P-1, Institutional, as shown on Exhibits "A-4" and "B-4" attached hereto and made a part hereof.

Section 6: That the zone classification of Fire Station #7, located on Ruppel Road, is hereby changed from R-A, Residential Agricultural, to P-1, Institutional, as shown on Exhibits "A-5" and "B-5" attached hereto and made a part hereof.

Section 7: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Sections 1 through 6 above.

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

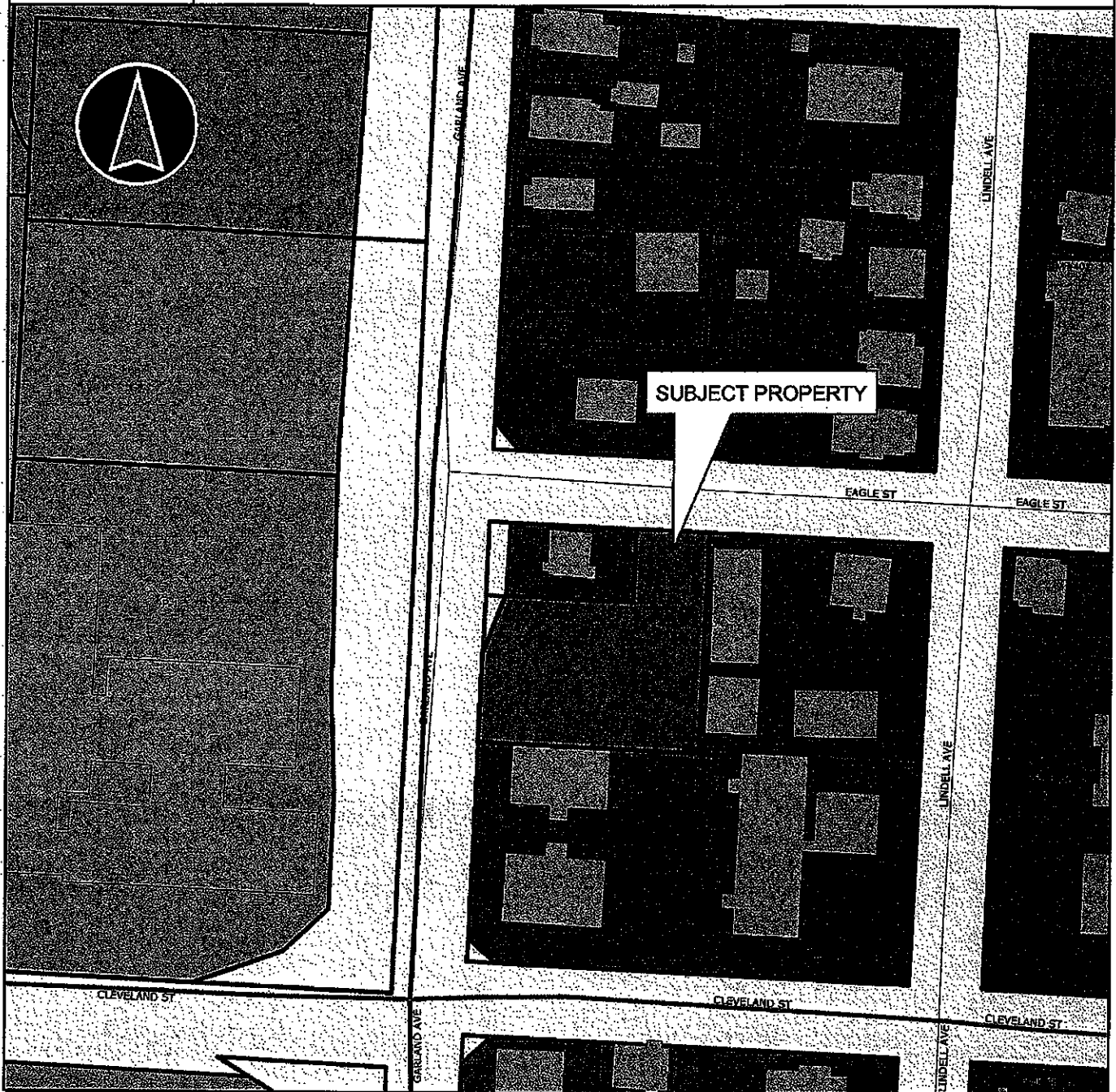
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN07-2694

Close Up View

FIRE STATION #2



Overview

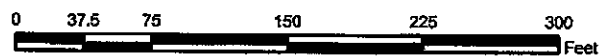


EXHIBIT "B"
RZN 07-2691
FIRE STATION #2 (RMF-40 TO P-1)

LOTS NUMBERED TEN (10) AND SOUTH TEN (10) FEET OF LOT ELEVEN (11) IN BLOCK THIRTEEN (13) OF ROSE HILL ADDITION TO THE CITY OF FAYETTEVILLE, AS DESIGNATED UPON THE PLAT OF SAID ADDITION NOW OF RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT AND EX-OFFICIO RECORDER IN AND FOR THE COUNTY OF WASHINGTON IN THE STATE OF ARKANSAS.

THE EAST FORTY (40) FEET OF LOT NUMBERED TWELVE (12) IN BLOCK NUMBERED THIRTEEN (13) IN ROSE HILL ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS THE SAME AS IS DESIGNATED UPON THE PLAT OF SAID ADDITION NOW OF RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT AND EX-OFFICIO RECORDER IN AND FOR THE COUNTY OF WASHINGTON IN THE STATE OF ARKANSAS.

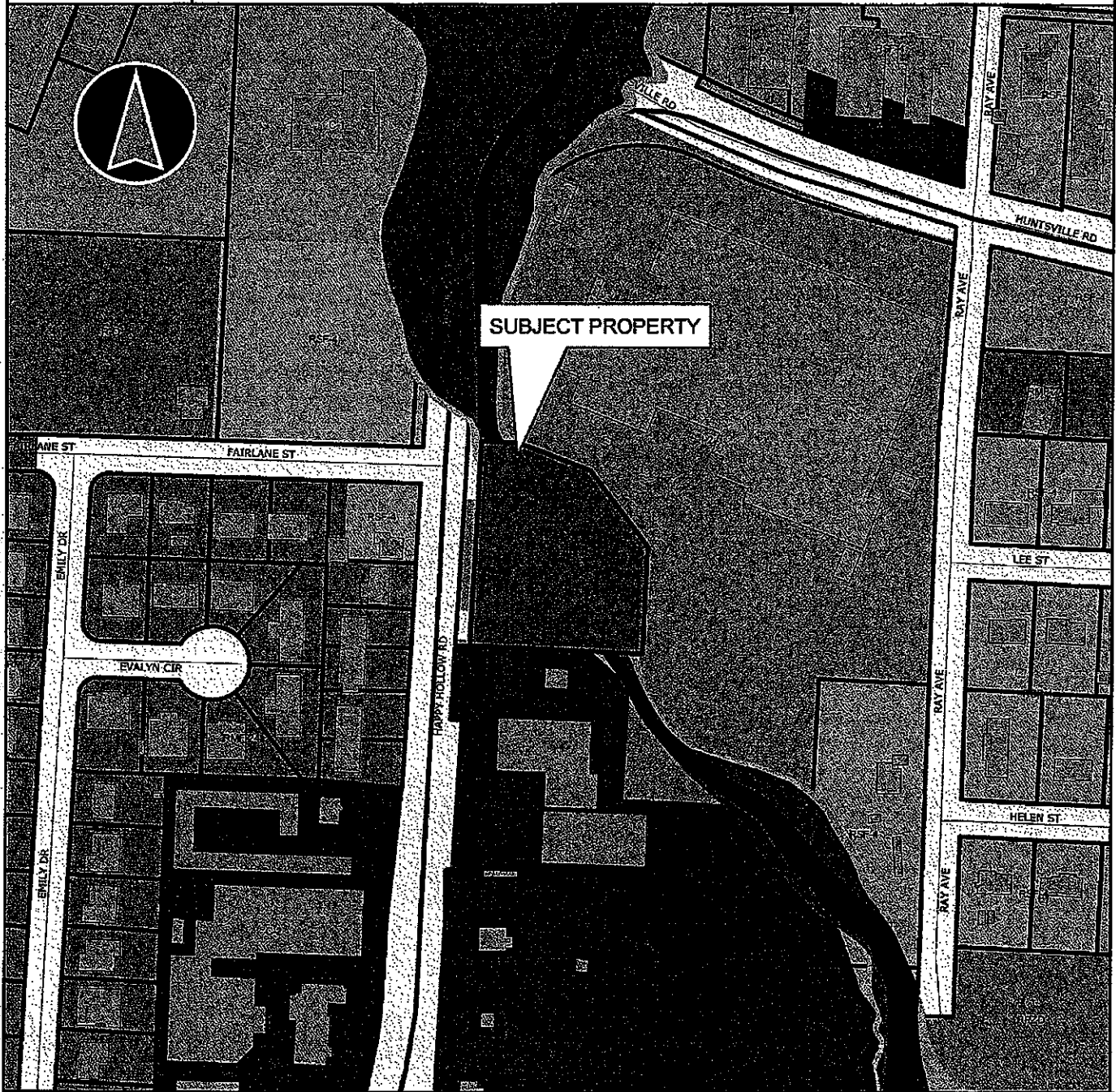
THE NORTH FORTY (40) FEET OF LOT ELEVEN (11) IN BLOCK THIRTEEN (13) IN ROSE HILL ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS.

EXHIBIT "A-1"

RZN07-2694

Close Up View

CITY OF FAYETTEVILLE FIRE ST.



Overview



0 75 150 300 450 600 Feet

EXHIBIT "B-1"
RZN 07-2691
FIRE STATION #3 (I-2 TO P-1)

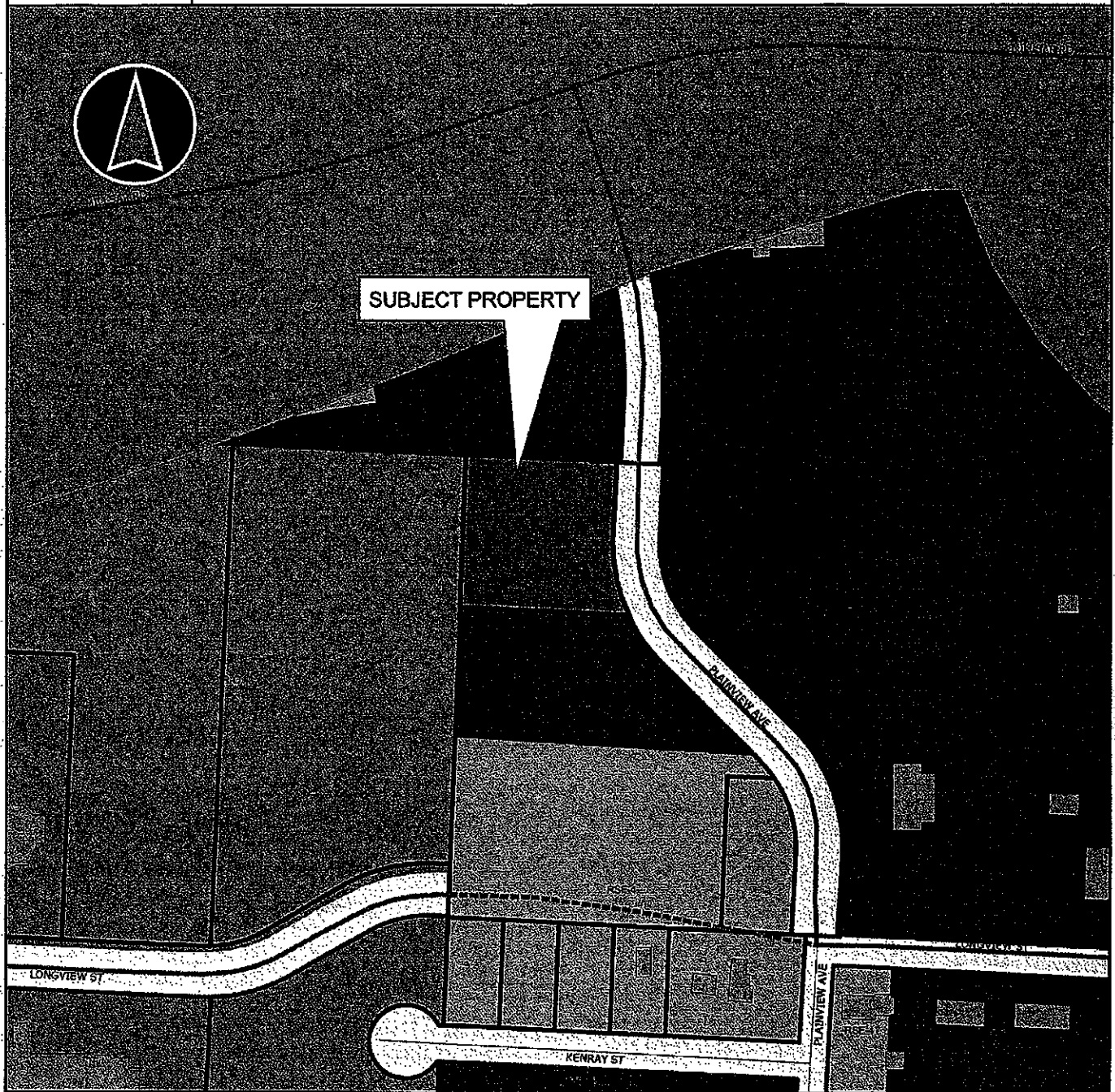
A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 23, TOWNSHIP 16 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF A PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2005-11305 AS RECORDED WITH THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS, SAID POINT ALSO BEING THE POINT OF BEGINNING OF A PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2006-10389 AS RECORDED WITH SAID CIRCUIT CLERK; THENCE SOUTH 87°09'35" EAST 25.11 FEET TO A SET IRON PIN ON THE EAST RIGHT-OF-WAY OF HAPPY HOLLOW ROAD, ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 03°09'53" EAST 279.97 FEET; THENCE SOUTH 86°56'57" EAST 50.53 FEET; THENCE SOUTH 68°48'59" EAST 104.03 FEET; THENCE SOUTH 37°12'42" EAST 129.97 FEET; THENCE SOUTH 02°46'28" WEST 147.22 FEET; THENCE NORTH 87°14'28" WEST 234.66 FEET TO THE POINT OF BEGINNING; CONTAINING 1.31 ACRES, MORE OR LESS.

EXHIBIT "A-2"

RZN07-2694

Close Up View

FIRE STATION #4



Overview



0 75 150 300 450 600 Feet

EXHIBIT "B-2"
RZN 07-2691
FIRE STATION #4 (C-2 to P-1)

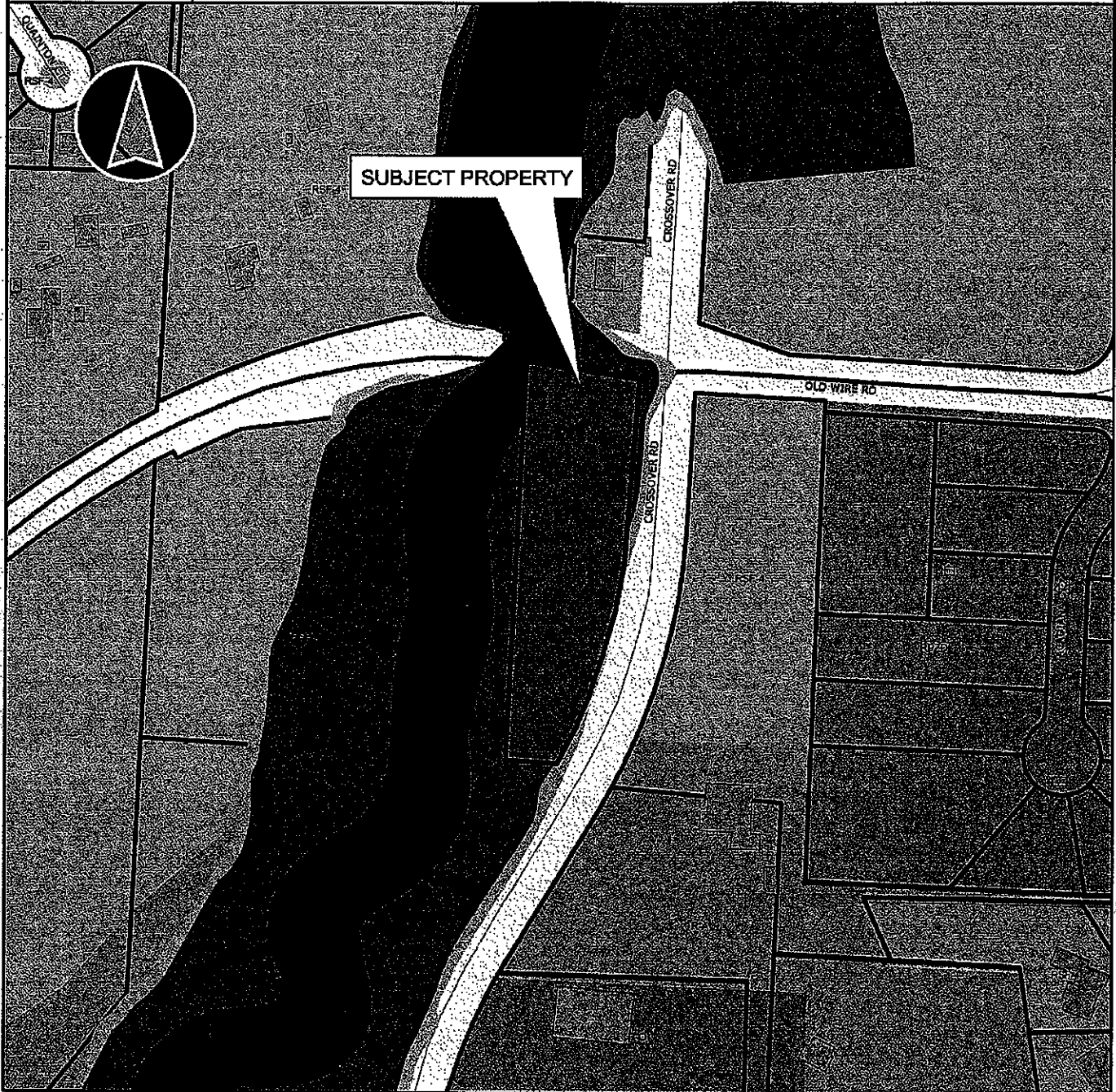
PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST, OF THE 5TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID FORTY (40) ACRE TRACT, SAID POINT BEING AN EXISTING IRON BAR; THENCE SOUTH 87°13'10" EAST 205.14 FEET TO A SET IRON BAR ON THE PROPOSED WEST RIGHT OF WAY LINE OF PLAINVIEW AVENUE; THENCE SOUTH 02°46'50" WEST ALONG SAID PROPOSED RIGHT OF WAY LINE 100.00 FEET TO A SET IRON AT THE BEGINNING OF A TWO HUNDRED THIRTY (230) FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY LINE 113.20 FEET TO A SET IRON PIN, THE CORD OF WHICH BEING SOUTH 11°19'08" EAST 112.06 FEET; THENCE LEAVING SAID CURVE AND RIGHT OF WAY LINE NORTH 87°13'10" WEST 229.83 FEET TO A SET IRON ON THE WEST LINE OF SAID 40 ACRE TRACT; THENCE NORTH 02°03'48" EAST 208.70 FEET TO THE POINT OF BEGINNING, CONTAINING 1.00 ACRE, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. THIS DESCRIPTION IS BASED UPON ARKANSAS STATE PLANE COORDINATE SYSTEM BEARINGS (NORTH ZONE) AND CITY OF FAYETTEVILLE MONUMENTATION.

EXHIBIT "A-3"

RZN07-2694

Close Up View

FIRE STATION #5



Overview



0 75 150 300 450 600
Feet

EXHIBIT "B-3"
RZN 07-2691
FIRE STATION #5 (RSF-4 to P-1)

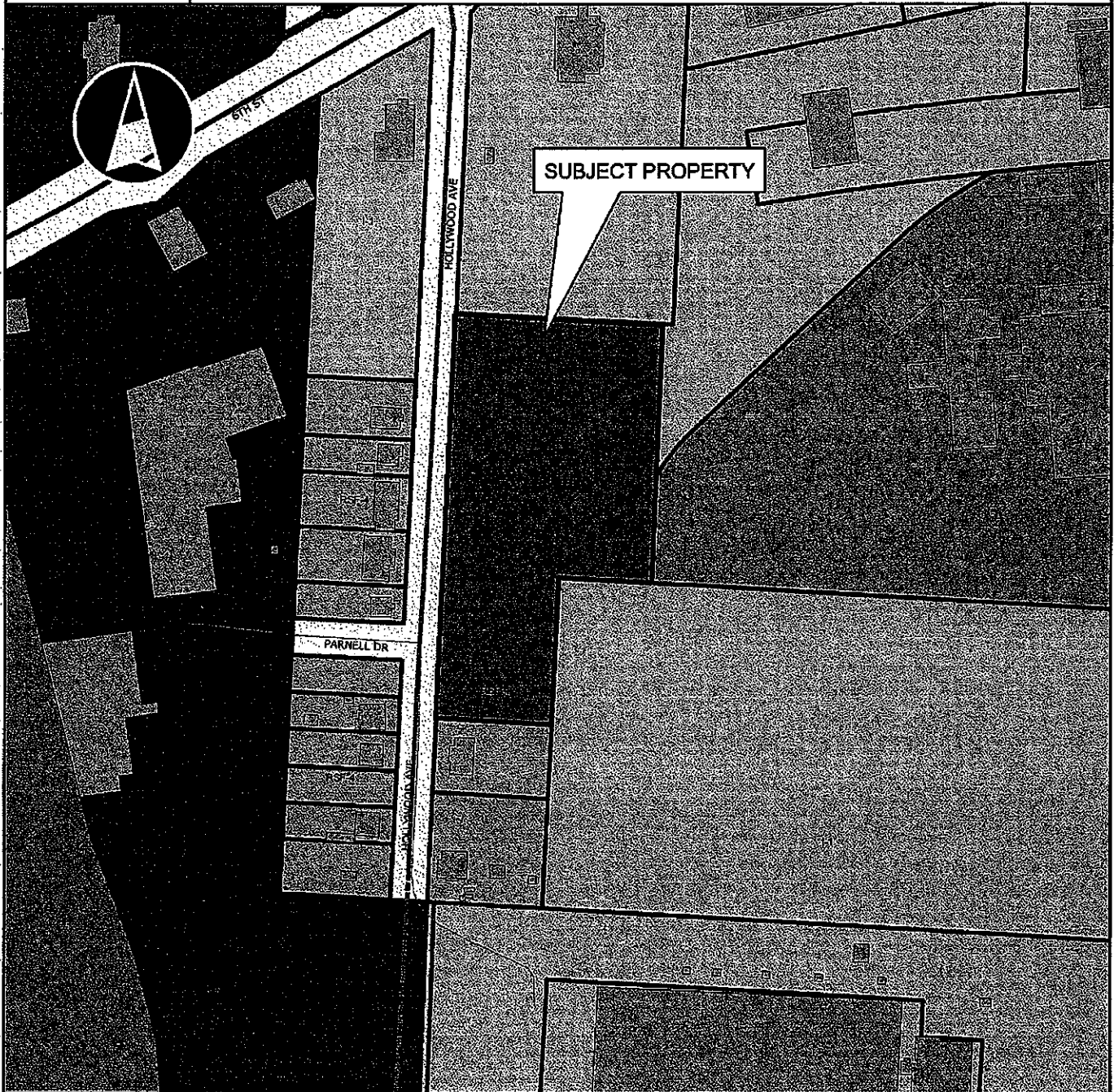
A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 29 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING CORNER POST WHICH IS 538.38 FEET SOUTH AND 500.0 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 31 AND RUNNING THENCE S 89 DEGREES 10' E ALONG AN EXISTING FENCE ROW A DISTANCE OF 70.0 FEET TO THE WEST RIGHT OF WAY OF CROSSOVER ROAD; THENCE NORTHWARD FOLLOWING SAID WEST RIGHT OF WAY THE FOLLOWING BEARINGS AND DISTANCES: N 24 DEGREES 24' E 54.27 FEET, N 19 DEGREES 40' E 44.48 FEET, N 16 DEGREES 07' E 59.34 FEET, N 12 DEGREES 40' E 69.0 FEET, N 07 DEGREES 49' E 62.28 FEET, N 01 DEGREE 30' E 54.0 FEET, N 01 DEGREE 35' E 198.0 FEET TO A POINT WHERE THE WEST RIGHT OF WAY OF CROSSOVER ROAD INTERSECTS THE SOUTH RIGHT OF WAY OF OLD WIRE ROAD; THENCE N 83 DEGREES 44' W, ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 155.25 FEET; THENCE SOUTH 545.18 FEET TO THE POINT OF BEGINNING; CONTAINING 1/64 ACRES, MORE OR LESS.

EXHIBIT "A-4"

RZN07-2694

Close Up View

FIRE STATION #6



Overview



0 75 150 300 450 600 Feet

EXHIBIT "B-4"
RZN 07-2691
FIRE STATION #6 (I-1 to P-1)

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, ALSO KNOWN AS PART OF BLOCK NUMBERED SEVEN (7) AND A PART OF BLOCK NUMBERED FOUR (4) IN THE RE-PLAT OF WESTWOOD ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN UPON THE RECORDED PLAT THEREOF, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID NE ¼ OF THE NW ¼ SAID POINT BEING AND EXISTING STONE; THENCE SOUTH 88 DEGREES 53 MINUTES 00 SECONDS EAST 200.00 FEET TO A RAILROAD SPIKE ON THE EAST RIGHT OF WAY LINE OF HOLLYWOOD AVENUE; THENCE NORTH 00 DEGREES 36 MINUTES 29 SECONDS EAST ALONG SAID EAST RIGHT OF WAY 150.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 36 MINUTES 29 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE 650.66 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE SOUTH 88 DEGREES 53 MINUTES 00 SECONDS EAST 282.33 FEET TO THE WEST LINE OF THE LOVE BOX COMPANY, INC. PROPERTY AS RECORDED IN DEED BOOK 882 AT PAGE 550; THENCE SOUTH 00 DEGREES 22 MINUTES 07 SECONDS WEST ALONG SAID WEST LINE 350.66 FEET TO THE NORTH LINE OF BLOCK EIGHT (8) OF SAID WESTWOOD ADDITION; THENCE NORTH 88 DEGREES 53 MINUTES 00 SECONDS WEST 125.89 FEET TO THE NORTHWEST CORNER OF SAID BLOCK EIGHT(8); THENCE SOUTH 00 DEGREES 51 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SAID BLOCK (8) 300.00 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 00 SECONDS WEST 156.64 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 3.36 ACRES, MORE OR LESS. LESS AND EXCEPT THE SOUTH 100 FEET TO THE ABOVE DESCRIBED TRACT, SAID EXCEPTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PART OF THE NE ¼ OF THE NW ¼ OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, ALSO KNOWN AS PART OF BLOCK NUMBERED SEVEN (7) IN THE RE-PLAT OF WESTWOOD ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN UPON THE RECORDED PLAT THEREOF ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID

NE ¼ OF THE NW ¼, SAID POINT BEING AN EXISTING STONE; THENCE SOUTH 88 DEGREES 53 MINUTES 00 SECONDS EAST 200.00 FEET TO AN EXISTING RAILROAD SPIKE ON THE EAST RIGHT OF WAY LINE OF HOLLYWOOD AVENUE; THENCE NORTH 00 DEGREES 36 MINUTES 29 SECONDS EAST ALONG SAID RIGHT OF WAY LINE 150.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREE 36 MINUTES 29 SECONDS EAST ALONG SAID RIGHT OF WAY LINE 100.00 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE SOUTH 88 DEGREES 53 MINUTES 00 SECONDS EAST 157.06 FEET TO THE EAST LINE OF SAID BLOCK NUMBERED SEVEN (7); THENCE SOUTH 00 DEGREES 51 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF BLOCK NUMBERED SEVEN (7) 100.00 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 00 SECONDS WEST 156.64 FEET TO THE POINT OF BEGINNING, CONTAINING 0.36 ACRES, MORE OR LESS.

EXHIBIT "A-5"

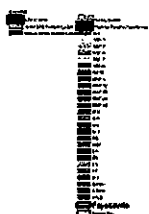
RZN07-2694

Close Up View

FIRE STATION #7



Overview



0 75 150 300 450 600 Feet

EXHIBIT "B-5"
RZN 07-2691
FIRE STATION #7 (R-A to P-1)

ALL THAT CERTAIN TRACT OF PARCEL OF LAND BEING A PART OF THE NW ¼ OF THE SE ¼ OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS. SAID TRACT BEING A PORTION OF THAT SAME TRACT AS DESCRIBED IN BOOK 1114, PAGE 526 OF THE RECORDS OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT: COMMENCING AT THE NE CORNER OF THE NW ¼ OF THE SE ¼ OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS. THENCE- SOUTH 02°15'40" WEST 444.07 FEET WITH THE EAST BOUNARY LINE OF SAID "40"; THENCE- NORTH 88°36'31" WEST 15.00 FEET TO A ½" IRON PIN FOUND ON THE WEST RIGHT-OF-WAY LINE OF RUPPLE ROAD. THENCE- SOUTH 02°15'40" WEST 206.89 FEET WITH SAID RIGHT-OF-WAY LINE TO A 5/8" IRON PIN SET FOR THE POINT OF BEGINNING; THENCE- SOUTH 02°15'40" WEST 209.44' WITH SAID RIGHT-OF-WAY LINE TO A ½" IRON PIN FOUND; THENCE- NORTH 86°59'51" WEST 421.92 FEET TO A ½" IRON PIN FOUND ON THE EAST BOUNDARY LINE OF THE MEADOWLANDS PHASE 1 AND 2 SUBDIVISION; THENCE- NORTH 02°12'43" EAST 203.50 FEET WITH SAID EAST BOUNDARY LINE TO A 5/8" IRON PINSET; THENCE- SOUTH 87°48'12" EAST 422.06 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PROPERTY HAVING BEEN SURVEYED BY BART L. PETRAY, CONTAINS 2.00 ACRES OF LAND, MORE OR LESS.

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

6-Nov-07
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

C-PZD 07-2726: The Sunshine House Daycare, 292: Submitted by Greg and Angie Landers for property located at 2460 North Old Wire Road containing approximately 1.95 acres. The request is for re-zoning and land use approval for a Commercial Planned Zoning District to allow a child care facility on the 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] 10.12.07
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 10/15/07
City Attorney Date

Original Contract Number: n/a

Paul a. Butler 10-15-07
Finance and Internal Service Director Date

Received in City Clerk's Office

ENTERED

10/14/07

[Signature] 10/15/07
Mayor Date

Received in Mayor's Office

ENTERED

10/15/07

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning X

Date: October 11, 2007

Subject: Commercial Planned Zoning District for Sunshine House (C-PZD 07-2726)

RECOMMENDATION

Planning Staff and the Planning Commission recommend approval of an ordinance creating a Commercial Planned Zoning District (C-PZD) for Sunshine House, based on the development standards, plans and statement of commitments submitted. This action will establish a unique zoning district for a daycare facility on approximately 1.95 acres located at 2460 Old Wire Road, approximately 200 feet north of Township Street.

BACKGROUND

The property contains approximately 1.95 acres and is developed for one single family residence and accessory structure. The property is one lot to the north (approximately 200 feet) from the busy intersection of Township Street and Old Wire Road. The large yard on the site is generally screened from public view with a large number of mature trees and underbrush on the perimeter property lines. The property has direct pedestrian access to Gulley Park, approximately 200 feet to the east. The property is directly adjacent to the Old Wire Church of Christ and is approximately 100 feet from a professional office being operated out of a residential structure (log cabin) at the intersection of Old Wire/Township. The other surrounding land uses are single family residential. The request is for rezoning and land use approval only for a Master Development Plan of a Commercial Planned Zoning District for daycare with a maximum of 60 children and 30 employees. As part of the initial start-up and first phase of the operation of the business, the existing approximately 3,100 square foot house would be utilized for the child care facility with a maximum of 40 children, with appropriate safety features installed in the house and fire department inspections and approvals. The applicant has shown a new 11-space parking lot in the front yard, and a fenced 1,809 square foot play area in the back yard. If the business grows outside of the current house, 11-space parking lot as shown on the plat, or over 40 children, it would be required to go through Large Scale Development review.

DISCUSSION

On October 8, 2007 the Planning Commission voted 6-0-0 in favor of forwarding this request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A COMMERCIAL PLANNED ZONING DISTRICT TITLED C-PZD 07-2726 THE SUNSHINE HOUSE, LOCATED AT 2460 NORTH OLD WIRE ROAD, CONTAINING APPROXIMATELY 1.95 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From RSF-4, Residential Single Family, 4 units per acre to C-PZD 07-2726 The Sunshine House 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

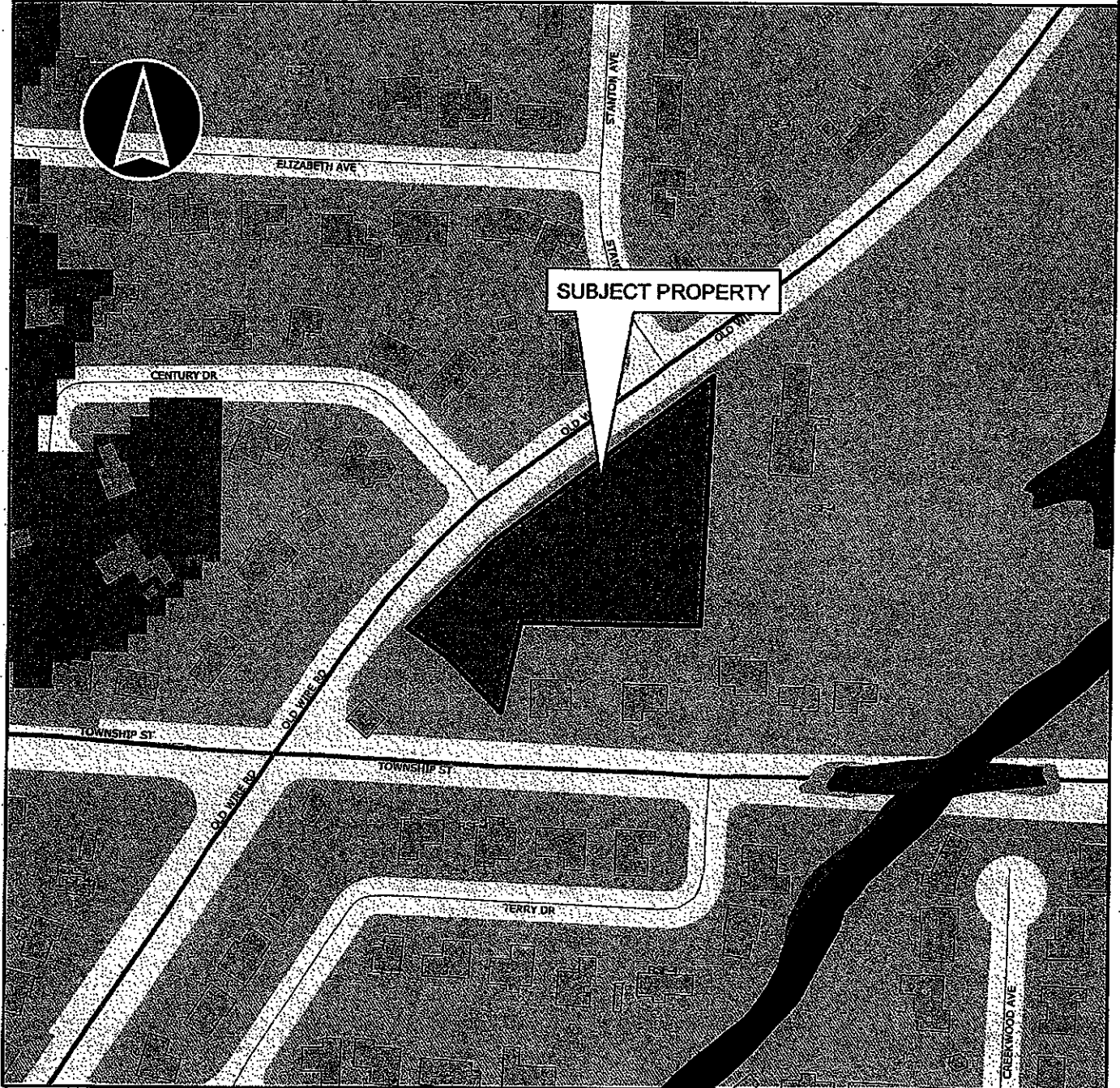
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

CPZD07-2726

Close Up View

THE SUNSHINE HOUSE



Overview



0 75 150 300 450 600
Feet

EXHIBIT "B"
C-PZD 07-2726

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO -WIT: BEGINNING AT A FOUND IRON PIN WHICH IS N01°25'02"E 207.00' FROM A POINT, LOCATED AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°45'15"W 240.91' TO A FOUND IRON PIN, THENCE S11°00'14"W 125.42' TO A FOUND IRON PIN, THENCE N44°41'24"W 103.37' TO A FOUND IRON PIN, THENCE N55°02'06"W 78.88' TO A FOUND IRON PIN, LOCATED ON THE SOUTH RIGHT-OF-WAY OF OLD WIRE ROAD, THENCE ALONG SAID ROAD RIGHT-OF-WAY N42°55'13"E 168.51' TO A FOUND PIN, N51°06'07"E 380.67' TO A FOUND IRON PIN, THENCE LEAVING SAID ROAD RIGHT-OF-WAY S01°25'02"W 357.09' TO THE POINT OF BEGINNING. CONTAINING IN ALL 1.95 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

CONDITIONS OF APPROVAL:

R-PZD 07-2726

Page 1 of 3

Staff recommends the following conditions of approval associated with R-PZD 07-2726 (Sunshine House).

1. Planning Commission determination of street improvements. Based on the vehicular and pedestrian traffic generated from this development with a future maximum of 60 children and 30 employees, staff recommends the following street improvements:
 - a. Street Improvements: Planning and Engineering Staff have evaluated the overall traffic impact that would occur as a result of the proposed Commercial Planned Zoning District use of this site for a daycare facility. The current request would allow up to 40 children (plus the ratio of required employees) at the facility, with up to a maximum of 60 children in the future phases. Based upon ITE trip generation numbers, a 40-child daycare facility will generate approximately 181 24-hour, two-way vehicle trips; a facility with 60 children will generate approximately 271 vehicle trips per day. Staff has compared the traffic volume generated by the proposed use (excluding the assumed 10 trips per day generated by the existing single family house) to the design service volume of Old Wire Road, at 6,000 vehicles per day (VPD). This ratio is then assigned a cost of the required street improvements (widening the street, curb, gutter, sidewalk, etc.). Staff is recommending, based on the applied conservative rational nexus calculation, that with the initial 40-child facility, the applicant must contribute \$10,561.40, prior to Certificate of Zoning Compliance and Occupancy for the first phase of development utilizing the square footage of the existing building, a new 11-space parking lot, and a maximum of 40 children. Should the facility be expanded to the maximum 60 children, the total shall be \$16,120.00 (\$5,558.60 in addition to the previous amount). A memo indicating the calculation is attached.
 - b. Future Phases. If the building and 11-space parking lot expands, or the permit is changed to accommodate greater than 40 children, the project will be required to go through Large Scale Development review. Additional assessments for street improvements will be evaluated and will likely require an additional assessment. The rational nexus calculation currently presented anticipates an additional \$5,558.60 for the addition of 20 children, for a grand total of \$16,120.00 for a 60-child daycare facility.
2. Right-of-way dedication in the amount of 35 feet from centerline along Old Wire Road prior to issuance of permits to construct the new parking lot. This may be dedicated by easement plat or separate document.
3. Approval of this C-PZD grants approval for a new 11-space parking lot and 1,809 square foot fenced play area on the property as indicated on the Master Development Plan plat. This initial phase of development grants approval for a daycare to be operated out of the existing square footage of the building with a maximum of 40 children, or the number approved by the State licensing board, whichever is less. The new 11-space parking lot shall be required to obtain parking lot and grading permits in accordance with Fayetteville Unified Development Code requirements for tree preservation, landscaping grading, and parking lot design standards.

CONDITIONS OF APPROVAL:

R-PZD 07-2726

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4. Any development on the property beyond the 11-space parking lot, existing square footage of the house, or 40 children shall be required to go through Large Scale Development review and approval. Expansions on the property shall be limited to providing a child care facility with a maximum of 60 children, under the proposed C-PZD.
5. Prior to issuance of Certificate of Occupancy, the daycare facility shall be inspected and approved by the Fayetteville Fire Department and all requirements of the State and National Fire Codes shall be met. Written verification from the Fire Department shall be provided to the Planning Division.
6. Any expansion of the residential structure on the property shall be reviewed by Planning staff to ensure that the architectural style is consistent and compatible with the existing house.
7. A maximum of 22 children are allowed at one time within the 1,809 sq. ft. outdoor play area. If the play area is expanded, then the maximum number of children allowed will be based on a minimum of 80 square feet per child. A revised site plan shall be submitted for approval prior to expansion of the play area.
8. A 25' greenspace buffer shall be maintained along property lines directly adjacent to single family residences.
9. All trash receptacle(s) utilized by this structure shall be stored within the structures on-site, or, if located outside, it shall be screened on all sides with access not visible from the street or adjacent properties. If a dumpster is required or proposed, screening shall be provided that is constructed of materials that are compatible with and complimentary to the building. Staff shall review the dumpster screen and materials prior to building permit.
10. A Certificate of Zoning Compliance shall be required prior to the start of operations of the child care facility.
11. A Certificate of Zoning Compliance shall not be issued until: the necessary fencing has been installed and inspected to provide a minimum of 1,809 square feet of enclosed, outdoor play space, and the parking lot with a maximum of 11 spaces, sufficient for the number of children and employees approved by the State licensing board, has been constructed and inspected.
12. Prior to the issuance of a Certificate of Zoning Compliance the applicant shall provide a copy of an approved license from the Department of Health and Human Services for a child care facility.
13. Prior to issuance of a Certificate of Zoning Compliance or Occupancy a public sewer line must be extended to the property, the child care facility connected to City sewer service and the sewer service inspected and approved.

CONDITIONS OF APPROVAL:

R-PZD 07-2726

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14. As indicated in the proposed zoning criteria, signage shall be limited to one sign on the house or in the driveway to list the name of the business and hours of operation on a two-foot by two-foot wooden sign. The sign shall meet the required setbacks for freestanding signs in R-O zoning district from Chapter 174 of the Unified Development Code.
15. 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.
16. Prior to this item being placed on the City Council agenda, comments from the City GIS Division regarding the legal description and State Plane Coordinates shall be adequately addressed.
17. 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).



Planning Commission Meeting
October 8, 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: ~~October 2, 2007~~ October 11, 2007

C-PZD 07-2726: Planned Zoning District (THE SUNSHINE HOUSE, 292): Submitted by GREG & ANGIE LANDERS for property located at 2460 N. OLD WIRE ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.95 acres. The request is for re-zoning and land use approval for a Commercial Planned Zoning District to allow a child care facility on the property.

Property Owner: Albert Erbach
Planner: Andrew Garner

Findings:

Property Description and Setting: The subject property consists of approximately 1.95 acres located on the east side of Old Wire Road, approximately feet 200 north of Township Street. The intersection of Old Wire Road and Township Street is a very busy signalized intersection at the crossroad of two collector streets providing major north-south and east-west connectivity through north-central Fayetteville. The property is zoned RSF-4, and is developed for one single family residence and accessory structure, addressed at 2460 Old Wire Road. The large yard on the site is generally screened from public view with a large number of mature trees and underbrush on the perimeter property lines. The property is approximately 200 feet west of Gully Park, a 27-acre community park. Surrounding zoning and land uses are depicted in *Table 1*.

Table 1
Surrounding Land Use/Zoning:

Direction from Site	Land Use	Zoning
North	Old Wire Church of Christ	RSF-4
South, East and West	Single Family Residential	RSF-4

Proposal: The applicant requests rezoning and land use approval of a Commercial Planned Zoning District (C-PZD) to allow for a child care facility on the property. The applicant anticipates that at maximum capacity the property would be able to accommodate 60 children

and 30 employees. As part of the initial start-up and first phase of the operation of the business, the existing approximately 3,100 square foot house would be utilized for the child care facility with a maximum of 40 children, with appropriate safety features installed in the house and fire department inspections and approvals. The applicant has shown a new 11-space parking lot in the front yard, and a fenced 1,809 square foot play area in the back yard on the submitted Master Development Plan plat. If the business grows outside of the current house, 11-space parking lot as shown on the plat, or over 40 children, it would be required to go through Large Scale Development review.

Access: Access to the site is provided directly to Old Wire Road off of the existing circle driveway to the house. The new 11-space parking lot would be accessed off of the driveway. No new streets are proposed.

Phasing: There is not specific phasing or timing requirements for this project. The applicant has indicated that as part of the initial start-up a new parking lot would be required to accommodate child drop off and employee parking, and an 1,809 square foot play area would be required to be fenced. The existing house and new parking lot could accommodate a maximum of 40 children, depending on permits from the state. If the business grows beyond those numbers, additional parking and an addition to the house may be needed, as determined by City ordinance and State Health Department permits. Construction of the parking lot as indicated on the Master Development Plan plat would require parking lot and grading permits. Any expansion beyond the footprint of the existing house, the 11-space parking lot, or 40 children would be required to go through Large Scale Development approval. It is not anticipated that the 1,809 square foot play area would be required to be expanded because only a specific number of children would be in the play area in a time (approximately 22 children), and the play times would be staggered based on the ages of the children. There are not time limits for construction of the improvements, only that they take place prior to operation of the business.

Water & Sewer: Water lines are available to the property. Public sewer lines are not readily available to the property, but are nearby to the east and west. Public sewer service would be required to be extended to the property prior to operation.

Adjacent Master Street Plan Streets: Old Wire Road (Collector Street)

Tree Preservation: This PZD does not propose development at this time besides that of a new 11-space parking lot. The applicant has indicated that no trees are affected with this PZD request at this time. A tree preservation plan is required to be approved by the Urban Forester prior to issuance of grading and parking lot permits. Should the development be expanded beyond the 11-space parking lot it would be required to go through Large Scale Development review and would require a new tree preservation plan.

Public Comment: Staff has not received comments from surrounding property owners.

Police and Fire Service: The Fayetteville Police and Fire Departments reviewed this rezoning request and concluded that adverse impacts to provision of service would not occur.

Recommendation: Staff recommends forwarding **R-PZD 07-2726** to the full City Council with a recommendation for approval with the following conditions:

Conditions of Approval:

1. Planning Commission determination of street improvements. Based on the vehicular and pedestrian traffic generated from this development with a future maximum of 60 children and 30 employees, staff recommends the following street improvements:
 - a. *Street Improvements: Planning and Engineering Staff have evaluated the overall traffic impact that would occur as a result of the proposed Commercial Planned Zoning District use of this site for a daycare facility. The current request would allow up to 40 children (plus the ratio of required employees) at the facility, with up to a maximum of 60 children in the future phases. Based upon ITE trip generation numbers, a 40-child daycare facility will generate approximately 181 24-hour, two-way vehicle trips; a facility with 60 children will generate approximately 271 vehicle trips per day. Staff has compared the traffic volume generated by the proposed use (excluding the assumed 10 trips per day generated by the existing single family house) to the design service volume of Old Wire Road, at 6,000 vehicles per day (VPD). This ratio is then assigned a cost of the required street improvements (widening the street, curb, gutter, sidewalk, etc.). Staff is recommending, based on the applied conservative rational nexus calculation, that with the initial 40-child facility, the applicant must contribute \$10,561.40, prior to Certificate of Zoning Compliance and Occupancy for the first phase of development utilizing the square footage of the existing building, a new 11-space parking lot, and a maximum of 40 children. Should the facility be expanded to the maximum 60 children, the total shall be \$16,120.00 (\$5,558.60 in addition to the previous amount). A memo indicating the calculation is attached.*
 - b. *Future Phases. If the building and 11-space parking lot expands, or the permit is changed to accommodate greater than 40 children, the project will be required to go through Large Scale Development review. Additional assessments for street improvements will be evaluated and will likely require an additional assessment. The rational nexus calculation currently presented anticipates an additional \$5,558.60 for the addition of 20 children, for a grand total of \$16,120.00 for a 60-child daycare facility.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (10/08/07).

2. Right-of-way dedication in the amount of 35 feet from centerline along Old Wire Road prior to issuance of permits to construct the new parking lot. This may be dedicated by easement plat or separate document.
3. Approval of this C-PZD grants approval for a new 11-space parking lot and 1,809 square foot fenced play area on the property as indicated on the Master Development Plan plat. This initial phase of development grants approval for a daycare to be operated out of the existing square footage of the building with a maximum of 40 children, or the number

approved by the State licensing board, whichever is less. The new 11-space parking lot shall be required to obtain parking lot and grading permits in accordance with Fayetteville Unified Development Code requirements for tree preservation, landscaping grading, and parking lot design standards.

4. Any development on the property beyond the 11-space parking lot, existing square footage of the house, or 40 children shall be required to go through Large Scale Development review and approval. Expansions on the property shall be limited to providing a child care facility with a maximum of 60 children, under the proposed C-PZD.
5. Prior to issuance of Certificate of Occupancy, the daycare facility shall be inspected and approved by the Fayetteville Fire Department and all requirements of the State and National Fire Codes shall be met. Written verification from the Fire Department shall be provided to the Planning Division.
6. Any expansion of the residential structure on the property shall be reviewed by Planning staff to ensure that the architectural style is consistent and compatible with the existing house.
7. A maximum of 22 children are allowed at one time within the 1,809 sq. ft. outdoor play area. If the play area is expanded, then the maximum number of children allowed will be based on a minimum of 80 square feet per child. A revised site plan shall be submitted for approval prior to expansion of the play area.
8. A 25' greenspace buffer shall be maintained along property lines directly adjacent to single family residences.
9. All trash receptacle(s) utilized by this structure shall be stored within the structures on-site, or, if located outside, it shall be screened on all sides with access not visible from the street or adjacent properties. If a dumpster is required or proposed, screening shall be provided that is constructed of materials that are compatible with and complimentary to the building. Staff shall review the dumpster screen and materials prior to building permit.
10. A Certificate of Zoning Compliance shall be required prior to the start of operations of the child care facility.
11. A Certificate of Zoning Compliance shall not be issued until: the necessary fencing has been installed and inspected to provide a minimum of 1,809 square feet of enclosed, outdoor play space, and the parking lot with a maximum of 11 spaces, sufficient for the number of children and employees approved by the State licensing board, has been constructed and inspected.
12. Prior to the issuance of a Certificate of Zoning Compliance the applicant shall provide a copy of an approved license from the Department of Health and Human Services for a

child care facility.

13. Prior to issuance of a Certificate of Zoning Compliance or Occupancy a public sewer line must be extended to the property, the child care facility connected to City sewer service and the sewer service inspected and approved.
14. As indicated in the proposed zoning criteria, signage shall be limited to one sign on the house or in the driveway to list the name of the business and hours of operation on a two-foot by two-foot wooden sign. The sign shall meet the required setbacks for freestanding signs in R-O zoning district from Chapter 174 of the Unified Development Code.
15. 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.
16. Prior to this item being placed on the City Council agenda, comments from the City GIS Division regarding the legal description and State Plane Coordinates shall be adequately addressed.

Standard Conditions of Approval:

17. 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).

Planning Commission Action: ☐ Denied ☐ Tabled ☒ Forwarded to C.C.

Motion: Ostner

Second: Myres

Vote: 6-0-0

Meeting Date: October 8, 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 MDP R-PZD 07-2726 (Sunshine House)

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 Plan adopted as part of City Plan 2025 designates this vicinity Residential Neighborhood Area. Rezoning this property to R-PZD 07-2726 for a child care facility to be operated out of the existing single family residence on the property is consistent with the land use plan and compatible with surrounding single family residential, church, and park uses. Child care facilities are an essential piece of a complete neighborhood. The proposed business would retain the general appearance of a single family residence with a large yard and dense cover of tree canopy and vegetation. The outdoor play area would be located behind the house, and the new parking lot that would be screened from the street with trees and shrubs. The existing infrastructure and public services are adequate to support a child care facility on this busy roadway; with the exception of converting the sewer service for the residence from a septic system to public sewer, which will be required prior to operation. This property is less than 200 feet from the busy intersection of Old Wire Road and Township Street, and from Gulley Park, a 27-acre regional park. In addition this property is located approximately 100 feet from a professional office being operated out of a residential structure (log cabin) at the intersection of Old Wire/Township and is adjacent to a church.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would require the provision of public facilities, at the cost of the developer. As stated in Finding No. 1, public services are adequate to serve the child care facility on the property. Existing public services are currently provided to the existing single family residence on the property. Sewer service to the residence on the property is provided by a septic system. This would have to be upgraded and the residence connected to public sewer service prior to its use for

a child care facility. Staff is recommending assessment for street improvements to Old Wire Road, in proportion to the traffic generated by 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 child care facility to be operated out of the existing residential structure on the property, with adequate parking for child drop off and pick up and employee parking. The designated play area for the children would be behind the house and not visible from public viewpoints, and the signage allowed under the zoning would be an unobtrusive two-foot by two-foot wooden sign. A maximum of 60 children and 30 employees would be allowed under this zoning. This lot is fairly isolated and buffered from other residences as it is located on a very busy street and surrounded by dense tree canopy. There is an existing church to the east with Gulley Park further to the east. There are two single family residences on the adjacent parcels to the south, however these residences are generally located down the hill from the subject property, and buffered by existing dense tree canopy. There are adjacent single family residences across Old Wire Road from the subject property, however these residences do not face towards Old Wire Road and are blocked by walls of privacy fence. There is a high volume of traffic on Old Wire Road, a Collector Street. Staff finds that the proposed PZD would provide compatibility and transition with the surrounding uses in this area including single family residential, professional office, church, and park uses. This child care facility would complement the existing residential and non-residential uses in the neighborhood.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The subject property is developed for one single family residence on approximately 1.95 acres. A large portion of the property, including the existing house, is highly not visible from public right-of-way due to dense tree canopy and vegetation. The appearance of residential use of the property would generally be retained with project, with exception of the parking area. Although the parking area would be screening trees and shrubs in a minimum 15 foot buffer adjacent to Old Wire Road. 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 use, child care facility, will impact the existing traffic conditions. The existing adjacent street infrastructure (Old Wire Road) is an unimproved two-lane paved road that carries a high volume of traffic near the busy, signalized intersection at Old Wire Road and Township Street. The first phase of this development would involve constructing an 11-space parking lot, and utilizing the existing residence for a child care facility with a maximum of 40 children. For this first phase staff recommends money-in-lieu of street improvements to Old Wire Road along the entire 549 feet of street

frontage along Old Wire Road (\$10,561.40). If the project expands beyond an 11-space parking lot, the existing square footage of the residence, or beyond 40 children, the project would be required to go through Large Scale Development Review. As part of this secondary phase staff would likely recommend additional assessments for full street improvements to Old Wire Road along the entire project frontage including pavement, curb, gutter, storm drainage, and street lights based on the impact of the this development to the street system. This would likely be an increase of \$5,558.60 for a grand total of \$16,120.00 for the 60-child facility. With these improvements staff finds that the amount of traffic generated by this PZD would be able to be accommodated by the supporting road 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 Sunshine House PZD provides for a child care facility in a busy residential area in the vicinity of the intersection of Old Wire Road and Township Street, Gulley Park and a professional office. Access would be provided for the child care facility through the existing driveway onto Old Wire Road. The location of the existing driveway provides adequate sight distance to the north and south along Old Wire Road. The driveway does not line up directly with East Century Drive across Old Wire Road. However, as East Century Drive is a dead-end street with only 12 single family residences, staff does not anticipate adverse traffic impacts resulting from the existing driveway on the subject property being used for a child care facility. There is a large amount of existing

tree canopy and vegetation, and as indicated in the PZD booklet will be largely retained. A tree preservation plan and landscape plan will be required prior to issuance of permits to develop the parking lot, and will ensure that tree preservation is maximized and the parking lot is screened with trees and shrubs. Providing a child care facility in this largely residential area will provide needed services to the residential and non-residential uses in the neighborhood and greater Fayetteville area. The proposal retains the residential appearance of the property ensure this project's compatibility and transition with surrounding land uses. Staff recommends that this proposal will further the health, safety, amenity and welfare of the community.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: Screening and landscaping will be required for the new parking lot in accordance with ordinance requirements. The parking lot will be screened with trees and shrubs in a minimum 15-foot greenspace adjacent to Old Wire Road. A landscape and tree preservation plan will be required to be submitted prior to issuance of construction permits for the parking lot. The large amount of tree canopy on the perimeter and throughout the perimeter is not anticipated as being impacted, due to the minimal amount of development proposed. In addition, staff recommends that a 25' greenspace buffer be maintained along property lines directly adjacent to single family residences. Should this applicant ever wish to expand the parking lot or house it would be required to go through Large Scale Development review requiring subsequent landscape and tree preservation plans.

- (3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
- (b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
- (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
- (d) Internal collector streets shall be coordinated with the existing external street system,

providing for the efficient flow of traffic into and out of the planned zoning development.

- (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
- (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: As stated in Finding B.1, access to the childcare facility will be provided directly to Old Wire Road in accordance with Fayetteville Unified Development Code requirements. As part of the parking lot permit review, the existing driveway may require improvements to be brought up to code based on the parking lot proposed. This may result in slight relocation and reconstruction of the driveway, based on City ordinance.

- (4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: Parking will be provided for the child care facility in accordance with City ordinance.

- (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: Sidewalk requirements will be met in accordance with Fayetteville Unified Development Code Section 171.12. Staff recommends contribution of money in lieu for the sidewalk, as currently recommended by the Sidewalk Administrator. Staff recommends that the contribution be pro-rated based as the project develops.

- (7) *Street Lights.* As required by §166.03.

FINDING: This PZD is not subject to the street light requirements at this time. However, with future expansion through the Large Scale Development Process, street lights will be required to be installed at a maximum spacing of 300 feet along Old Wire Road.

- (8) *Water.* As required by §166.03.

FINDING: Public water lines are available along Old Wire Road.

(9) *Sewer.* As required by §166.03.

FINDING: Public sewer lines are not available along Old Wire Road, but are available approximately 200 to the west under East Century Drive. A public sewer line would be required to be extended to the subject property and the residence connected to public sewer service prior to operation as a child care facility.

(10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

(a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

(b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:

(i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.

(ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.

(iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.

(iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

(v) The plat of the planned development shall designate each private street as a "private street."

(vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.

(vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property

owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

- (viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: The applicant does not propose public or private streets.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: Not applicable. This is not a residential PZD.

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: A Tree Preservation Plan is required prior to issuance of construction permits for parking lot, and prior to any subsequent development on the property. Tree canopy to be preserved shall be 25%, pursuant to Chapter 167 of the Unified Development Code

- (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 proposed zoning criteria specifies that the existing house will be retained. Any future additions to the house will be required to be reviewed for consistency and compatibility with the existing house and with surrounding properties.

- (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 structure proposed is consistent with that allowed in surrounding RSF-4 zoning districts.

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

(a) *Building permit.* If no building permit has been issued within the time allowed.

(b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.

(c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open

spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

- (2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.
- (3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

- (1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.
- (2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:
 - (a) The homeowner's association must be legally established before building permits are granted.
 - (b) Membership and fees must be mandatory for each home buyer and successive buyer.

- (c) The open space restrictions must be permanent, rather than for a period of years.
- (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
- (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

Sec. 161.29 Planned Zoning District

- (A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.
- (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
 - (2) Compatibility. Providing for compatibility with the surrounding land uses.
 - (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
 - (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
 - (5) No negative impact. Does not have a negative effect upon the future development of the area;
 - (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
 - (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

- (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025, as well as the above ten criteria, including compatibility, transition of land use, harmony, and flexibility to mix a child care facility with this neighborhood, and to provide supporting services for the surrounding residential and non-residential land uses. The addition of a child care facility in this location helps meet the intent of the Guiding Policy for Residential Neighborhood Areas to provide complete neighborhoods.

(B) **Rezoning.** Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: The submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council, an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(D) C-PZD, Commercial Planned Zoning District

(1) **Purpose and intent.** The C-PZD is intended to accommodate mixed-use developments containing any combination, including multiple combinations of commercial, office or residential uses in a carefully planned configuration in such a manner as to protect and enhance the availability of each independent use. The C-PZD is also intended to accommodate single use commercial developments that are determined to be more appropriate for a PZD application than a general commercial rezone. The legislative purposes, intent and application of this district include, but are not limited to, the following:

- (a) To encourage the clustering of commercial and office activities within areas specifically designated to accommodate such uses and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas.

- (b) To provide for orderly development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.
- (c) To encourage orderly and systematic commercial, office or mixed use development design or a combination thereof, providing for the rational placement of activities, vehicular and pedestrian circulation, access and egress, loading, landscaping and buffering strips.
- (d) To encourage commercial development which is consistent with the city's General Plan.
- (e) To accommodate larger scale suburban developments of mixed-uses in a harmonious relationship.

FINDING: Staff is recommending approval of this application, finding the proposed PZD meets the intent of the PZD ordinance as noted above, and is consistent with the city's General Plan/City Plan 2025 as discussed in Finding No. 1.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

- (4) *Condition.* In no instance shall the commercial or office use area be less than fifty-one percent (51%) of the gross leasable floor area within the development.

FINDING: The majority of uses are principally commercial, with the entire square footage of the existing structure being listed in the zoning criteria for use as a daycare facility.

(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: Not applicable. This is a proposed commercial zoning. The existing house would be allowed to be utilized as a residence. No additional residential units would be permitted on the 1.95-acre parcel under the proposed zoning.

- (2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: Building setbacks proposed are identical to the surrounding RSF-4 zoning. It should be noted that additional structures are not included in the Master Development Plan for this C-PZD, but shall meet the established setbacks herein.

- (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 area. Planning Area 1 has a height limit identical to RSF-4 zoning.

- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The lot coverage or building area on this project is identical to lot coverages in the surrounding RSF-4 zoning, where there is a 40% maximum building area

***Required Findings for Rezoning Request.**

Land Use Plan: *The City Plan 2025 Future Land Use Plan designates this site as Residential Area. Rezoning this property to R-PZD 07-2726, with the associated Master Development Plan, meets this designation. The proposed child care facility will be operated out of the existing single family residence. The appearance of the property will be retained as*

residential, although needed child care facility will be available to the neighborhood and greater Fayetteville area. The large amount of tree canopy and location of this lot on a busy Collector Street make it an appropriate location for a child care facility. 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 or re-developed property.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Staff finds the proposal is highly consistent with the land use planning objectives, principles and policies, as evidenced by the number of guiding policies for Residential Neighborhood Area this proposal meets. Rezoning the property will accommodate a child care facility in this area near two busy Collector Streets providing major north-south and east-west connections through this area of the City. A child care facility is an essential part of a complete residential neighborhood. The proposed zoning allows for needed non-residential services in this predominantly residential area near a regional park, church, and a small professional office.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Planning staff has discussed with several members of the public over the past year that there is a high need for more child care facilities in the immediate and surrounding areas of Fayetteville. Waiting lists of three to six months or more are common for children to be admitted into a daycare facility in this area, as the region has grown. The need for neighborhood child care facilities, as opposed to a regional daycare facility in a major commercial area, has been discussed with staff and the planning commission at numerous meetings. The applicant has indicated to staff that there are already approximately 10 children on the tentative waiting list for this facility if it is approved. Rezoning of this property for a neighborhood child care facility in this largely residential area of Fayetteville is justified and need at this time, and 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, as discussed in Finding No. E.6. Street improvements are not recommended with the current proposal, however, staff is recommending the applicant pay his/her proportional share by way of an assessment for needed street improvements to Old Wire 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 potential population density would be decreased slightly from that which currently exists. The 1.95-acre parcel could potentially support eight single family residences and the zoning would not allow any new residences to be constructed.

Engineering: Public water is located adjacent to the site. There is a 6" waterline along Old Wire Road along the property frontage.

Sanitary sewer is not available to the site. There are sanitary sewer mains located nearby to the east and west, but the property does not have direct access. Based on the intensity proposed (a maximum of 60 children and 30 employees at the child care facility), sewer service would need to be extended to the property at the time of development.

The site has access to Old Wire Road. Old Wire Road is currently an unimproved two lane paved roadway.

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.

Fire: The subject property is located 1.3 miles from the Engine 5 located at the intersection of Old Wire Road and Crossover Road, with an estimated response time of 3 minutes. No adverse impacts on call volume or response time are anticipated.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

To: Fayetteville Planning Commission
From: Jeremy Pate, Director of Current Planning
Date: 04 October 2007
Subject: Sunshine House C-PZD Rational Nexus Memo

The following is the staff's calculations to determine the proposed **Sunshine House C-PZD**'s proportionate share of the cost of improving the adjacent street to city standards. The following demonstrates staff's recommendation for the applicant to bear the portion of the cost which bears a rational nexus to the needs created by the development.

60 Children in Childcare Facility:

Approximate Old Wire Road frontage: 549 L.F.

Projected Traffic from development (60 children) – 271 vpd

- 100% traffic accesses Old Wire Road
- Exclude 10 vpd for existing single family home
- **261 vpd**

Collector Street traffic capacity = 6,000 vpd

% Traffic from development = 4.35 %

Old Wire Road expansion costs: \$675.00 / L.F. (includes sidewalk)

Sunshine House C-PZD Percentage of Costs:

$0.0435(\$675.00)(549 \text{ L.F.}) = \underline{\$16,120.00}$

40 Children in Childcare Facility:

Approximate Old Wire Road frontage: 549 L.F.

Projected Traffic from development (40 children) – 181 vpd

- 100% traffic accesses Old Wire Road
- Exclude 10 vpd for existing single family home
- **171 vpd**

Collector Street traffic capacity = 6,000 vpd

% Traffic from development = 2.85 %

Old Wire Road expansion costs: \$675.00 / L.F. (includes sidewalk)

Sunshine House C-PZD Percentage of Costs:

$$0.0285(\$675.00)(549 \text{ L.F.}) = \underline{\$10,561.40}$$

Sunshine House PZD
Summary of Average Vehicle Trip Generation
For 60 Students of Day Care Center
October 04, 2007

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	271	26	23	24	28
	24 hour Two-Way Volume	Peak Hour			
		Enter	Exit		
Saturday		23		4	2
Sunday		22		4	3

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

Sunshine House PZD
Summary of Average Vehicle Trip Generation
For 40 Students of Day Care Center
October 04, 2007

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	181	17	15	16	18

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	16	3	2
Sunday	15	2	2

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS



Fayetteville Fire Department

Office of the Fire Marshal

303 W. Center St. Fayetteville AR. 72701

Phone (479) 444-3448 Fax (479) 444-3447

August 28, 2007

Re: 2460 Old Wire Rd.

Dear Angie Landers:

Thank you for inviting me in for consultation of a new day care at the location above. This occupancy is being changed from residential to a commercial facility. Therefore, the following requirements must be met according to Arkansas Fire Prevention Code and National Fire Prevention Association 101, Life Safety Code book.

The following is a list of *some* of the requirements.

- Fire Alarm System installed and maintained according to NFPA 72.
- Fire Extinguishers, type, size and quantity for day care occupancy
- Means of Egress exits, and components comply with NFPA 101, Chapter 16
- Illumination of exits
- Emergency lighting (Which can be combined with illuminated exit lights)
- Commercial stove with Hood Suppression System, installed according to NFPA 17A

I recommend a licensed professional be consulted who is familiar with state and national codes in commercial day care occupancies.

If I can be of further assistance, please contact me.

Thank you.

Sincerely,

Sue Butler

Fire Marshal's Office
Fayetteville Fire Dept.
479-718-7607
479-444-3447 fax
sbutler@ci.fayetteville.ar.us



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

October 1, 2007

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

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed C-PZD 07-2726: Planned Zoning District (THE SUNSHINE HOUSE, 292): Submitted by GREG & ANGIE LANDERS for property located at 2460 N. OLD WIRE ROAD would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Sincerely,

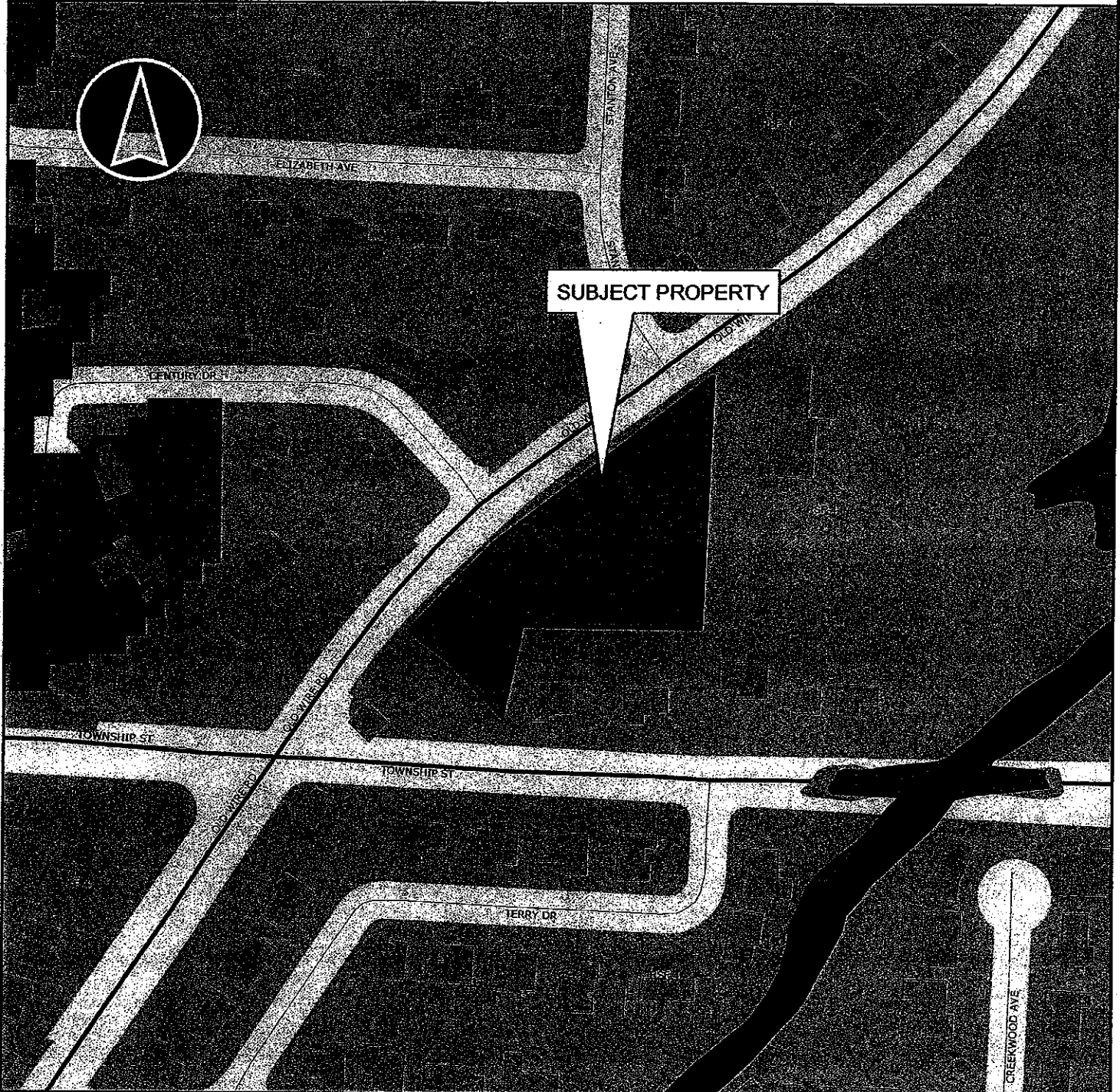
A handwritten signature in black ink, appearing to read "William Brown".

William Brown
Captain - Administration
Fayetteville Police Department

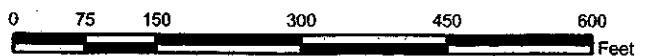
CPZD07-2726

THE SUNSHINE HOUSE

Close Up View



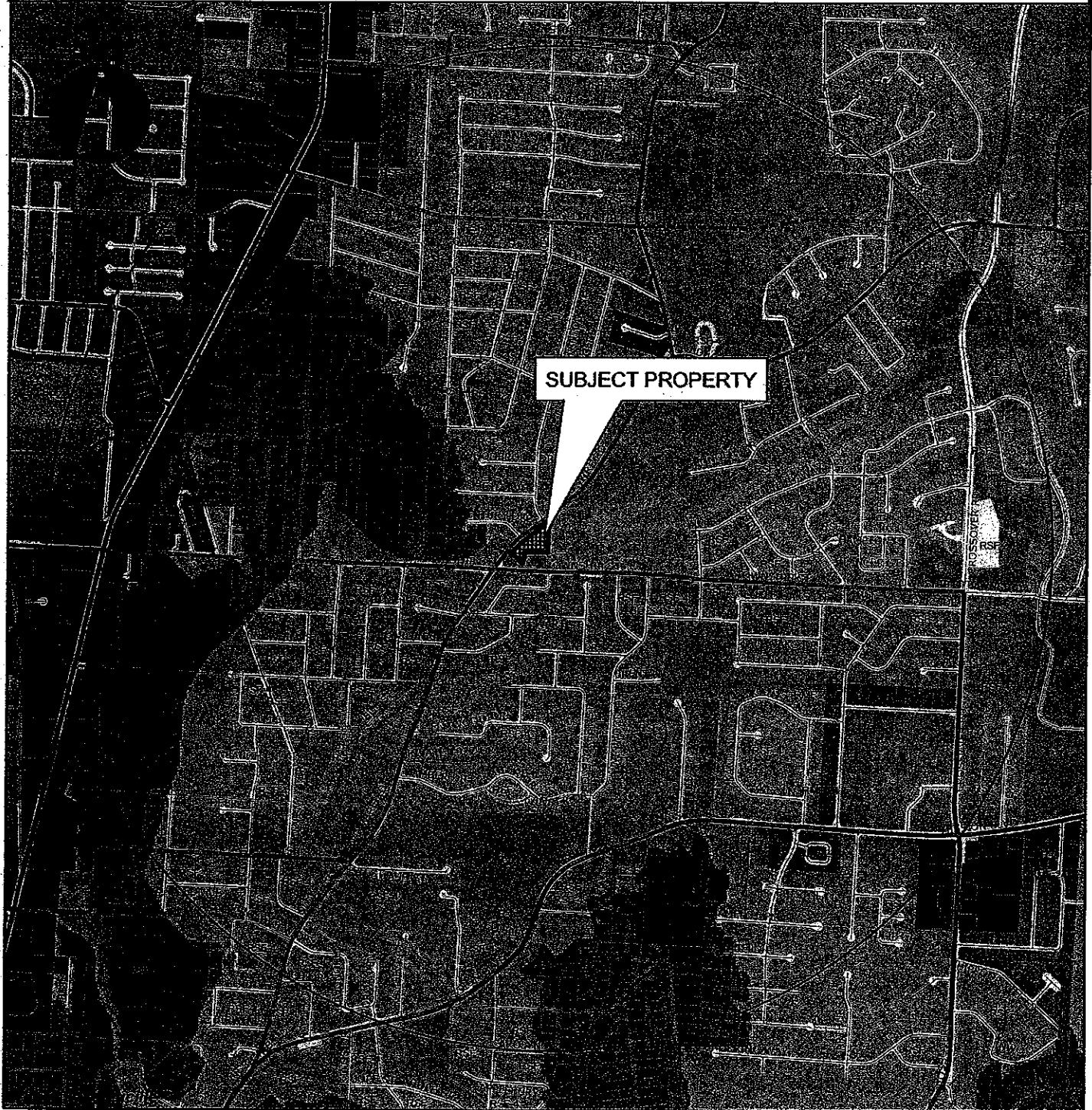
Overview



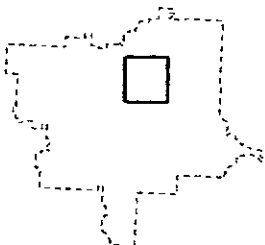
CPZD07-2726

One Mile View

THE SUNSHINE HOUSE



Overview



Legend

Subject Property

CPZD07-2726

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**

6-Nov-07
City Council Meeting Date

Jeremy Pate *[Signature]*
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 07-2733: (Physician's Surgery Center, 175): Submitted by CEI Engineering Associates, Inc. for property located at 3873 North Parkview Drive. The request is to vacate portions of a utility and a drainage 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] 10.12.07
Department Director Date

Previous Ordinance or Resolution # n/a

[Signature] 10/15/07
City Attorney Date

Original Contract Date: n/a

Original Contract Number: n/a

[Signature] 10-15-07
Finance and Internal Service Director Date

Received in City Clerk's Office

[Signature] 10/15/07
Mayor 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

Date: October 10, 2007

Subject: Easement Vacation for Physician's Surgery Center (VAC 07-2733)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating 0.06 acres (2,501 sq. ft.) of the utility and drainage easements that are located on the subject property.

BACKGROUND

The project site is located north of Joyce Boulevard on parts of Lots 13 and 14 of Vantage Square, in the Physician's Surgery Center, between Parkview Drive and Park Oaks Drive. There are two existing 10' utility and drainage easements where an existing building was constructed. Currently, there are no utilities located within these easements.

On May 14, 2007 the Planning Commission approved a request for a conditional use permit (CUP 07-2539) to allow for hospital use, Use Unit 4, within the R-O zoning district on the property, and a conditional use permit (CUP 07-2540) for off-site parking as part of an expansion for the Physician's Surgery Center. On May 17, 2007 the Subdivision Committee approved a large scale development (LSD-2536) for a 20,506 sq. ft. addition to the existing Physician's Surgery Center building.

DISCUSSION

Notification was provided to all appropriate utility representatives and to the City with no objections to the requested easement vacation. This item was heard at the regular Planning Commission meeting on October 8, 2007 and forwarded by vote of 6-0-0 on the consent agenda to recommend this vacation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 07-2733 SUBMITTED BY CEI ENGINEERING ASSOCIATES, INC. FOR PROPERTY LOCATED AT 3873 NORTH PARKVIEW DRIVE TO VACATE PORTIONS OF A UTILITY AND A DRAINAGE EASEMENT ON THE SUBJECT PROPERTY, A TOTAL OF 0.06 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 portions of platted utility/drainage easement are 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/drainage 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.

PASSED and APPROVED this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "B"
VAC 07-2733

PARTS OF LOTS 13 AND 14 OF VANTAGE SQUARE, UNIT 2, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 10 AT PAGE 79-80, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 14 OF SAID SUBDIVISION; THENCE SOUTH $02^{\circ}12'28''$ WEST ALONG THE EAST LINE OF LOT 14 A DISTANCE OF 10.00 FEET; THENCE LEAVING SAID EAST LINE RUN NORTH $87^{\circ}44'32''$ WEST PARALLEL WITH THE NORTH LINE OF LOT 14 A DISTANCE OF 125.07 FEET TO THE EAST LINE OF AN EXISTING 25' UTILITY AND DRAINAGE EASEMENT ALSO RECORDED IN PLAT BOOK 10 AT PAGES 79-80; THENCE NORTH $02^{\circ}13'30''$ EAST ALONG THE SAID EAST LINE A DISTANCE OF 10.00 FEET TO THE NORTH LINE OF LOT 14 ALSO BEING THE SOUTH LINE OF LOT 13 OF SAID SUBDIVISION; THENCE CONTINUING NORTH $02^{\circ}13'30''$ EAST ALONG THE EAST LINE OF SAID EXISTING EASEMENT A DISTANCE OF 10.00 FEET; THENCE LEAVING SAID EAST LINE RUN SOUTH $87^{\circ}44'32''$ EAST PARALLEL WITH THE SOUTH LINE OF LOT 13 A DISTANCE OF 125.06 FEET TO THE EAST LINE OF LOT 13; THENCE SOUTH $02^{\circ}12'28''$ WEST ALONG THE SAID EAST LINE A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.06 ACRES OR 2,501 SQUARE FEET MORE OR LESS.



PC Meeting of October 8, 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: ~~October 2, 2007~~ Updated October 11, 2007

VAC 07-2733: (PHYSICIAN'S SURGERY CENTER, 175): Submitted by CEI ENGINEERING ASSOCIATES, INC. for property located at 3873 NORTH PARKVIEW DRIVE. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 2.97 acres. The request is to vacate portions of a utility and a drainage easement on the subject property. Planner: Andrew Garner

Background/Property: The project site is located north of Joyce Boulevard on parts of Lots 13 and 14, in the Physician's Surgery Center at Vantage Square, between Parkview Drive and Park Oaks Drive. There are two existing 10' utility and drainage easements where an existing building was constructed. Currently, there are no utilities located within these easements.

On May 14, 2007 the Planning Commission approved a request for a conditional use permit (CUP 07-2539) to allow for hospital use, Use Unit 4, within the R-O zoning district and a conditional use permit (CUP 07-2540) for off-site parking. On May 17, 2007 the Subdivision Committee approved a large scale development (LSD 07-2536), a 20,506 sq. ft. addition to the existing Physician's Surgery Center building.

Request: The applicant requests to vacate 2,501 sq. ft. of the utility and drainage easements that are located on the subject property. The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

UTILITIES

RESPONSE

Cox Communications

No Objections

AEP/SWEPCO

No Objections

Arkansas Western Gas No Objections

AT&T/ Southwestern Bell Telephone No Objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer No Objections

Engineering No Objections

Solid Waste No Objections

Transportation No Objections

Findings: Staff finds that vacating the requested portion of easement would not adversely affect access to the utilities serving the property or any other adjacent property.

Public Comment: Staff has not received public opposition to this vacation request.

Recommendation: Staff recommends forwarding to the City Council a recommendation of approval to vacate the utility easement VAC 07-2733 with no conditions.

PLANNING COMMISSION ACTION: yes Required

Recommendation to be: X Forwarded for approval ☐ Denied

Motion: Ostner

Second: Winston

Vote: 6-0-0 (approved on consent agenda)

Date: October 8, 2007

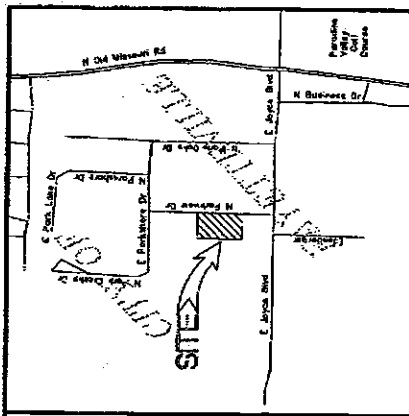
Comments: _____

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

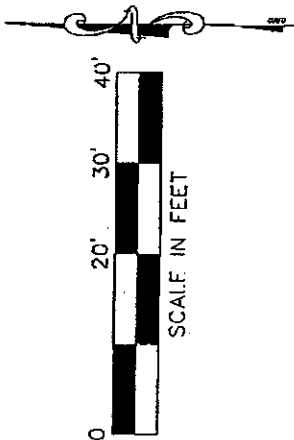
Date



Vicinity Map
Not to Scale

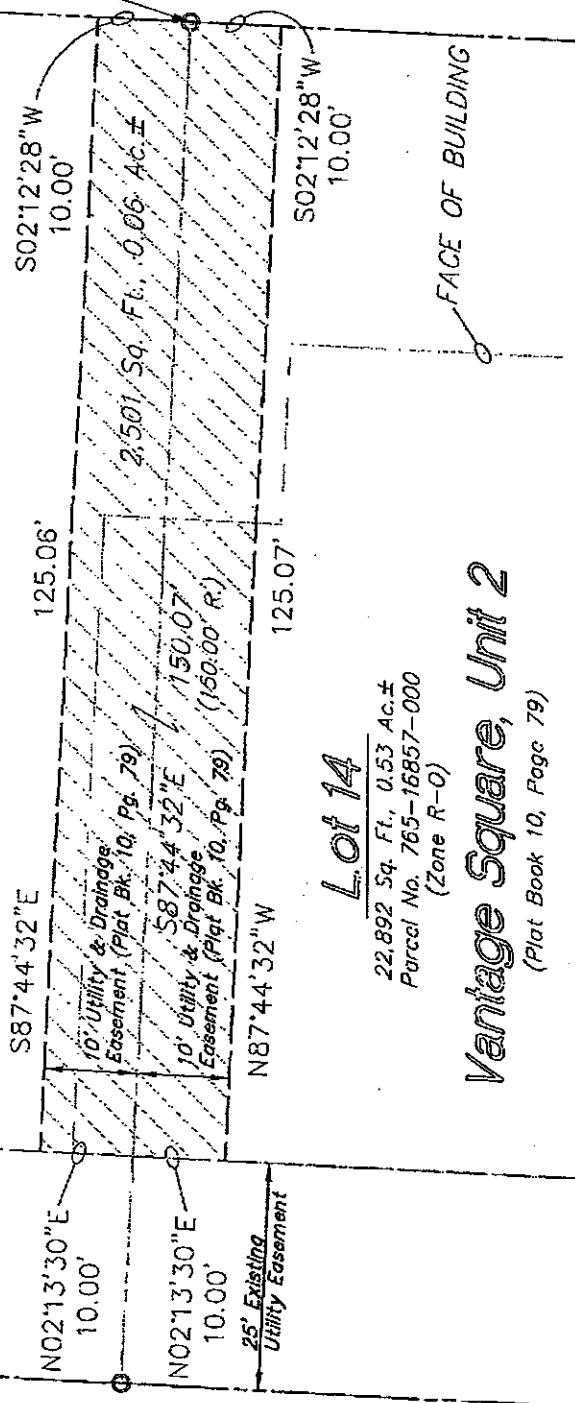
P.O.B.
NE CORNER
LOT 14

North Parkview Drive
(50' Right-of-Way, Asphalt, Good Condition)



Lot 13

22,885 Sq. Ft., 0.53 Ac.±
Parcel No. 765-16856-000
(Zone R-O)



Lot 14

22,892 Sq. Ft., 0.53 Ac.±
Parcel No. 765-16857-000
(Zone R-O)

Vantage Square, Unit 2

(Plat Book 10, Page 79)

CEE ENGINEERING ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS

INITIAL DESIGN	4-17-02	KSC	PRN	KSC	PM	KSC	DES	RPH	DRW
	DATE								
LARGE SCALE DEVELOPMENT PHYSICIANS SPECIALTY HOSPITAL									

3317 S.W. 1 Street Bentonville, AR 72712	(479) 273-9472 FAX (479) 273-0844	JOB NO.: 23586.0 DWG NAME: 23586CASE
EASEMENT VACATION EXHIBIT 3873 NORTH PARKVIEW DRIVE FAYETTEVILLE, ARKANSAS		

04-17-07	3:07 PM	REV-0
DATE	DATE	REV-0
SHEET NO. 1 OF 1		



CEI Engineering Associates, Inc.

C. 4
VAC 07-2733
Physician's Surgery Center
Page 9 of 24

3317 SW "I" Street • P.O. Box 1408 • Bentonville, AR 72712-1408 • (479) 273-9472 • (479) 273-0844

August 29, 2007

DISTRIBUTION:
RER/File

City of Fayetteville Planning Commission
113 W. Mountain St
Fayetteville, AR 72701
(479) 271-3126

**Re: PHYSICIANS SPECIALTY HOSPITAL
(Formerly FAYETTEVILLE SURGTRY CENTER)
3873 North Parkview Drive,
Fayetteville, Arkansas
CEI Project No. 23586.0**

To Fayetteville Planning Commission:

This is a formal application for a utility and drainage easement vacation located in Lot 13 and Lot 14 of the Vantage Square, Unit 2, a Subdivision to the City of Fayetteville, Arkansas. The purpose of this easement vacation is to vacate the utility and drainage easement were the existing building was constructed in said easement, this vacation will also allow the necessary planned building expansion. At present, no utilities exist within the easement.

We have obtained approval from all utility companies and city departments listed in the application check list. I am certain that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described 20 foot utility and drainage easement.

Your consideration in this matter will be greatly appreciated. If you have questions or concerns, please do not hesitate to call.

Respectfully submitted,

Koh Siong Chai, P.E.
Project Engineer
Local Development/Public Works

Attached: 1) Vacation Fee of \$200.
2) Easement exhibit with legal description
3) Abstractor's Certificate of Ownership
4) Two sets of typed mailing labels
5) A copy of Plat
6) Petition for easement vacation
7) Written of notification
8) Comments from all utility companies and city department

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: April 19, 2007UTILITY COMPANY: Cox Communications (Mike Moore)APPLICANT NAME: CEL Engineering-Scott Smith APPLICANT PHONE: 479-273-9472
REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement / Drainage 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**)

** 3873 North Parkview Drive

(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 RepresentativePROJECT COORDINATOR
Title

**FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: April 19, 2007

UTILITY COMPANY: AEP SWEPSCO (Kenny Sullivan)

APPLICANT NAME: CRI Engineering Scott Smith APPLICANT PHONE: 479-273-9472
REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement / Drainage 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)**

**

(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.)

**Physician's Surgery Center
LOT 13 & 14 VANTAGE SQUARE**

- ☐ No objections provided the following conditions are met:

James Dargatz
Signature of Utility Company Representative

ENGINEER I
Title

AEP SWEPSCO

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: April 19, 2007

UTILITY COMPANY: Arkansas Western Gas (Randy Drake)

APPLICANT NAME: CEI Engineering-Scott Smith APPLICANT PHONE: 479-273-9472
REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement / Drainage 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**)

** 3873 North Parkview Drive

(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:

5-25-07
Randy Drake
Signature of Utility Company Representative
RAYEDEVILLE ASSISTANT OPERATING MANAGER
Title



Lynda Palmer
Manager-Engineering (ROW)
Right-of-Way & Joint Use Poles

AT&T Arkansas
1111 West Capitol
Room 941
Little Rock, AR 72201

C. 4
VAC 07-2733
Physician's Surgery Center
T: 501.373.5255 Page 13 of 24
F: 501.373.0229
lynda.palmer@att.com

May 18, 2007

CEI Engineering Associates, Inc.
Attn: Scott Smith
3317 SW "I" Street
Bentonville, AR 72712

Dear Mr. Smith:

RE: Easement vacation – Physician's Specialty Hospital

Please find enclosed AT&T's concurrence in your request to the above mentioned easement 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,

Lynda Palmer

attachments



CONCURRENCE TO VACATE A DEDICATED UTILITY AND DRAINAGE 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 the following dedicated utility easement, to-wit:

Parts of Lots 13 and 14 of Vantage Square, Unit 2, a subdivision to the City of Fayetteville, Arkansas, as shown on plat of record in Plat Book 10 at Pages 79-80, plat records of Washington County, Arkansas and being more particularly described by metes and bounds as follows: Beginning at the northeast corner of Lot 14 of said subdivision; thence S 02°12'28" west along the east line of Lot 14 a distance of 10.00 feet; thence leaving said east line run N 87°44'32" west parallel with the north line of Lot 14 a distance of 125.07 feet to the east line of an existing 25' utility and drainage easement also recorded in Plat Book 10 at Pages 79-80; thence north 02°13'30" east along the east line a distance of 10.00 feet to the north line of Lot 14 also being the south line of Lot 13 of said subdivision; thence continuing north 02°13'30" east along the east line of said existing easement a distance of 10.00 feet; thence leaving said east line run south 87°44'32" east parallel with the south line of Lot 13 a distance of 125.06 feet to the east line of Lot 13; thence south 02°12'28" west along the said east line a distance of 10.00 feet to the point of beginning, containing 0.06 acres, or 2,501 square feet, more or less.

Signed and executed this 16TH day of May, 2007.

By: _____

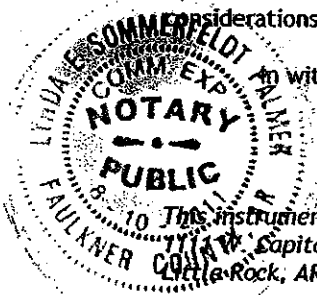
F. Jean Davis
F. Jean Davis
Director-Engineering/Construction

CORPORATE ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

On this the ____ day of May, 2007, before me, the undersigned authority, duly commissioned and qualified in and for the state and county set forth above, personally came and appeared F. Jean Davis, who, after being duly sworn, declared that he is 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
Capitol, Room 941
Little Rock, AR 72201 (501-373-5255)

Lynda E. Sommerfeldt Palmer
Lynda E. Sommerfeldt Palmer
Notary Public in & for Faulkner Co., AR
My commission expires August 10, 2011

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: April 19, 2007

UTILITY COMPANY: City of Fayetteville (Water & Sewer)

APPLICANT NAME: CEI Engineering-Scott Smith APPLICANT PHONE: 479-273-9472
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement / Drainage 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)**

** 3873 North Parkview Drive

(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

Title

Water + Sewer Ops Mgr

Pg 1/3

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: April 19, 2007UTILITY COMPANY: City of Fayetteville (Solid Waste)APPLICANT NAME: CEI Engineering-Scott Smith APPLICANT PHONE: 479-273-9472
REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement/Drainage 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)**

****** 3873 North Parkview Drive

(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 R. [Signature]
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: April 19, 2007UTILITY COMPANY: City of Fayetteville (Transportation)APPLICANT NAME: CEI Engineering-Scott Smith APPLICANT PHONE: 479-273-9472
REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Basement / Drainage 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**)

** 3873 North Parkview Drive

(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

9/4/07

Title

Transportation Superintendent
Transportation Division
Operations Dept
City of Fayetteville

575 822.7

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: May 2, 2007

Address / location of vacation: 3873 North Parkview Drive

Adjacent property address: 1792 East Joyce

Lot: Block: Subdivision: Butterfield Trail Prf., Center

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:

Raymond McClellan
Name of Adjacent Property Owner (printed)

[Signature]
Signature of Adjacent Property Owner

CEI Engineering-Scott D. Smith (Physician's Surgery Center)
Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: May 2, 2007

Address / location of vacation: 3873 North Parkview Drive

Adjacent property address: 1972 East Joyce

Lot: Block: Subdivision: Butterfield Trail/Prof. Center

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:

Raymond McClelland
Name of Adjacent Property Owner (printed)

[Signature]
Signature of Adjacent Property Owner

CEI Engineering-Scott D. Smith (Physician's Surgery Center)

Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT- OF- WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: May 2, 2007

Address / location of vacation: 3873 North Parkview Drive

Adjacent property address: Lot 4B

Lot: 4B Block: Subdivision: Vantage Square-Unit 2

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:

Chris Andy
Name of Adjacent Property Owner (*printed*)

[Signature]
Signature of Adjacent Property Owner

CEI Engineering-Scott D. Smith (Physician's Surgery Center)
Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT- OF- WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: May 2, 2007

Address / location of vacation: 3873 North Parkview Drive

Adjacent property address: Lot 4C

Lot: 4C Block: Subdivision: Vantage Square-Unit 2

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:

Miss Astor
Name of Adjacent Property Owner (*printed*)

[Signature]
Signature of Adjacent Property Owner

CEI Engineering-Scott D. Smith-(Physicians Surgery Center)

Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: May 2, 2007

Address / location of vacation: 3873 North Parkview Drive

Adjacent property address: 3822 & 3828 North Parkview Drive

Lot: 4D Block: Subdivision: Vantage Square-Unit 2

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:

John C. Everett

Name of Adjacent Property Owner (printed)

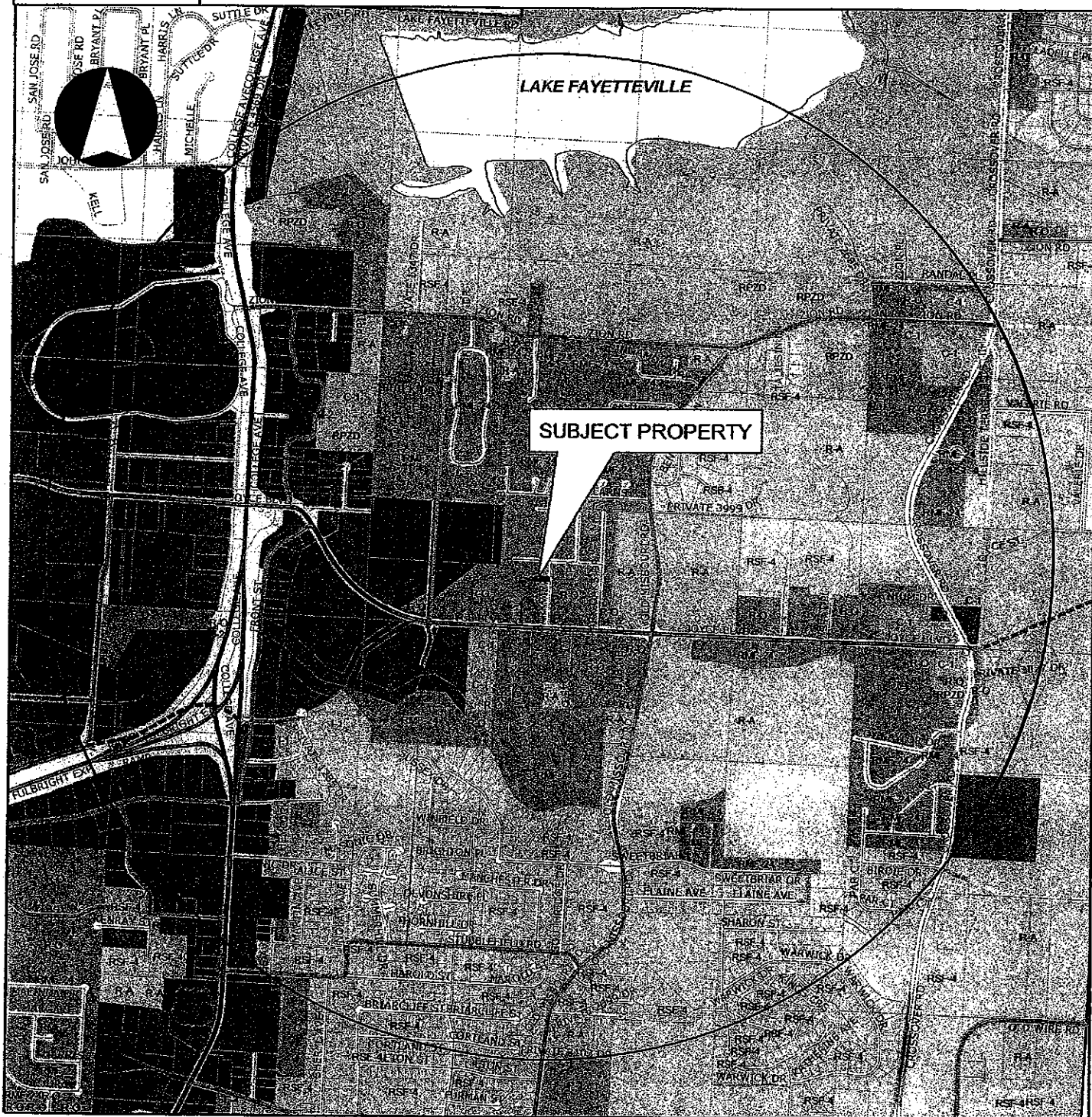
John C. Everett
Signature of Adjacent Property Owner

CEI Engineering-Scott D. Smith (Physician's Surgery Center)
Applicant Name

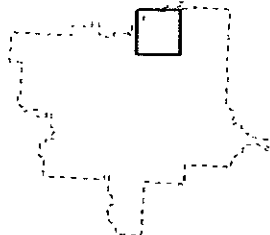
VAC07-2733

One Mile View

PHYSICIAN'S SURGERY CENTER



Overview



Legend

Subject Property

VAC07-2733

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1
 Miles

VAC07-2733

Close Up View

PHYSICIAN'S SURGERY CENTER



PARKSHORE DR

PARKSHORE DR

SUBJECT PROPERTY

PARKVIEW DR

Overview



0 37.5 75 150 225 300 Feet

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

6-Nov-07
City Council Meeting Date

Ron Petrie
Submitted By

Engineering
Division

Operations
Department

Action Required:

Approval of an ordinance waiving the requirements of formal competitive bidding and approval of a cost share agreement with Broyles Commercial Funding, LLC in the amount of \$36,422.00 for the upgrade of 752 feet of 8" water main to 12".

		Water and Sewer
\$36,422.00	\$ 326,452.89	Cost Sharing
Cost of this request	Category/Project Budget	Program Category / Project Name
5400.5600.5808.00	\$ 36,422.00	Water and Sewer Improvements
	Funds Used to Date	Program / Project Category Name
02067	\$ 290,030.89	Sales Tax - Capital Improvements
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐

 10.19.07
Department Director Date

Previous Ordinance or Resolution # _____

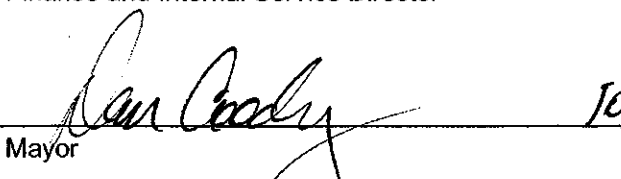
Original Contract Date: _____

 10/22/07
City Attorney Date

Original Contract Number: _____

 10-22-07
Finance and Internal Service Director Date

Received in City Clerk's Office


 10/22/07
Mayor Date

Received in Mayor's Office


Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer *RA*

Date: October 15, 2006

Subject: Proposed cost-share and bid waiver in the amount of \$31,722.00 with a contingency of \$4,700.00 with Broyles Commercial Funding, LLC for the upsizing of approximately 752' of 8" water main to 12".

RECOMMENDATION

Staff recommends that the City cost-share with Broyles Commercial Funding, LLC, the developer, to upsize approximately 752 feet of 8" water main to a 12" main. By participating in the construction of these improvements, the City will be continuing a 12" grid in the water line distribution system as recommended by the Water Master Plan Study.

BACKGROUND

Broyles Commercial Funding, LLC is constructing a 105 unit single-family residential subdivision located at the southwest corner of Weir Road and Salem Road. As a part of this development, the developer is required to construct a water main extension to provide water service and fire protection to the site.

DISCUSSION

There is existing 8" water main along Salem Road. The proposed development is required to connect to this main and extend it to serve the subdivision. It would benefit the City to cost-share with the developer for the construction of a portion of the water line to install a 12" main along Weir Road. This will continue a 12" water line grid that will serve customers in this area. The City's cost is approximately 32% of the total cost before contingencies. Should the City wait to upgrade the water main, future costs will be significantly higher.

Construction costs have been provided to the City for these improvements by the contractor as follows:

Developer's Share	\$ 67,646.00
City's Share	\$ 31,722.00
Total	\$ 99,368.00

BUDGET IMPACT

Based upon the information provided by the Budget & Research Division, there is a remaining balance of \$326,452.89 in the Water and Sewer Cost Sharing Account.

The final costs to the City will be based upon actual costs as documented by Broyles Commercial Funding, LLC 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 AGREEMENT WITH BROYLES COMMERCIAL FUNDING, LLC IN THE AMOUNT OF \$36,422.00 FOR THE UPSIZING OF APPROXIMATELY 752' OF 8" WATER MAIN TO 12" WATER MAIN.

WHEREAS, the City of Fayetteville's Water Master Plan calls for a portion of the 12" Water Main Grid to run in the area near the residential development that Broyles Commercial Funding, LLC is currently developing near the intersection of Weir Road and of Salem Road; and,

WHEREAS, entering into a cost-share agreement with Broyles Commercial Funding, LLC and utilizing their engineer and contractor to extend the 12" Water Main will avoid the added cost and unnecessary duplication of effort which would arise from the formal competitive bidding process.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding to approve a cost-share with Broyles Commercial Funding, LLC in the amount of \$36,422.00 for the upsizing of approximately 752' of 8" water main to 12" water main.

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this _____, by and between the City of Fayetteville, Arkansas and Broyles Commercial Funding, LLC Witnesseth:

WHEREAS, Broyles Commercial Funding, LLC, is constructing a 105 unit single-family residential development at the intersection of Weir Road and Salem Road; and

WHEREAS, Broyles Commercial Funding, LLC, will be extending an 8" main through the project site to provide water service and fire protection to the development; and

WHEREAS, it will benefit the City of Fayetteville to upgrade this 8" water main extension to a 12" main. This upgrade will continue the creation of a 12" water main grid in accordance with the water distribution master plan.

NOW, THEREFORE, the City of Fayetteville and Broyles Commercial Funding, LLC agree as follows:

1. Upon the City Council and/or the Mayor approving the Water Main Cost-Share, the City of Fayetteville agrees to:
 - A. Pay for 100% of the actual documented construction costs for the upsizing to a 12" water main along Weir Road.
 - B. Pay a maximum-not-to-exceed cost of \$36,422.00 for the afore mentioned water main construction as was provided by the developer's engineer, and made a part of this agreement.
 - C. 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.
 - D. Make all efforts to provide payment to Broyles Commercial Funding, LLC within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.
2. Broyles Commercial Funding, LLC agrees to:
 - A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable water main installation.
 - B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the water main installation.

3. It is further understood that the contract for construction is between Broyles Commercial Funding, LLC LLC and their Contractor and that the City has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$36,422.00 for the water main upgrade.

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

CITY OF FAYETTEVILLE

Broyles Commercial Funding, LLC

By: _____
DAN COODY, Mayor

By: _____

Quantities for Holcomb Heights-Phase I - Water Service Assessment

12" Water Service					
1	Jack and Bore for 12" Water line under Salem Rd.	70	L.F.	\$200.00	\$14,000.00
2	Connection to Existing 6" Water Line	1	Lump Sum	\$5,000.00	\$5,000.00
3	12" C-900 PVC	752	L.F.	\$39.00	\$29,328.00
4	12" x 8" Tee	3	EACH	\$900.00	\$2,700.00
5	12" x 6" Tee	2	EACH	\$900.00	\$1,800.00
6	12" x 6" Reducer	1	EACH	\$700.00	\$700.00
7	12" Butterfly Valve	8	EACH	\$3,700.00	\$29,600.00
8	Blow off Assembly / Pop Off Valve	1	EACH	\$400.00	\$400.00
9	Water Service - 1" Saddle Tap	6	EACH	\$850.00	\$5,100.00
10	12" Bends (45 Degree)	6	EACH	\$800.00	\$4,800.00
11	12" Water line encasements	21	L.F.	\$140.00	\$2,940.00
12	Thrust Block	12	EACH	\$250.00	\$3,000.00
Sub total (WATER SERVICE)					\$99,368.00

8" Water Service					
13	Jack and Bore for 8" Water line under Salem Rd.	70	L.F.	\$175.00	\$12,250.00
14	Connection to Existing 6" Water Line	1	Lump Sum	\$5,000.00	\$5,000.00
15	8" C-900 PVC/DI	752	L.F.	\$28.00	\$21,056.00
16	8" x 8" Tee	3	EACH	\$700.00	\$2,100.00
17	8" x 6" Tee	2	EACH	\$700.00	\$1,400.00
18	8" x 6" Reducer	1	EACH	\$350.00	\$350.00
19	8" Gate Valve	8	EACH	\$1,500.00	\$12,000.00
20	Blow off Assembly / Pop Off Valve	1	EACH	\$350.00	\$350.00
21	Water Service - 1" Saddle Tap	6	EACH	\$775.00	\$4,650.00
22	8" Bends (45 Degree)	6	EACH	\$700.00	\$4,200.00
23	8" Water line encasements	21	L.F.	\$90.00	\$1,890.00
24	Thrust Block	12	EACH	\$200.00	\$2,400.00
Sub total (SANITARY SEWER)					\$67,646.00

DIFFERENCE IN 12" AND 8" TOTALS					\$31,722.00
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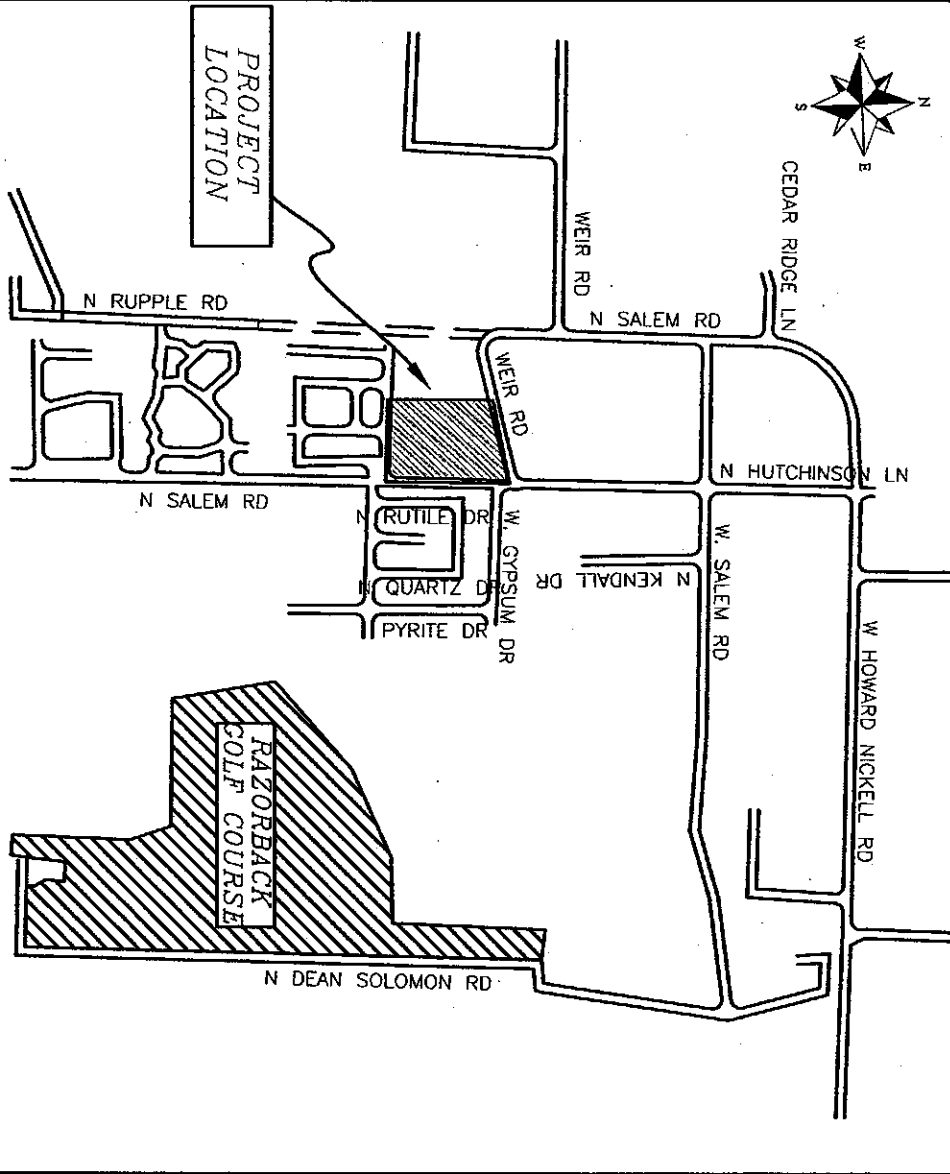
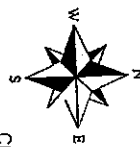
ACCD

PLANNING
 LANDSCAPE ARCHITECTURE
 URBAN DESIGN
 ENGINEERING

APRIAN CENTRE FOR DESIGN

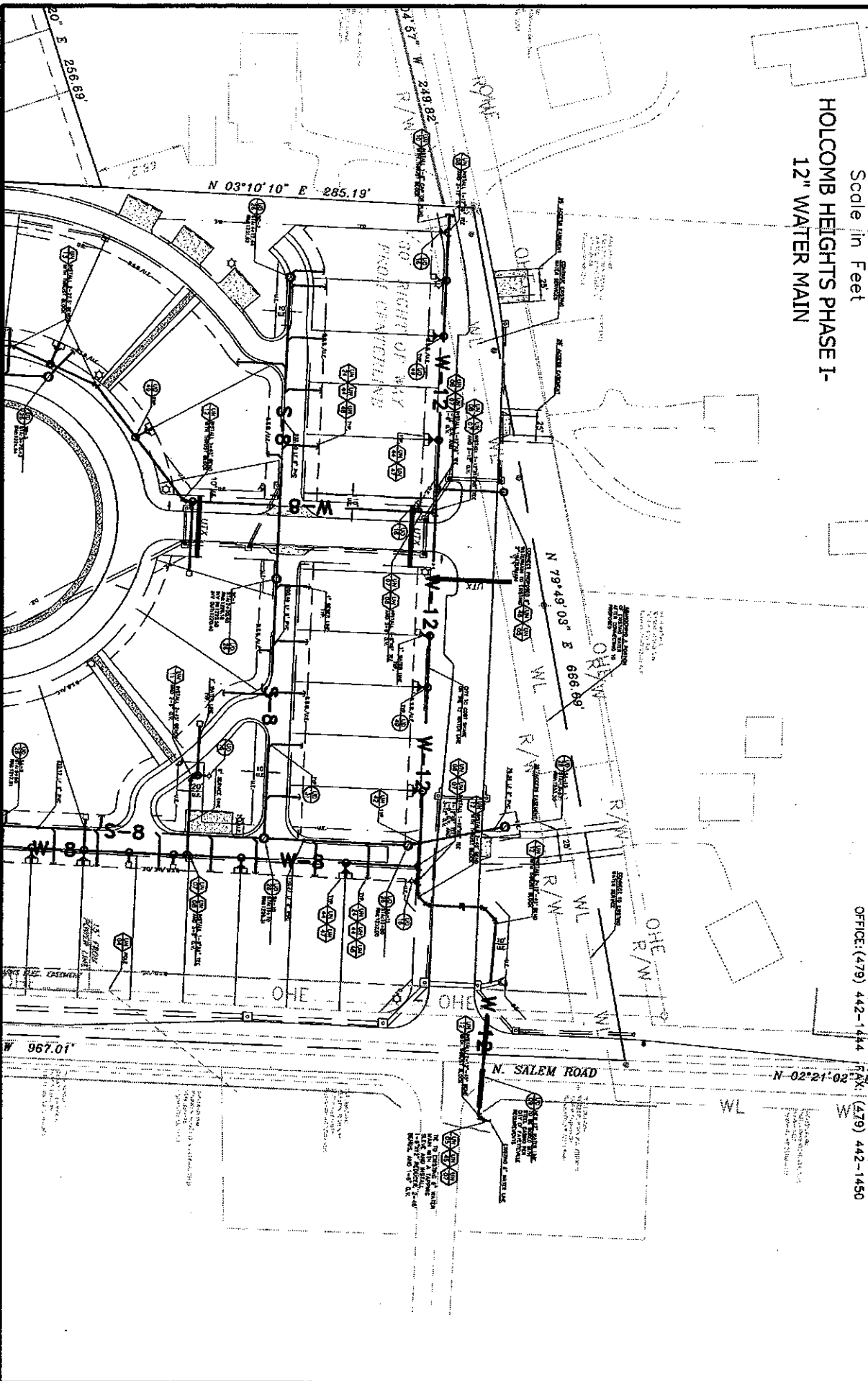
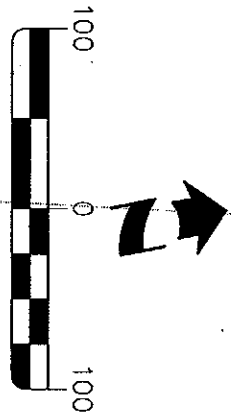
217 EAST DICKSON STREET, SUITE 104, FAYETTEVILLE, ARKANSAS 72701
 OFFICE: (479) 442-1444 FAX: (479) 442-1450

VICINITY MAP (Not to Scale)



PLAT PG: 245

Scale in Feet
 100
 100
 HOLCOMB HEIGHTS PHASE I-
 12" WATER MAIN



ACCD

APRIAN CENTRE FOR DESIGN

217 EAST DICKSON STREET, SUITE 104, FAYETTEVILLE, ARKANSAS 72701
 OFFICE: (479) 442-1444 FAX: (479) 442-1450

PLANNING
 LANDSCAPE ARCHITECTURE
 URBAN DESIGN
 ENGINEERING

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

6-Nov-07

City Council Meeting Date

Ron Petrie

Submitted By

Engineering

Division

Operations

Department

Action Required:

Approval of an ordinance waiving the requirements of formal competitive bidding and approval of a cost share agreement with Phillip/Martin Development Partners, LLC in the amount of \$48,886.20 for the widening of Zion Road and approval of a budget adjustment in the amount of \$53,123.72.

\$48,886.20

Cost of this request

4470.9470.5809.00

02116

Project Number

\$

253,798.00

Category/Project Budget

\$

258,035.52

Funds Used to Date

\$

(4,237.52)

Remaining Balance

Street/ROW/Intersection

Cost Sharing

Program Category / Project Name

Street Improvements

Program / Project Category Name

Sales Tax - Capital Improvements

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

X

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Finance and Internal Service Director

Date

Received in City Clerk's Office

ENTERED
10/19/07
CPS

Received in Mayor's Office

ENTERED
10/23/07
JH

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: October 19, 2007

Subject: Proposed ordinance waiving the requirements of formal competitive bidding and approving a cost share agreement with Phillip/Martin Development Partners, LLC in the amount of \$48,886.20 for roadway improvements to Zion Road and approval of a budget adjustment in the amount of \$53,123.72.

RECOMMENDATION

Staff recommends that the City cost-share with Phillip/Martin Development Partners, LLC, the developer, to extend the proposed roadway widening of Zion Road from Taliesin Lane west to the existing improved section of roadway.

BACKGROUND

Phillip/Martin Development Partners, LLC is constructing a 67 single family dwellings and 45 multi-family dwellings development located on the south side of Zion Road west of Highway 265. As a part of this development, the developer is required to widen Zion Road for the project frontage and extending the improvements west to Taliesin Lane. The following is condition #1 from the Planning Commission Report for this PZD:

1. Planning Commission determination of street improvements. *Staff recommends the developer construct curb, gutter, sidewalk, and storm drainage along the south side of Zion Road along the property frontage, and extend these improvements approximately 220' to the west to tie-in to the existing improvements at Taliesin Lane, utilizing a 36' wide street section (striped for a turn lane).*

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION (09/11/06).

DISCUSSION

With the improvements required by the Planning Commission, there will be a 165' gap in the improvements to the roadway on the south side of Zion Road. It would benefit the City to cost-share with the developer to extend the roadway improvements to connect to the improvements that were completed as a part of the Old Missouri Road intersection. The City's cost is approximately 29% of the total cost. Should the City wait to widen the street, future costs will be significantly higher.

Construction costs have been provided to the City for these improvements by the contractor as follows:

Developer's Share	\$ 119,894.45
City's Share	\$ 48,886.20
Total	\$ 168,780.65

BUDGET IMPACT

The funds for this street cost share project will come from the Street ROW/ Intersection/ Cost Sharing Fund. A budget adjustment is requested in the amount of \$53,123.72. The amount of \$26,694.08 will be adjusted from the Kings Drive project which has \$26,694.08 in remaining funds and the amount of \$26,429.64 will be adjusted from the Huntsville and Happy Hollow Intersection project which has \$48,973.67 in remaining funds.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE AGREEMENT WITH PHILLIP/MARTIN DEVELOPMENT PARTNERS, LLC IN THE AMOUNT OF \$48,886.20 FOR THE WIDENING OF ZION ROAD; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$53,123.72.

WHEREAS, the Fayetteville Planning Commission has required as a Condition of Approval for its residential development, that Phillip/Martin Development Partners, LLC widen Zion Road from Taliesin Lane west to the existing improved section of roadway ; and,

WHEREAS, entering into a cost-share agreement with Phillip/Martin Development Partners, LLC and utilizing their engineer and contractor to widen Zion Road will avoid the added cost and unnecessary duplication of effort which would arise from the formal competitive bidding process.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding to approve a cost-share with Phillip/Martin Development Partners, LLC in the amount of \$48,886.20 for the widening of Zion Road.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$53,123.72.

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this _____, by and between the City of Fayetteville, Arkansas and Phillip/Martin Development Partners, LLC, Witnesseth:

WHEREAS, Phillip/Martin Development Partners, LLC is constructing a 67 single family dwellings and 45 multi-family dwellings development located on the south side of Zion Road west of Highway 265 ; and

WHEREAS, Phillip/Martin Development Partners, LLC will be widening a portion of Zion Road as a part of this development; and

WHEREAS, it will benefit the City of Fayetteville to extend the improvements required for this development to complete a 165' gap in the street improvements on the south side of Zion Road.

NOW, THEREFORE, the City of Fayetteville and Phillip/Martin Development Partners, LLC as follows:

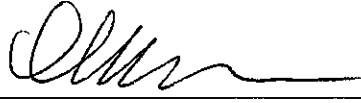
1. Upon the City Council and/or the Mayor approving the Street Cost-Share, the City of Fayetteville agrees to:
 - A. Pay a maximum-not-to-exceed cost of \$48,886.20 for the afore mentioned street construction.
 - B. Make all efforts to provide payment to Phillip/Martin Development Partners, LLC within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.
2. Phillip/Martin Development Partners, LLC agrees to:
 - A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable street installation.
 - B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the street construction.
3. It is further understood that the contract for construction is between Phillip/Martin Development Partners, LLC and their Contractor and that the City has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$48,886.20 for the street construction.

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

CITY OF FAYETTEVILLE
LLC

By: _____
DAN COODY, Mayor

Phillip/Martin Development Partners,

By:  _____

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

C. 6
Phillip/Martin Development Partners, LLC
Bid Waiver
Page 7 of 12

Budget Year 2007	Department: Sales Tax Capital Improvements Division: Program:	Date Requested 11/6/2007	Adjustment Number
-------------------------	---	---------------------------------	-------------------

Project or Item Added/Increased: Street ROW / Intersection / Cost Sharing	Project or Item Deleted/Reduced: Kings Drive Improvements Huntsville and Happy Hollow Intersection
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Justification of this Increase: Additional funds are necessary to cover the expense of a cost share for the widening of Zion Road.	Justification of this Decrease: These projects are complete with funds remaining.
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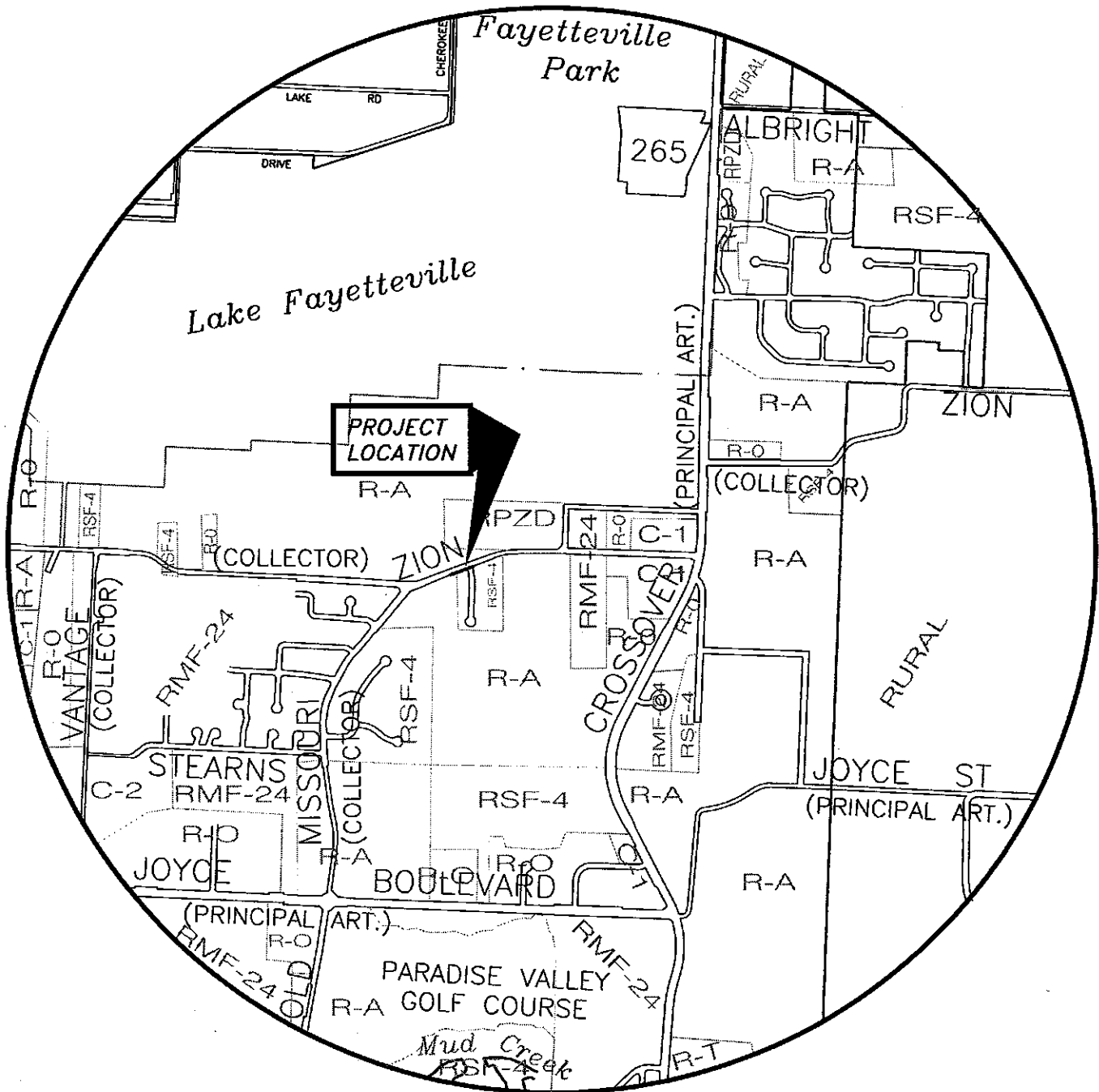
Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Street improvements	4470	9470	5809	00	53,124	02116	1

Decrease Expense Budget (Increase Revenue Budget)

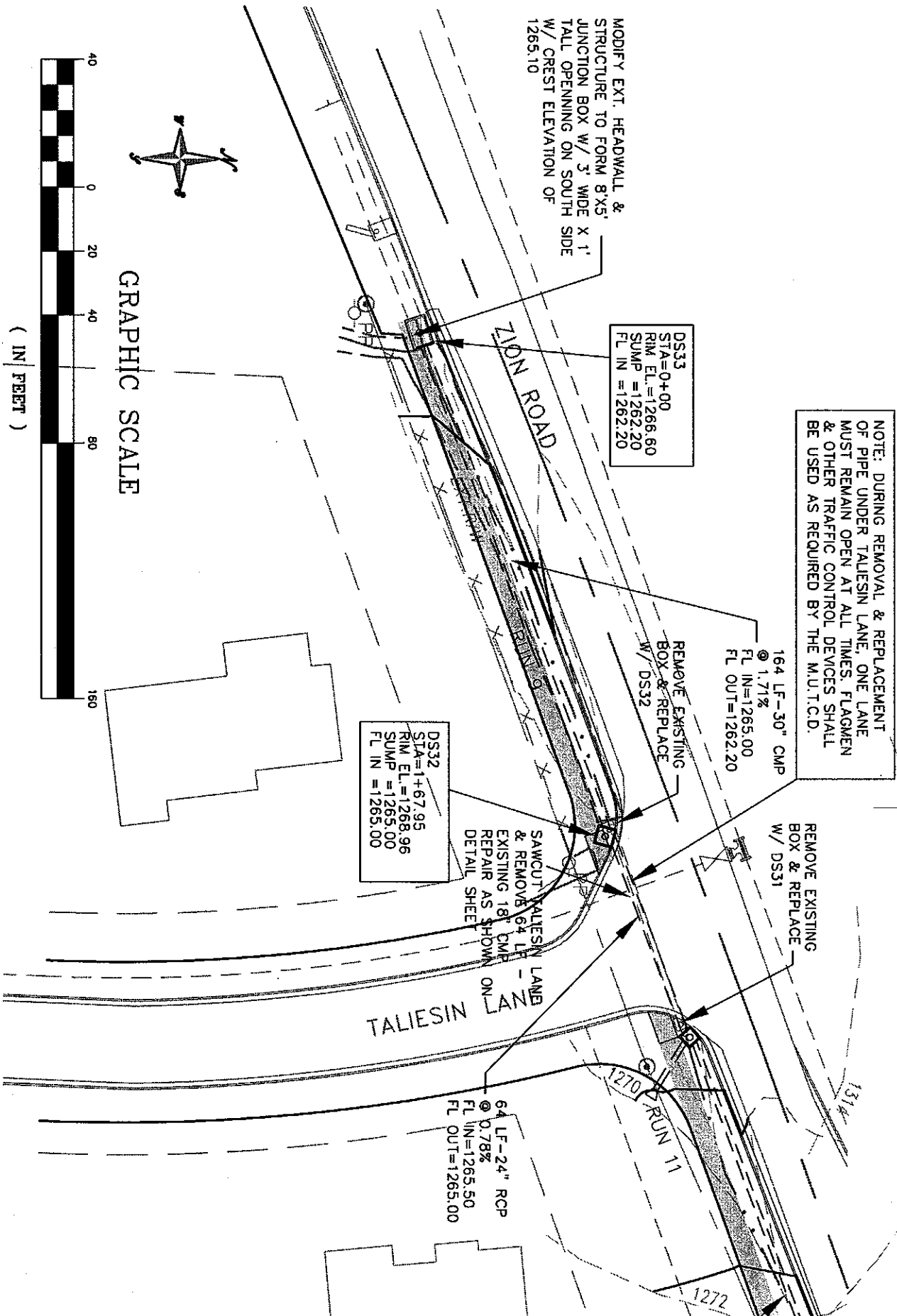
Account Name	Account Number				Amount	Project Number	
Street improvements	4470	9470	5809	00	26,694	05030	1
Street improvements	4470	9470	5809	00	26,430	04011	1

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	Date	Posted to Project Accounting				Initial	Date
Finance & Internal Services Director	Date	Entered in Category Log				Initial	Date
Mayor	Date						



VICINITY MAP

N.T.S.



WOODBURY

OFFSITE CITY IMPROVEMENTS

Item No.	Description of Items	Contract Quantity	Unit	Contract Unit Price	Contract Amount	Total Work This Est.	Total Work Prev. Est.	Total Work On Contract	% of Contract Quantity Complete
1	Asphalt Streets @ 6'3"/2" (Zion widening)	61	SY	\$ 105.00	\$ 6,405.00			\$ -	0%
2	Curb and Gutter (Along Zion Rd.) - Incl. Cost to Saw Cut Ext. Asphalt	180	LF	\$ 15.65	\$ 2,817.00			\$ -	0%
3	5' x 5' Inlet Box	1	EA	\$ 2,240.00	\$ 2,240.00			\$ -	0%
4	4' Extensions	3	EA	\$ 500.00	\$ 1,500.00			\$ -	0%
5	8' x 5' Junction Box Modification	1	EA	\$ 3,100.00	\$ 3,100.00			\$ -	0%
6	24" RCP	64	LF	\$ 59.75	\$ 3,824.00			\$ -	0%
7	30" CMP	164	LF	\$ 58.50	\$ 9,594.00			\$ -	0%
8	Demo Ext. Drainage Structures	1	LS	\$ 860.00	\$ 860.00			\$ -	0%
9	Demo Pipe Under Street	64	LF	\$ 51.00	\$ 3,264.00			\$ -	0%
10	Demo & Repair Asphalt	25	SY	\$ 44.00	\$ 1,100.00			\$ -	0%
11	Traffic Control	1	LS	\$ 6,000.00	\$ 6,000.00			\$ -	0%
12	6' Sidewalk @ Zion Rd.	178	LF	\$ 21.00	\$ 3,738.00			\$ -	0%
13	Engineering (10% of Construction Cost)	1	LS	\$ 22.00	\$ 4,444.20			\$ -	0%

\$ 48,886.20

\$ - 0%

WOODBURY

DEVELOPER IMPROVEMENTS TO ZION RD.

Item No.	Description of Items	Contract Quantity	Unit	Contract Unit Price	Contract Amount
1	Asphalt Streets @ 6"3/2" (Zion widening)	99	SY	\$ 105.00	\$ 10,395.00
2	Curb and Gutter (Along Zion Rd.) - Incl. Cost to Saw Cut Ext. Asphalt	708	LF	\$ 15.65	\$ 11,080.20
3	4' x 4' Inlet Box	6	EA	\$ 2,240.00	\$ 13,440.00
4	4' Extensions	1	EA	\$ 500.00	\$ 500.00
5	18" CMP	239	LF	\$ 41.75	\$ 9,978.25
6	24" CMP	262	LF	\$ 58.25	\$ 15,261.50
7	42" RCP	85	LF	\$ 120.00	\$ 10,200.00
8	42" Flared End Section	1	EA	\$ 2,200.00	\$ 2,200.00
9	Re-grade Existing Channel Along Randal	430	LF	\$ 3.75	\$ 1,612.50
10	Connect to Existing Drainage Structure	1	EA	\$ 625.00	\$ 625.00
11	Demo Ext. Drainage Structures	1	LS	\$ 860.00	\$ 860.00
12	Demo Pipe Under Street	45	LF	\$ 51.00	\$ 2,295.00
13	Demo Pipe Not Under Street	122	LF	\$ 17.00	\$ 2,074.00
14	Demo & Repair Asphalt	30	SY	\$ 44.00	\$ 1,320.00
15	Demo Curb	45	LF	\$ 7.50	\$ 337.50
16	Traffic Control	1	LS	\$ 7,895.00	\$ 7,895.00
17	6' Sidewalk @ Zion Rd.	901	LF	\$ 21.00	\$ 18,921.00
18	Engineering (10% of Construction Cost)	1	LS	\$ 10,899.50	\$ 10,899.50

\$ 119,894.45

SEP 06 2007

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE



September 5, 2007

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

RE: TOWNSHIP HEIGHTS SUBDIVISION APPEAL

Council Members,

On behalf of our clients, Randy and Kelly Davidson, I would like to appeal the August 27, 2007 decision of the Planning Commission, to deny PPL 07-2679, Township Heights. In order to properly prepare additional data to present to the Council, I am requesting that this item be put on the October 2, 2007 City Council Agenda.

This project consists of approximately 5.57 acres of wooded property, on the north side of Township Street, approximately ¼ mile west of the intersection with Old Wire Road. The property is currently zoned RSF-4. We are proposing splitting the property into 21 residential lots and one lot containing a detention pond. The proposed density is 3.77 units per acre. The majority of this property lies within the Hillside Hilltop Overlay District. The proposed preliminary plat meets or exceeds all Unified Development Code requirements for an RSF-4 development within the Hillside Hilltop Overlay District. "Best Management Practices" from the HHOD Ordinance were used in the design of this development. We have requested no waivers with regards to this development, and the project received favorable recommendations from the City Engineer, Mr. Petrie, and the Director of Planning, Mr. Pate.

Planning Commissioners present at the August 27 meeting, cited "the creation or compounding of a dangerous traffic condition" as their reason for voting against the approval of the preliminary plat. We strongly, but respectfully, disagree with this reasoning. Not unlike numerous streets in Fayetteville, Township suffers from periods of high traffic volumes at peak hours. We feel that this situation, while certainly inconvenient, is far from dangerous. Dangerous traffic situations generally involve conditions such as high speeds, reduced sight distances, or confusing/complex traffic maneuvers (i.e. lane shifts, lane changes or lane merges). None of these conditions exist along this stretch of Township Street. On the contrary, the proposed entrance to this development has over 600 feet of sight distance, in both directions, only two lanes of traffic, and a posted speed limit of 25 miles per hour. The expected traffic generated by this development, approximately 210 vehicle trips per day, will be less than 2% of the overall traffic on Township for the same 24 hour period, based on a recent count performed by the City Transportation Department.

Please contact me, if you have any questions or need further information regarding this project, at 582-4234 or thennelly@h2ei.net.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Hennelly', is written over a horizontal line.

Thomas A. Hennelly, P.E.
President

City Council Meeting of October 02, 2007
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: September 13, 2007

Subject: Preliminary Plat for Township Heights (PPL 07-2679)

RECOMMENDATION

The Planning Commission voted to deny the subject Preliminary Plat request, PPL 07-2679 Township Heights. A motion to deny passed with a vote of 5-1-0 (Commissioner Trumbo voted 'No'). The applicant has appealed the Planning Commission decision to the City Council.

Planning Staff recommends approval of the requested preliminary plat. The proposed development meets all ordinance requirements for a residential subdivision in the RSF-4 zoning district, and meets or exceeds all requirements within the Hillside/Hilltop Overlay District (HHOD). Additionally, many of the Best Management Practices (BMP) recommended for hillside/hilltop developments in the HHOD BMP Manual adopted by the City Council are being utilized to reduce the amount of grading disturbance and tree removal for the project.

BACKGROUND

The subject property contains approximately 5.57 acres on the north side of Township Street, just west of Common Drive. The majority of the property is located within the Hillside/Hilltop Overlay District (HHOD). In accord with the HHOD Best Management Practices, street sections and utility easements within the HHOD have been reduced in width in order to minimize the amount of grading disturbance and tree removal, while still accommodating utility locations, vehicular and pedestrian movements, and/or parking. The applicant requests preliminary plat approval for 21 single family lots, a density of 3.77 units per acre. There is an existing single-family residence that will be surrounded on three sides by the proposed development, although is not a part of the subdivision. One detention pond is proposed to be located in Lot 1 near the entrance to the subdivision. All lots meet the standards established for properties in the RSF-4 zoning district and within the HHOD.

DISCUSSION

On October 27, 2007, the Planning Commission voted 5-1-0 on a motion to deny this request with commissioners Myres, Bryant, Graves, Winston and Cabe voting 'Yes', commissioner Trumbo voting 'No', and commissioner Anthes, Ostner and Lack absent. The motion to deny passed and the applicant has appealed this request to the City Council. The main issue of Planning Commission concern was traffic danger on

City Council Meeting of October 02, 2007

Agenda Item Number

Township Street. A traffic study was discussed, but not requested by the Planning Commission. Staff has reviewed traffic on Township St. in this location, based on the comments received. The development of 21 lots will produce approximately 201 vehicle trips in a 24-hour period (see MicroTrans Trip Generation Summary). Township Street in this location, currently supports an average of 11,188 vehicle trips in a 24-hour period. This traffic count was taken on August 28-29 (Tuesday/Wednesday). When compared to the existing traffic this results in an approximately 1.8% increase in traffic. Staff has also conducted a visual analysis of the street and topography in this area. Site visibility is not an issue when entering or exiting at the proposed location on Township. Additionally, traffic accident records were reviewed in 2006-2007 from the Fayetteville Police Department. The amount of accidents that would result in Township being declared 'significant' or 'dangerous' does not appear to exist. Of the 62 accidents reported between College and Old Wire, 6 accidents were reported within a quarter of a mile; 42 were at or near the intersection of College and Township, and an unknown percentage of these were actually on College Ave. Based on this information, and review of this project through the established development review process, staff finds that the proposed development of 21 lots on the subject property meets or exceeds all regulatory criteria of the Unified Development Code and that the development will not create, nor compound a dangerous traffic condition on adjacent streets. Staff has recommended street improvements in accordance with the traffic generated and the impact it will have on adjacent streets.

BUDGET IMPACT

None.



PC Meeting of 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
Glenn Newman, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: August 21, 2007 Updated August 28, 2007

PPL 07-2679: Preliminary Plat (TOWNSHIP HEIGHTS, 291): Submitted by H2 ENGINEERING, INC. for property located at 1140 TOWNSHIP STREET. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 5.57 acres. The request is for 21 single family lots.

Planner: Jesse Fulcher

Findings:

Property & Proposal: The subject property contains approximately 5.57 acres on the north side of Township Street, just west of Common Drive. The majority of the property is located within the Hillside/Hilltop Overlay District (HHOD). In accord with the HHOD Best Management Practices, street sections and utility easements within the HHOD have been reduced in width in order to minimize the amount of grading disturbance and tree removal, while still accommodating utility locations, vehicular and pedestrian movements, and/or parking. The applicant requests preliminary plat approval for 21 single family lots, a density of 3.77 units per acre. There is an existing single-family residence that will be surrounded on three sides by the proposed development, although is not a part of the development. One detention pond is proposed to be located in Lot 1 near the entrance to the subdivision.

Surrounding Land Use and Zoning:

Direction from Site	Land Use	Zoning
North	Single-family Residential	RSF-4, Residential Single-family
South	Single-family Residential	RSF-4, Residential Single-family
East	Single-family Residential	RSF-4, Residential Single-family
West	Single-family Residential	RSF-4, Residential Single-family

Water and Sewer System: Water and sewer shall be extended to serve the proposed development.

Adjacent Master Street Plan Streets: Township Street (a Collector Street)

Right-of-way to be dedicated: Right-of-way dedication in the amount of 35' from centerline, as indicated on the plans, is required for Township Street and shall occur at the time of recordation of the final plat. All internal streets shall be dedicated and constructed according to City of Fayetteville ordinance requirements for a residential street in the Hillside Hilltop Overlay District.

Street Improvements: Staff recommends that Township Street be improved 14' from centerline including pavement, curb and gutter, storm drainage and a 6' sidewalk. The improvements shall be constructed along the entire property frontage, including Parcel #765-15982-000, which is surrounded by the subject development. The improvements shall only include the provision of a sidewalk along the off-site parcel if permitted by the existing property owner.

Connectivity: Future connectivity has been proposed to the west and north. Property to the east is a platted, developed residential subdivision.

Parks: The Parks and Recreation Advisory Board reviewed this project on June 4, 2007 and recommended accepting money in lieu in the amount of \$21,160.00 for 21 single-family units.

Tree Preservation:	Existing:	93.39%
	Preserved:	55.05%
	Required:	30.00%
	Mitigation:	Not required

Public Comment: Staff has received public comment from one adjacent property owner who expressed concerns regarding traffic conditions on Township Street.

8-16-07 Subdivision Committee Meeting: Several neighbors of the proposed development voiced concerns regarding increased traffic on Township St., tree removal, drainage/runoff from the development, small lot sizes, mosquitoes from the detention pond and the overall development of Fayetteville's hillsides. Additionally, many of the neighbors did not feel that they had sufficient time to review the project prior to the Subdivision Committee meeting and requested that the applicants meet with the neighbors to discuss the project prior to the Planning Commission meeting. Meeting minutes are included within the staff report.

Recommendation: Staff recommends approval of PPL 07-2679 with the following conditions of approval:

Conditions of Approval:

1. Planning Commission determination of street improvements. *Staff recommends the following street improvements:*
 - a. *Staff recommends that Township Street be improved 14' from centerline including pavement, curb and gutter, storm drainage and a 6' sidewalk. Said improvements shall be constructed along the entire property frontage*

including the adjacent parcel, which is surrounded by the development. The six-foot sidewalk on the off-site property shall be constructed at the Master Street Plan right-of-way line, unless the existing property owner objects. Should permission not be granted to construct the sidewalk on the adjacent property, the applicant shall pay money in-lieu for this sidewalk installation.

8-16-07 SUBDIVISION COMMITTEE: THE SUBDIVISION COMMITTEE FOUND IN FAVOR OF THE RECOMMENDED STREET IMPROVEMENTS.

8-27-07 PLANNING COMMISSION: NO DETERMINATION.

2. Planning Commission determination of appropriate connectivity. *The applicant has provided two street connections to provide access to future development. Staff finds in favor of the proposed connectivity. However, staff recommends a minor shift in the road alignment further to the east on the northern street stub-out to allow a future street extension to occur such that the house to the north will not encroach into the front building setback that will be created if the street is extended.*

8-16-07 SUBDIVISION COMMITTEE: THE SUBDIVISION COMMITTEE FOUND IN FAVOR OF THE PROPOSED CONNECTIVITY. THE REQUEST TO ORIENT THE STREET BASED ON THE EXISTING STRUCTURE TO THE NORTH WAS ADDED AFTER THE SUBDIVISION COMMITTEE MEETING.

8-27-07 PLANNING COMMISSION: NO DETERMINATION.

3. The existing residential driveway to the west of the subject development (1114 and 1118 E. Township) shall be removed and said properties shall only access Street 1 as indicated on the plat. A 30' access easement shall be included on the plat to allow access from the adjacent properties to Street A. Said requirement was offered by the applicant in lieu of requesting a waiver of the minimum separation between a curb-cut and an intersection.
4. Any proposed entry feature, including but not limited to walls, fences and/or signage shall be reviewed and permitted by the Planning Department prior to installation.
5. Payment of \$21,160.00 for an additional 21 single-family units in lieu of dedication of parkland shall be contributed by the developer prior to final plat.
6. The applicant shall work with the Urban Forester and Engineering Department at the time of construction plan review in an effort to maximize the percentage preserved canopy along Township Street.
7. Right-of-way dedication in the amount of 35' from centerline for Township Street shall be dedicated with the filing of the final plat. Right-of-way for all interior streets shall be dedicated as noted with the filing of the final plat.

8. Development of all individual lots within the subject development shall be subject to the requirements of the Hillside/Hilltop Overlay District requirements and will be reviewed at the time of building permit. Grading permits and tree preservation plans shall be required to be submitted for approval for each lot development within the HHOD.
9. The lot reserved for detention shall be an unbuildable lot and owned and maintained by the Property Owners Association.

Standard Conditions of Approval:

10. Street lights shall be installed at all intersections and with a maximum separation of 300' prior to signing the final plat.
11. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
12. Signs indicating the future extension of right-of-way shall be posted at the end of all street stub-outs prior to signing the final plat.
13. All street names and addresses shall be approved by the 911 coordinator prior to signing the final plat.
14. 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).
15. 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.
16. All overhead electric lines under 12Kv shall be relocated underground. All proposed utilities shall be located underground.
17. Preliminary Plat approval shall be valid for one calendar year.

Additional conditions:

a. _____

Planning Commission Action: ☐ Approved ☒ Denied ☐ Tabled

Motion: Cabe

Second: Myers

Vote: 5-1-0

Meeting Date: August 16, 2007

Township Heights
Summary of Average Vehicle Trip Generation
For 21 Dwelling Units of Single Family Detached Housing
September 13, 2007

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	201	4	12	14	8

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	212	11	9
Sunday	184	10	8

Note: A zero indicates no data available..
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS



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 # PPL 07-2679: Preliminary Plat (Township Heights)

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	5.43
square feet	236,401.58
Existing Tree Canopy	
acres	5.07
square feet	220,770
percent of site area	93.39%
Existing Tree Canopy Preserved	
acres	2.98
square feet	130,132
percent of total site area	55.05%
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 very wooded and found within the hillside hilltop overlay district. Over half of the canopy will be saved after the installation of**

required infrastructure. Each individual home in this subdivision will require a separate grading and building permit to ensure a high amount of canopy is preserved.

The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

- **Environmental degradation should not occur on the site. A good amount of pervious surface will be removed but the applicant is utilizing options provided in the best management practices manual.**

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

- **Adjacent properties should not be affected by the removal of tree canopy. All utilities are kept to the fronts of the lots.**

Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

- **N/A**

Whether the size or shape of the lot reduces the flexibility of the design.

- **The shape of this is very long and linear. This does reduce the flexibility of design.**

The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

- **The general health of these trees was determined to be fair to good.**

The placement of the tree or group of trees in relation to utilities, structures, and use of the property.

- **The trees on this site are very dense. There is little allowance to move the road around. The hillside hilltop best management practices are being utilized to preserve as much of the integrity of the area as possible.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **The trees proposed on this plan for removal are for infrastructure only. When a single family lot is purchased, the builder will be required to save 30% of the canopy on the individual lots. The utilities have been placed in the fronts of the lots with a reduce easement to decrease the amount of disturbance.**

Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.

- **Roads and utilities have been designed as best possible.**

Construction requirements for On-Site and Off-Site Alternatives.

- N/A

The effects of proposed On-Site Mitigation or Off-Site Alternatives.

- **Mitigation will be not be required on this site as the proposal stays above the 30% minimum.**

The effect other chapters of the UDC, and departmental regulations have on the development design.

- **The project is found 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 this Tree Preservation Plan with the following conditions of approval.**

Conditions of Approval:

1. **During construction plan approval, staff would request the applicant look to preserve more canopy along Township if possible. Many of these trees are found within the Master Street Plan right of way but staff feels it is important to try to save some of these mature trees along the roadway.**
2. **Mitigation will not be required on the site as the minimum 30% canopy will be maintained.**
3. **Each individual lot within this subdivision will require a grading and building permit before any land disturbance can occur. A minimum of 30% area must be left undisturbed.**



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: Fayetteville Planning Commission
From: Sarah K. Patterson, Urban Forester
Date: August 21, 2007

ITEM #: PPL 07-2679: Preliminary Plat (Township Heights)

Applicable Requirements:

NA	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
N	Y	Species of plant material identified
N	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
NA		Wheel stops/ curbs
NA		Interior landscaping Narrow tree lawn (8' min width, 17' min length/ 1 tree per 12 spaces) Tree island (8' min. width/1 tree per 12 spaces)

Preliminary Submittal	Final Submittal	
NA		Perimeter landscaping <i>Side and rear property lines (5' landscaped)</i> <i>Shade trees as described in street tree planting standards,</i> <i>Parking lot adjacent to R.O.W.- continuous planting of shrubs-at least 8 per tree- and ground cover -50% evergreen)</i>
		Overlay District Requirements
NA		Greenspace adjacent to street R.O.W. (25' wide)
NA		Large street trees planted every 30' L.F. along R.O.W.
NA		25% of total site area left in greenspace (80% landscape)
NA		Parking lots and outdoor storage screened with landscaping
		Street Tree Planting Standards <i>(time of P.E. or permit)</i>
N	Y	Residential Subdivisions- 1 large species shade tree/ lot tree planted within R.O.W. if possible
NA		Nonresidential Subdivision- 1 large species shade tree/30 L.F. tree planted within 15-25' greenspace
NA		Urban Tree Wells- urban streetscape only-8 foot sidewalk
NA		Structural Soil- if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan
N	Y	Timing of planting indicated on plans (subdivisions only)
N	Y	Written description of the method for tracking plantings
		Stormwater Facilities <i>(time of P.E. or permit)</i>
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

Conditions of Approval:

1. Lot 1 will be required 1 street tree. Please consider putting this adjacent to Township as a good amount of canopy will be lost in this area with improvements.
2. Please review the report and address all comments marked with the letter N.
3. Before construction drawing approval, the landscape plan shall be stamped by a licensed Landscape Architect within the state of Arkansas.
4. Chapter 177 requires all street trees to be bonded for a 3-year term. This bond, letter of credit, or check would be required for signature of the final plat.



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.



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3469

TO: Jesse Fulcher, Associate Planner
FROM: Alison Jumper, Park Planner
DATE: August 14, 2007
SUBJECT: Parks & Recreation Subdivision Committee Review Comments

Meeting Date: August 16, 2007
Item: PPL 07-2679 (Township Heights, 291)
Park District: NE
Zoned: RSF-4
Billing Name & Address: Randy Davison & Kelly Martin
395 Polo Dr.
Fayetteville, AR 72703

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ .024 acre per unit = _____ acres	21 @ \$960 per unit = \$20,160
Multi Family	_____ @ .017 acre per unit = _____ acres	_____ @ \$680 per unit = \$_____

COMMENTS:

- This project was presented to PRAB on June 4th, 2007. A recommendation of accepting money in lieu to satisfy the parkland requirement was made.
- Fees are due prior to signing final plat.



July 17, 2007

City of Fayetteville
Planning Department
113 West Mountain Street
Fayetteville, AR 72701

RE: TOWNSHIP HEIGHTS SUBDIVISION SCOPE, NATURE, & INTENT

Mr. Pate,

On behalf of our clients, Randy and Kelly Davidson, we are submitting Township Heights Subdivision for approval by the Planning Commission. This project consists of approximately 5.57 acres of wooded property, on the north side of Township Street, approximately ¼ mile west of the intersection with Old Wire Road. We are proposing splitting the property into 21 residential lots and one lot containing a detention pond. A portion of this property lies within the Hillside Hilltop Overlay District. All infrastructure necessary for development is available adjacent to or very near the property. There is an 8" water line on the north side of Township Street and an 8" sanitary sewer line on the south side of Township. It will be necessary to extend storm drain off site, as no storm drain exists along Township in this location. There are no known drainage problems in the vicinity of or related to this project. Fayetteville Parks and Recreation Board voted to take money in lieu of land dedication at the PARB Meeting on June 4, 2007. With the addition of 21 single family residential lots, it is anticipated that an additional 210 vehicle trips per day will be generated.

Please contact me, if you have any questions or need further information regarding this project, at 582-4234 or thennelly@h2ei.net.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Hennelly', with a stylized, flowing script.

Thomas A. Hennelly, P.E.
President

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: August 8, 2007 Project Name: Township Heights

APPLICANT / REPRESENTATIVE CONTACT INFO:

H2 Engineering, Inc.
479-582-4234

Subdivision Committee Meeting*:

Thursday, August 16, 2007 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting*:

Monday, August 27, 2007 5:30pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: A 22 lot residential subdivision on 5.57 Acres north of Township Street and ¼ mile west of Old Wire Road. Adjoining Property Address and Parcel Number(s):

PARCEL: 765-11538-000

CARMACK, WILLIAM & BRENDA

2445 N COMMON DR

FAYETTEVILLE AR 72703

Lot: _____ Block: _____ Subdivision: _____

Lot: _____ Block: _____ Subdivision: _____

** Please call the City of Fayetteville- Planning Office at 575-8263 to verify this meeting's date and time.*

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

Project Name: Township Heights

_____ 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:

William D. Carmack & Brenda Carmack
Name of Property Owner (printed)

William D Carmack Brenda Carmack
Signature of Property Owner



ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: August 8, 2007

Project Name: Township Heights

APPLICANT / REPRESENTATIVE CONTACT INFO:

H2 Engineering, Inc.
479-582-4234

Subdivision Committee Meeting*:

Thursday, August 16, 2007 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting*:

Monday, August 27, 2007 5:30pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: A 22 lot residential subdivision on 5.57 Acres north of Township Street and ¼ mile west of Old Wire Road. Adjoining Property Address and Parcel Number(s):

PARCEL: 765-11539-000

HENRY, MORRIS M. & ANN R. TTES HENRY, MORRISS M. & ANN R.

2465 N COMMON DR.

FAYETTEVILLE, AR 72703-3568

Lot: _____ Block: _____ Subdivision: _____

Lot: _____ Block: _____ Subdivision: _____

** Please call the City of Fayetteville- Planning Office at 575-8263 to verify this meeting's date and time.*

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

Project Name: Township Heights

_____ I have been notified of the above meetings for the described project.

_____ I do not object to the project described above.

X I do object to the project described above because:

Morris & Ann Henry
Name of Property Owner (printed)

[Signature] Ann Henry
Signature of Property Owner

1) Property is already
backed up all the way
past Common in area
2) the preservation of
drainage concerns
3) There is no way to
connect to other streets
4) since I do not own the lot

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: August 8, 2007 Project Name: Township Heights

APPLICANT / REPRESENTATIVE CONTACT INFO:

H2 Engineering, Inc.
479-582-4234

Subdivision Committee Meeting*:

Thursday, August 16, 2007 9:00am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting*:

Monday, August 27, 2007 5:30pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: A 22 lot residential subdivision on 5.57 Acres north of Township Street and ¼ mile west of Old Wire Road. Adjoining Property Address and Parcel Number(s):

PARCEL: 765-11537-000

KRODELL, F. D. & CAROLYN B.

2425 N COMMON DR

FAYETTEVILLE, AR 72703-356

Lot: _____ Block: _____ Subdivision: _____

Lot: _____ Block: _____ Subdivision: _____

** Please call the City of Fayetteville- Planning Office at 575-8263 to verify this meeting's date and time.*

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

Project Name: Township Heights

_____ 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:

CAROLYN KRODELL
Name of Property Owner (printed)

Carolyn KrodeLL
Signature of Property Owner

*You have no idea
how hard it is to get out
on Township in the
morning as it is!*

**SUBDIVISION COMMITTEE MINUTES
AUGUST 16, 2007
TOWNSHIP HEIGHTS PPL 07-2679**

PPL 07-2679: (TOWNSHIP HEIGHTS, 291): Submitted by H2 ENGINEERING, INC. for property located at 1140 TOWNSHIP STREET. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 5.57 acres. The request is for 21 single family lots.

Jesse Fulcher, Current Planner, gave the staff report. He added that the lots meet all minimum standards. Staff recommended that the request be forwarded to the Planning Commission with 16 conditions. Staff recommended street improvements 14' from centerline including pavement, curb and gutter, storm drainage and sidewalks along the entire property frontage including the existing developed lot that is surrounding by the proposed development. Should the property owner of the developed lot not agree to allow a new sidewalk to be constructed at the Master Street Plan right-of-way on his property, then money in-lieu shall be required for said section. The applicant has reached an agreement with the adjacent property owner to the west to remove the existing curb-cut for the two homes and construct one driveway which will connect to the proposed street within a 30' access easement. The development is located within the Hill/Hilltop Overlay District (HHOD) and is subject to all ordinance requirements including all lots having to submit a grading and tree preservation plan at the time of development.

Commissioner Trumbo stated a clarification – each individual lot is required to meet tree preservation requirements.

Sarah Patterson, Urban Forester, stated that yes, each individual lot will have to meet the 30% preservation requirement. The applicant, with development of the subdivision, will not only be meeting the 30%, but will be well above, at 55%. She stated that she wants to work with the applicant on trees along Township where street improvements will occur, as well, to attempt to save those trees.

Glen Newman, Staff Engineer, stated that another requirement of the HHOD is the grading permit with each lot development.

Tom Hennelly, applicant, stated that he would like for the committee to consider an assessment on Township rather than construction of improvements. He does not contend the recommendation, but would just like it to be considered. He also stated he has no problem with the recommended conditions.

Ann Henry, neighbor, stated she owns property on Common Drive, is speaking as a representative for a crowd of nine other homeowners, and that she just got notice of this development. She stated she is concerned with drainage from a totally wooded area. She was blessed to have someone do a subdivision with large lots and have trees preserved. The detention pond would be a mosquito breeding ground. She stated she was concerned about access for fire trucks, school buses, etc. The person that would allow connection to Elizabeth Street has said no. Henry asked if lots are to be sold separately. They would like to postpone this to allow time to visit with the applicants, and they have lots of questions. There is movement on the hillside. She added she respects H2 Engineering, knows them from other projects, and knows they can possibly work things out.

Elizabeth Bland, neighbor, lives across the street from the development, on the south side of Township. Her concern is with traffic coming out, and wonders if the widening of Township will affect their property.

Doug Grave, neighbor, lives at 1208 Township and has lived there since the 1970's, when it was country. Grave stated they believe Township will be widened in the future. Their concern is 22 houses with 50 cars. There is also an issue of the location of a property line three feet into their property. His family has been there since the 1970's and they hate to see removal of over 100-year old trees for a detention pond. Another concern is the detention pond. They live downstream and are concerned of an overflow of the detention pond. Most houses in the area are on larger lots. Would like more time to discuss these issues with the applicants.

Diane Warr, neighbor, stated she is part of the Common Drive coalition. Stated she moved to Fayetteville from California 9 years ago. Her biggest concern is what we're doing to the entire hillside in Fayetteville. She loves the nature, hills, and trees in the city. It is what makes Fayetteville unique. Fayetteville has been receiving awards, such as clean air awards. She doesn't want to see the hillside destroyed. See what Summit Place has done to the mountain. Counterparts north of Fayetteville don't get quality of life awards that Fayetteville gets. Up there is mass destruction, parking lots, paving, etc. They don't get the benefit of quality of life in this City.

Commissioner Trumbo asked if the detention pond would be wet or dry.

Hennelly stated it was designed to be dry. The pond will have 25% overage for storage, and they could incorporate an overflow on the south side of pond. However, he is confident it won't breach. As for other drainage, for residents of Common Drive (west side), there are 11 acres that currently drain onto them. Construction of this street will divert 9 acres of drainage into the street and then into the detention pond and storm drain system, thus only about 2 to 2 ½ acres of drainage will be onto them after development.

Commissioner Trumbo asked if each lot will have a grading permit at the time of development.

Hennelly stated that yes, just like we are doing with development.

Commissioner Trumbo asked about the widening of the street. Assessment versus widening?

Newman stated that staff would prefer it to be built, not assessed, to contribute to improvements along Township as development occurs.

Commissioner Trumbo asked about Ms. Bland's question about street widening.

Hennelly stated it would be widened on the north side only, so it shouldn't be on her

side.

Commissioner Winston asked about street width and a turn lane.

Newman stated there were no overall plans for Township, but widening will be 14' from centerline.

Hennelly asked about limiting storm drain improvements on Township.

Newman stated it would need to be further evaluated before Engineering could make a recommendation.

Commissioner Myres stated that there is more of a comfort level because the property is within the HHOD. Each lot will have to maintain a minimum of 30% canopy, which will require some creative design. The project has to go before the full Planning Commission.

Commissioner Winston stated that the public needs time to review the project, and recommended it be forwarded to the Planning Commission not for the next meeting, but in four weeks.

Hennelly stated he would be willing to set up a meeting with the neighbors, but would prefer to go forward to the next regularly scheduled meeting.

Commissioner Myres stated she disagrees with Commissioner Winston. The time between Subdivision Committee and Planning Commission should provide plenty of time (a week and a half) for them to get together to discuss any issues.

Motion:

Commissioner Myres made a motion to forward the request with the conditions of approval as recommended by staff. **Commissioner Winston** seconded the motion. The motion passed with a vote of 3-0-0.

**PLANNING COMMISSION MINUTES
AUGUST 27, 2007
TOWNSHIP HEIGHTS PPL 07-2679**

PPL 07-2679: Preliminary Plat (TOWNSHIP HEIGHTS, 291): Submitted by H2 ENGINEERING, INC. for property located at 1140 TOWNSHIP STREET. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 5.57 acres. The request is for 21 single family lots.

Jesse Fulcher, Current Planner, gave the staff report, describing the existing property and the project in detail, which consists of 21 lots on 5.57 acres north of Township Street. The site is within the Hillside/Hilltop Overlay District (HHOD). Staff has heard numerous public comments regarding issues including traffic, tree removal, drainage, more houses in the area, lot size, the Summit Place development to the west, etc. Summit Place Subdivision (to the west) was developed before the HHOD was adopted and the requirements were implemented for protection of the hillside. With the development proposed, each lot would be required to have a tree preservation plan and a grading permit as they individually develop. Street stub-outs that are proposed will not connect now, but provides opportunity for connecting in the future. The development meets the minimum requirements for development and zoning in the RSF-4 zoning district, including requirements of the HHOD. Staff recommends approval with conditions as noted. These include a Planning Commission determination of street improvements, which were described as 14 feet from centerline with curb, gutter, storm drains and sidewalks. Improvements were recommended to include those off-site along the lot surrounded on three sides by the proposed development. With regard to the Planning Commission determination of connectivity, staff recommended in favor of stub-outs to the west and north, with a slight modification to move the north stub-out to the east.

Tom Hennelly (applicant) representing Randy and Kelly Davidson stated the density is 3.77 units per acre, and zoned RSF-4. His clients have no problems with the conditions of approval. Hennelly stated he agreed at the Subdivision Committee to meet with neighbors to address concerns. They did meet and discussed density, runoff, and traffic. The project initially had a layout with a cul-de-sac and no street stub-out. It was requested by planning to have a street stub-out, and they have done so. They are currently requesting to stop construction of the street 10' before the property line, to provide some trees/buffer for the property owner to the north. The stub-out to the west allows for a turn-around for fire and emergency vehicles. By doing so, it reduced the amount of canopy necessary for removal. As for drainage, currently there are 11 acres of run-off to the east onto Common Drive. With construction of the proposed street, roughly 8 acres will be collected in the street, go to a detention pond with a controlled release, and routed around homes into storm drains. This will reduce that runoff from going to the east on Common Drive. He stated he doesn't think density is an issue, as the project meets those minimums. Traffic would yield 42 more vehicle trips at peak hours and should not affect Township greatly. As requested by Engineering, they also checked sight distance along Township, and it is more than sufficient.

Ann Henry (citizen) stated she represents most of the residents on Common Drive. She stated she was surprised that Common Dr. is zoned RSF-4. Their development on Common Drive is a good example of how a development can be done on a hillside. She is concerned about RSF-4 in this area, that it is not appropriate for this area on the hillside.

Street stub-outs that are requested don't seem to make sense. One goes to a private street, or to an area platted many years ago, that will not be connected. She is affected most by drainage from the property. Summit Place, to the west, is a good example of a bad way to do it. Development here will denude the site. There is a lot of wildlife in the area. Where will it go? Does the city have the manpower to monitor hillside development, or is it up to the neighbors? Generally it is up to the neighbors to get it enforced. Another issue is compatibility of homes in their area. There is no variety in the homes. Narrow setbacks, affordable housing is proposed. Henry discussed the availability of housing in the market in the City. As a Planning Commission, you have the responsibility of attracting people here. If development only meets the minimums, why is there a Planning Commission? At King's Drive, where Mr. Graves lives, how much is the City going to spend on that fix? And on Mission with Lake Lucille. Park Place has had a lake recently filled in as well.

Doug Graue (citizen) stated that he lives on Township, and is surrounded on three sides by the development. Graue discussed the history of his parents living at the house for many decades, when Township had very little traffic. He discussed the 50 homes at Summit Place, with 500 vehicles per day; 21 homes would add 210 more trips per day on Township. He requested a moratorium on future development that accesses Township. Do we need houses? Graue began discussing the housing market, economy, trends in housing...

Commissioner Trumbo reminded the public that the Planning Commission can't consider economic issues for a development.

Graue acknowledged Trumbo's statement. He read from chapter 6.6 under Land Use in City Plan 2025 regarding removal of vegetation, runoff, and soil types. Since the land was rezoned to RSF-4, which happened in the 1970s, the City must have notified through the paper, because his family didn't know. The Commission should carefully evaluate these projects. Graue described the Summit Place development, which should be a wake-up call. The City should not rezone anything to RSF-4 in the HHOD. The density is actually not 4 units/acre at 0.19 acres per lot, with a detention pond. He referred to graphic, and stated the developers were trying to shoe-horn 21 houses into 5 acres on the site. He referred to the tree preservation plan, trees going away and those preserved. The detention pond will remove trees, but engineering requires it. Engineering requires it. Engineering doesn't live under the detention pond. All the trees will be gone there. Graue discussed tree preservation requirements, and fencing. Five of the lots have trees in the center of the lot, and you can't build a house and meet tree preservation requirements. Drainage east of the street will be intercepted. The detention pond may fail. He discussed soil suitability. What will a big pond facing Township look like? There is a surplus of houses in the area, drainage issues, detention pond, Hillside-Hilltop Overlay District and RSF-4 are mutually exclusive, and loss of trees, etc. are the issues. He requests the item be tabled to address these issues. He requested that 21 lots not be allowed, 5-8 be approved. Graue also asked that the storm drain along Township collect all drainage.

John Weiss (citizen) referred to the drawing, lots west of the development have not given permission for anyone to have street through their yard.

Commissioner Trumbo explained that street is not currently proposed to be constructed, only stubbed out in case they sell their property or choose to extend the street at some point in the future.

Weiss stated that he just didn't want the property condemned, that he wanted to clarify that.

Robert Ginnavin (citizen) stated that if Fayetteville seeks to have connectivity, is it practical this will occur? Is there a likelihood the streets will go through? If you want them to go through, it will require condemnation and draw political fire. He referred to the map, where will stub-outs even go? If the street is a dead-end street, like on Sherwood, as it is drawn, is it safe for emergency vehicles? Can fire trucks turn around?

Jack Claiborn (citizen) asked about the houses – will there be garages, driveways off the street? He indicated he was disappointed with the development. It is the same density from Jimmie east to Crossover. It is likely trees and undergrowth will get removed, and they will have runoff.

Anna Mullis (citizen) lives on Common Drive. She stated that water drains downhill and doesn't know how the drainage they propose is going to work. With an additional 50 cars along with Summit Place, why are we adding more traffic to our east-west connection?

Bob O'Connell (citizen) lives on Sherwood Lane, and questioned the stub-out on the west. If ever developed, will it ever come over to Sherwood Lane? Their covenants and developments say that if Sherwood ever connects two public streets, it must be brought up to current public street standards at the expense of the property owners. He discussed the tree preservation plan; existing tree canopy is 93%. 55% is preserved with infrastructure. Putting in a house, driveway, sewer lines, etc. on an 8,100 square foot lot doesn't seem to be feasible for homes. Is it in the purview for the Planning Commission to look at people's property values?

Bill Bishop (citizen) lives at 1016 E Township. The developer would have to take part of his driveway for the street to come through. Township has become a main artery, though it wasn't intended to. Traffic is backed up to Sherwood, 10 cars past. They need to visit Township, see the real world.

Rick Osburn (citizen) represents Caywood, LLC, own east, north, and west side. It is their intention not to allow a street in any case on this property.

Dr. Morris Henry (citizen) stated there is a steep slope on this property. They don't have drainage problems right now, but will have if this development cuts all the trees on the property. There are families here, and children won't have a place to play except in the street. Drainage will do damage to their property. The Planning Commission is responsible to make a better place to live. Consider putting this off until more careful consideration is given.

Brandon Kairn (citizen) stated he sent a letter in, and did not want to repeat all of the comments already stated. He stated his opposition.

Seeing no more public comment the floor was closed to public comment and brought back to the Planning Commission for discussion.

Commissioner Trumbo asked the City Attorney to remind them what the Planning Commission is to consider and not to consider.

Kit Williams, City attorney, read from Chapter 166 Development, the reasons for denial of a preliminary plat. The most applicable in this case, since the development meets all the code requirements and they agree with the improvements and conditions, is will the project "create or compound a dangerous traffic condition?" The Planning Commission cannot consider the affect on value of adjacent property with a development proposal. They can do so with a rezone, but not a development. Williams cited a previous court case that states a development meeting minimum standards must be approved.

Commissioner Myres stated that the applicant did a good job of meeting requirements of development in the Hillside-Hilltop Overlay District, but that she is not voting, however, to approve a development until infrastructure is in place to support it.

Commissioner Graves stated he could read verbatim from Ruskin Heights; this is a good project, except that it emptied onto a 2-lane street that is not improved. No one is even talking about improvements to Township. Traffic problem is the concern. He is discounting the housing market comments, property values, those are not things a Planning Commission should consider. He stated he doesn't know enough about drainage, and trusts staff to take care of that. King's Drive and other places were in place before a lot of the ordinances that are in place today and that is probably the reasons for those issues. He is discounting the soils issue. He is discounting the stub-outs; there is no plan to extend these streets onto someone else's property with this development. The Planning Commission always plans stub-outs. A lot of the reason for Township being the way it is now is because of dead-end streets. These stub-outs, if ever connected, will help complete the grid, and help the connections. The issue is traffic. Every little project contributes to that. Traffic concerns trump the others right now.

Commissioner Cabe stated that he commends the developers for giving it a shot. It is an infill project, which we encourage. He doesn't like the project because it disregards the contours of the hillside, and destroys the site. They will keep 55% of the trees, but will remove trees that were on this property before people were here. He stated it is hard to support the project.

Commissioner Winston stated that he thanks the community for their questions, which were insightful. We need answers before pursuing. He doesn't know the impact in this area from other developments' traffic, and cannot support it until we know.

Commissioner Cabe stated he would be willing to table, if the applicant is amenable to tabling.

Hennelly stated he doesn't know how tabling would help, after hearing the comments. The perception is that no matter what they can come back with, they would still vote against it. He described the traffic condition and how a traffic study would work. But if a traffic study proved that it would not change the level of service, would it still be voted against?

Commissioner Graves stated they are not going to say "no" at this point, they would have to consider what was brought to them.

Hennelly stated that any development addition will have some impact to the traffic. It is a subjective decision, whether it will create a dangerous traffic condition. He is willing to table to do a traffic count, and show how this development would really impact Township. If it is a fraction of the traffic, we can show that impact.

Commissioner Myres stated she is bothered the most by 44 more cars. The development is being penalized by development down the street. It is the aggregate of development, and things planned and under construction. The road is not designed for traffic it is carrying now. She stated she doesn't think tabling to provide a traffic study would change her mind.

Commissioner Winston stated a traffic study would need to include other developments approved, and coming onto Township. A traffic study would mean something then. Improvements to the street won't necessarily make it function better by widening 2 feet. He stated he has a list of questions for the developer if this is tabled.

Jeremy Pate, Director of Current Planning, discussed traffic issues and that staff recommends a traffic study be conducted for 100 lots or more; this development has 21 lots, with approximately 210 vehicles per day, which is very low, 1/7th of the Walgreens the Planning Commission approved an additional access onto 6th street for two weeks ago. There are no sight distance issues in this area, either. Street improvements that are recommended are typical of this size development, and represent what staff feels is roughly proportional to the traffic impact being projected. This particular developer can't be penalized for other developments that come through and add traffic to Township.

Motion:

Commissioner Cabe made a motion to deny the preliminary plat. **Commissioner Myres** seconded the motion.

Commissioner Trumbo stated that the addition of 200 vehicle trips per day doesn't seem to be a substantial increase in traffic, to the detriment of traffic safety. There are no sight distance issues. The project meets all city ordinances. He agrees with staff's recommendation, and will vote against the motion.

Upon roll call, the motion to deny passed 5-1-0.



SUBJECT
PROPERTY

PPL07-2679

Close Up View

TOWNSHIP HEIGHTS



SUBJECT PROPERTY

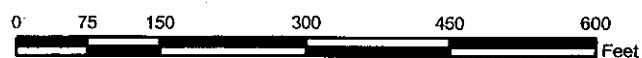
TOWNSHIP ST

TOWNSHIP ST

TOWNSHIP ST.

BRIARWOOD LN

Overview



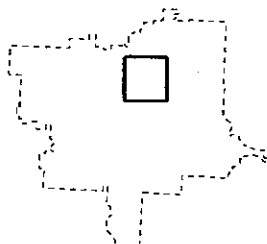
PPL07-2679

One Mile View

TOWNSHIP HEIGHTS



Overview



Legend

Subject Property

 PPL07-2679

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

C. 8
James A. Cole and Linda L. Cole
Condemnation
Page 1 of 6

or
Contracts

2 Nov 07
~~16 Oct 07~~

City Council Meeting Date

David Jurgens
Submitted By

Wastewater System Imprv Project
Division

Water/Wastewater
Department

Action Required:

Approval of a resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by James A. Cole and Linda L. Cole and located at Parcel No. 126-10003-000, located within Lot C of Jim Blackston Subdivision.
Location 2 on attached list and map.

\$ 2,520
Cost of this request

\$ 99,153,095.00
Category/Project Budget

Wastewater System Imp Project
Program Category / Project Name

4520-9520-5810.00
Account Number

\$ 89,391,891.66
Funds Used to Date

Water and Wastewater
Program / Project Category Name

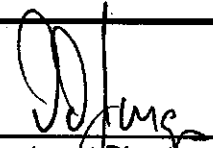
02133.0305
Project Number

\$ 9,761,203.34
Remaining Balance

Water/Sewer
Fund Name

Budgeted Item ☒ XX

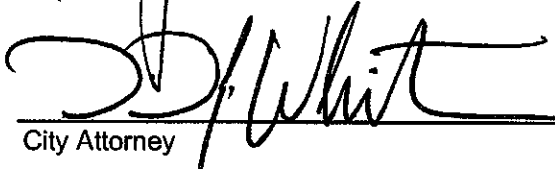
Budget Adjustment Attached ☐


Department Director

11 Oct 07
Date

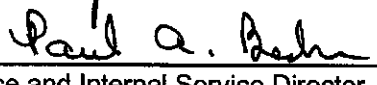
Previous Ordinance or Resolution # _____

Original Contract Date: _____


City Attorney

10/15/2007
Date

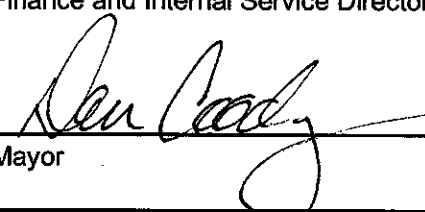
Original Contract Number: _____


Finance and Internal Service Director

10-15-2007
Date

Received in City Clerk's Office

ENTERED
10/12/07


Mayor

10/15/07
Date

Received in Mayor's Office

ENTERED
10/15/07

Comments:

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody
Water and Sewer Committee

From: David Jurgens, Water & Wastewater Director



Date: October 5, 2007

Subject: Approval of four resolutions authorizing the City Attorney to seek condemnation and possession of certain lands owned by the individuals and/or organizations listed herein.

RECOMMENDATION

Fayetteville City Administration recommends approval of four related resolutions authorizing the City Attorney to seek condemnation and possession of certain lands owned by the individuals and/or organizations listed on the attached pages.

BACKGROUND

The City of Fayetteville has been negotiating with land owners for easements in which to install the new sewer lines EL-1 and 2 that will carry wastewater flows to the Noland Wastewater Treatment Plant. Fifty-three tracts were required for pipelines EL-1 and 2; 44 have been acquired. Of the nine remaining, we have verbal agreement on one, and believe two more will be completed within the next two weeks. These are not on the proposed condemnation list. The owners of the remaining six tracts (four owners) have all been contacted via mail, telephone, and/or in person, and are aware of the City's intent to turn any unresolved easement purchases over to the City Attorney to initiate the condemnation process on November 6, 2007. They are identified in the attached recommended condemnation list.

DISCUSSION

The remaining land owners generally want to be paid more money than staff feels is reasonable and appropriate, or simply refuse to communicate with the City. The City is paying full fee simple prices for all easements for the WSIP, based on appraisals conducted within the twelve months prior to the original offer being made. Given that we are only obtaining an easement, in all of these cases adjacent to the existing easement for the existing 36" sewer main, and the owner still owns the land, paying more than this is not reasonable. Full fee simple is significantly greater than the easement payment offers made by the Highway Department, other utilities, and significantly exceeds that which the City has paid in the past for water/sewer easements. The City generally offered 25% of full fee simple. Counter offers have been made in several cases; owners have either not responded or refused the counter offer. Counter offers have included negotiated agreements pertaining to land restoration, sequencing and timing of work, etc. At this point, there can be no deviations on the selected route.

BUDGET IMPACT

Costs for the easements and fees are included within the WSIP budget.

Attachments: List of Potential Condemnations
Location Map

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO
SEEK CONDEMNATION AND POSSESSION OF CERTAIN
LANDS OWNED BY JAMES A. COLE AND LINDA L. COLE.**

WHEREAS, the City of Fayetteville and James A. Cole and Linda L. Cole have been unable to agree on a fair price for the property owned by James A. Cole and Linda L. Cole that is needed for permanent utility and temporary construction easements across Parcel No.126-10003-000; and

WHEREAS, the City of Fayetteville needs to gain possession of this property promptly to begin work on the sewer lines that will carry wastewater flows to the Noland Wastewater Treatment Plant.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court ordered possession of property located on Parcel No. 126-10003-000 and owned by James A. Cole and Linda L. Cole, that is needed for permanent utility and temporary construction easements, and to pay into the Registry of the Circuit Court just compensation therefor.

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

WSIP East Lines 1 and 2 Easement Condemnation List

C. 8
James A. Cole and Linda L. Cole
Condemnation
Page 4 of 6

Map
Reference

Description

1. Easement Acquired.

2. **EL2 – Tract 5**

Owner: James A. Cole and Linda L. Cole

Permanent and Temporary Construction Easements across:

Parcel No. 126-10003-000, Located within Lot C of Jim Blackston Subd.

Offer Amount: \$2,520 (PUE: \$1,800 for 2,546 sq. ft.; TCE: \$720 for 10,605 sq. ft.)

3. **EL2 – Tract 10**

Owner: Kathy Denise Ferguson

Permanent and Temporary Construction Easements across:

Parcel No. 001-10602-000, Located within NW-SW 17-16-29.

Offer Amount: No compensation offered. House located on our existing easement.
(Proposed PUE: 20,719 sq. ft.; Proposed TCE: 38,303 sq. ft.)

4. **EL2 – Tracts 18 & 19**

Owner: Deloris Mae Tuck, Survivor of Franklin L. Tuck, Deceased

Permanent and Temporary Construction Easements across:

Parcel Nos. 001-10661-000 and 001-10647-000, Located within NW-SW 18-16-29

Offer Amount: Tract 18 -- \$728 (PUE: \$364 for 990 sq. ft.; TCE: \$364 for 9,898 sq. ft)
Tract 19 -- \$1,760 (PUE: \$962 for 2,620 sq. ft.; TCE: \$798 for 21,700 sq. ft.)

5. **EL2 – Tract 40 & 43**

Owner: Gary Combs, Tract 40. Gary Combs, LLC, Tract 43.

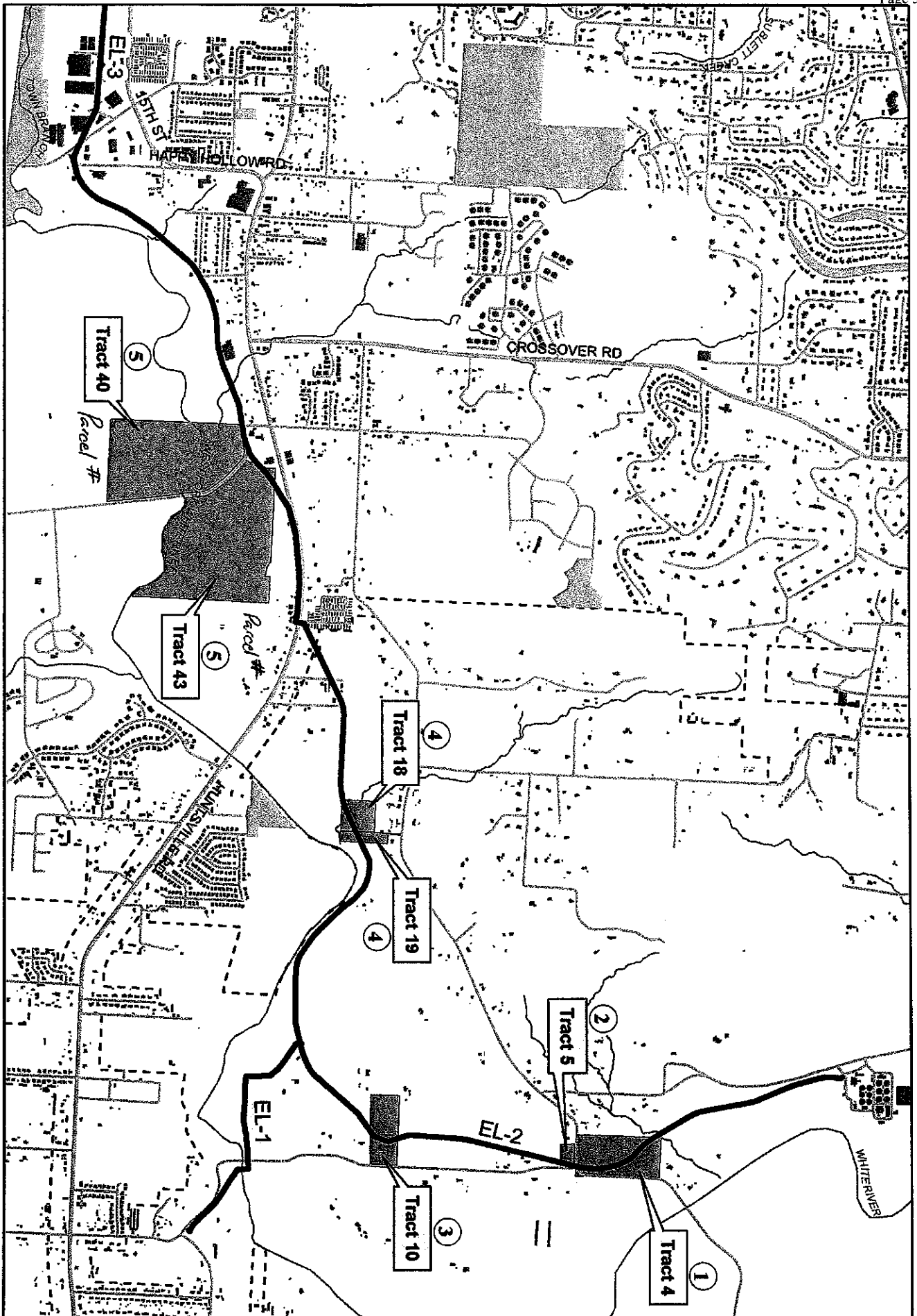
Permanent and Temporary Construction Easements across:

Parcel Nos. 765-15268-101 and 765-24107-000, located within the N½ 24-16-30, also
Known as Anderson Farm Plat AND Pt Section 23-16-30

Offer Amount: Tract 40 -- \$625 (PUE: \$300 for 2,577 sq. ft.; TCE: \$325 for 28,180 sq. ft)
Tract 43 -- \$700 (TCE ONLY 61,486 sq. ft)



EL-2 Condemnation Reference Map



James A. Cole and Linda L. Cole
EL7 – Tract 5
CASE HISTORY

Sept. 14, 2004	Offer packet mailed by Ed Connell containing letter, easement document, and drawings. Total offer was \$1,575 for 0.06 acre perm. esmt. (\$1,110) and 0.24 acre temp. esmt. (\$465). Fee simple offer for perm ease and 10% rental for tce, based upon 'comparable area sales valued at \$19,000/acre' by Ed C.
Sept. 19, 2004	Ed talked to Jim Cole via telephone and his concerns noted on file: loss of trees, depth of new line, wants to hook up to new sewer line.
Sept 20, 2004	Side Letter this date (unsigned copy in file—don't know if this was mailed to property owner) re: depth of line, trees affected in this easement and inability to hook up to 42" sewer line. (EDC)
Nov. 18, 2004	Follow-up letter requesting new contact (EDC)
Nov 30, 2004	Letter from Cole's Atty (Steve Lisle) stating their intention to have property appraised
Dec 1, 2004	Requested appraisal from Parrish
February 4, 2005	Appraisal Received from Mark Risk, the Real Estate Consultants. Land Value of \$15,000/acre or total of \$1300 for perm and tce. (less than originally offered)
ON HOLD	
August 8, 2005	New offer packet sent (HJ) containing letter, easement document, and drawings. I explained that we had had this property appraised, enclosed a summary appraisal report and offered the original offer amount set forth by Mr. Connell.
October 16, 2006	New packet mailed again, reminding the property owner of appraisal lower than original offer.
Feb 22, 2007	Letter from Cole's Atty, Lisle, regarding payment for trees in existing easement and new easement area. Arborist's study requesting payment of \$5930 for trees accepting \$1575 for ease.
April 6, 2007	Sent Letter to Lisle acknowledging his counter. Per Jurgens having property appraisal updated.
May 10, 2007	Updated appraisal received from Mark Risk, the Real Estate Consultants. Land Value of \$30,000/acre or total of \$2500 for perm and tce.
July 9, 2007	Revised offer based on updated appraisal to \$2520 and informed Mr. Lisle that we did not pay for trees in an existing easement. Sent him copy of updated summary appraisal report
August 13, 2007	New letter from Lisle Firm regarding last offer. Still want \$5930 as compensation for old growth trees in existing easement
September 28, 2007	Letter mailed notifying of impending condemnation and encouraging negotiations prior to Council

City of Fayetteville
Staff Review Form
City Council Agenda Items

C. 9
Kathy Denise Ferguson Condemnation
Page 1 of 6

or
Contracts
6 NOV 07
~~16 Oct 07~~

City Council Meeting Date

David Jurgens
Submitted By

Wastewater System Imprv Project
Division

Water/Wastewater
Department

Action Required:

Approval of a resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Kathy Denise Ferguson and located at Parcel No. 001-10602-000, located within NW-SW 17-16-29. Location 3 on attached list and map.

\$ -	\$ 99,153,095.00	Wastewater System Imp Project
Cost of this request	Category/Project Budget	Program Category / Project Name
4520-9520-5810.00	\$ 89,391,891.66	Water and Wastewater
Account Number	Funds Used to Date	Program / Project Category Name
02133.0305	\$ 9,761,203.34	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item

XX

Budget Adjustment Attached

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

10/15/2007

Original Contract Number:

Finance and Internal Service Director

Date

Received in City Clerk's Office

ENTERED

10/12/07

Mayor

Date

Received in Mayor's Office

ENTERED

10/15/07

Comments:

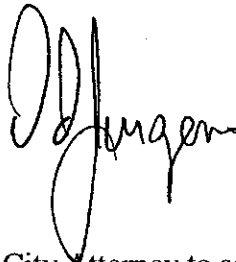
City Council Meeting of November 6, 2007

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody
Water and Sewer Committee

From: David Jurgens, Water & Wastewater Director



Date: October 5, 2007

Subject: Approval of four resolutions authorizing the City Attorney to seek condemnation and possession of certain lands owned by the individuals and/or organizations listed herein.

RECOMMENDATION

Fayetteville City Administration recommends approval of four related resolutions authorizing the City Attorney to seek condemnation and possession of certain lands owned by the individuals and/or organizations listed on the attached pages.

BACKGROUND

The City of Fayetteville has been negotiating with land owners for easements in which to install the new sewer lines EL-1 and 2 that will carry wastewater flows to the Noland Wastewater Treatment Plant. Fifty-three tracts were required for pipelines EL-1 and 2; 44 have been acquired. Of the nine remaining, we have verbal agreement on one, and believe two more will be completed within the next two weeks. These are not on the proposed condemnation list. The owners of the remaining six tracts (four owners) have all been contacted via mail, telephone, and/or in person, and are aware of the City's intent to turn any unresolved easement purchases over to the City Attorney to initiate the condemnation process on November 6, 2007. They are identified in the attached recommended condemnation list.

DISCUSSION

The remaining land owners generally want to be paid more money than staff feels is reasonable and appropriate, or simply refuse to communicate with the City. The City is paying full fee simple prices for all easements for the WSIP, based on appraisals conducted within the twelve months prior to the original offer being made. Given that we are only obtaining an easement, in all of these cases adjacent to the existing easement for the existing 36" sewer main, and the owner still owns the land, paying more than this is not reasonable. Full fee simple is significantly greater than the easement payment offers made by the Highway Department, other utilities, and significantly exceeds that which the City has paid in the past for water/sewer easements. The City generally offered 25% of full fee simple. Counter offers have been made in several cases; owners have either not responded or refused the counter offer. Counter offers have included negotiated agreements pertaining to land restoration, sequencing and timing of work, etc. At this point, there can be no deviations on the selected route.

BUDGET IMPACT

Costs for the easements and fees are included within the WSIP budget.

Attachments: List of Potential Condemnations
Location Map

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO
SEEK CONDEMNATION AND POSSESSION OF CERTAIN
LANDS OWNED BY KATHY DENISE FERGUSON.**

WHEREAS, the City of Fayetteville and Kathy Denise Ferguson have been unable to agree on a fair price for the property owned by Kathy Denise Ferguson that is needed for permanent utility and temporary construction easements across Parcel No. 001-10602-000; and

WHEREAS, the City of Fayetteville needs to gain possession of this property promptly to begin work on the sewer lines that will carry wastewater flows to the Noland Wastewater Treatment Plant.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court ordered possession of property located on Parcel No. 001-10602-000 and owned by Kathy Denise Ferguson, that is needed for permanent utility and temporary construction easements, and to pay into the Registry of the Circuit Court just compensation therefor.

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

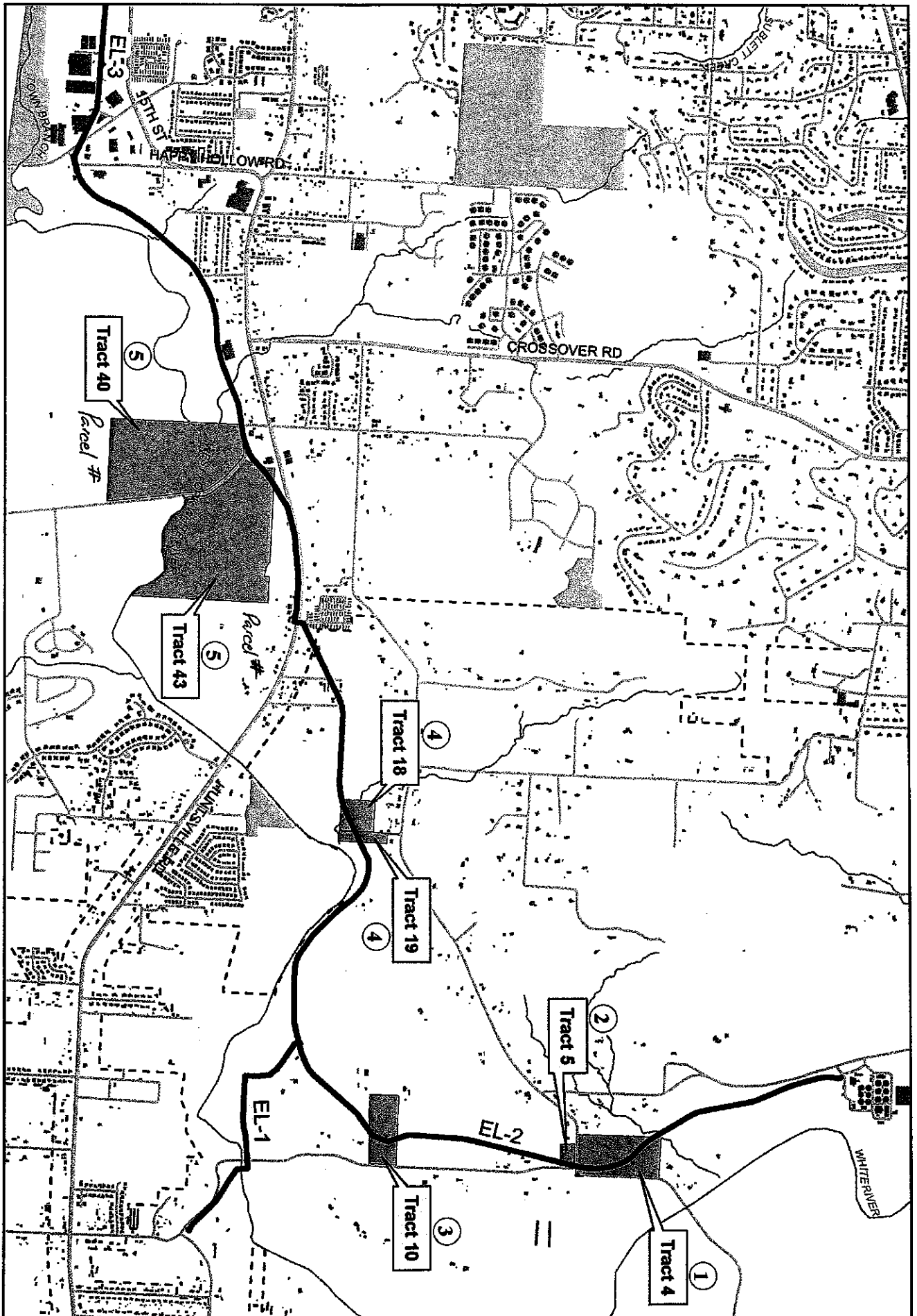
WSIP East Lines 1 and 2 Easement Condemnation List

C. 9
Kathy Denise Ferguson Condemnation
Page 4 of 6

Map Reference	Description
1.	Easement Acquired.
2.	EL2 – Tract 5 Owner: James A. Cole and Linda L. Cole Permanent and Temporary Construction Easements across: Parcel No. 126-10003-000, Located within Lot C of Jim Blackston Subd. Offer Amount: \$2,520 (PUE: \$1,800 for 2,546 sq. ft.; TCE: \$720 for 10,605 sq. ft.)
3.	EL2 – Tract 10 Owner: Kathy Denise Ferguson Permanent and Temporary Construction Easements across: Parcel No. 001-10602-000, Located within NW-SW 17-16-29. Offer Amount: No compensation offered. House located on our existing easement. (Proposed PUE: 20,719 sq. ft.; Proposed TCE: 38,303 sq. ft.)
4.	EL2 – Tracts 18 & 19 Owner: Deloris Mae Tuck, Survivor of Franklin L. Tuck, Deceased Permanent and Temporary Construction Easements across: Parcel Nos. 001-10661-000 and 001-10647-000, Located within NW-SW 18-16-29 Offer Amount: Tract 18 -- \$728 (PUE: \$364 for 990 sq. ft.; TCE: \$364 for 9,898 sq. ft) Tract 19 -- \$1,760 (PUE: \$962 for 2,620 sq. ft.; TCE: \$798 for 21,700 sq. ft.)
5.	EL2 – Tract 40 & 43 Owner: Gary Combs, Tract 40. Gary Combs, LLC, Tract 43. Permanent and Temporary Construction Easements across: Parcel Nos. 765-15268-101 and 765-24107-000, located within the N½ 24-16-30, also Known as Anderson Farm Plat AND Pt Section 23-16-30 Offer Amount: Tract 40 -- \$625 (PUE: \$300 for 2,577 sq. ft.; TCE: \$325 for 28,180 sq. ft) Tract 43 -- \$700 (TCE ONLY 61,486 sq. ft)



EL-2 Condemnation Reference Map



Kathy Denise Ferguson
EL7 – Tract 10
CASE HISTORY

The following notes are directly from the file folder cover of this file. I have had no direct contact with the Ferguson family at all. Holly Jones

June 29, 2004 Offer packet mailed by Ed Connell, containing letter, easement document, and drawings. No monetary value was offered due to the fact that the house was built on the existing easement.

July 7, 2004 Roger Ferguson called.

July 12, 2004 Hand delivered to Kathy Ferguson at Mailco. Roger had been out of town

Charles Chadwick, Attorney

August 18, 2004 Roger came in to see me (EC) today. Wants to have city vacate infringement portion of the easement which covers his foundation and walls. Said to Ray Smith write Kit Williams with request but will need precise survey to determine easement location & house foundation & walls location such that we can submit vacation to city council on legal basis. He is to pay for survey – may find $\pm$ from what has been determined by Garver. Need to clear title cloud – no mortgage co. will finance with cloud on title. Fergusons are putting house on market but may sue Bronson (title insurance) for loss of value.

April 12, 2007 New packet mailed by hj with letter, easement doc and drawings. Still no monetary value. Letter written and signed by DJ proposing: sewer line be installed in alternate route away from structure; City would vacate easement following footprint of dwelling encroaching on easement; In return for vacation of easement owner would grant perm ease and two tce's; owner would reimburse city cost of routing new line around structure.

No response in land agent's office

September 28, 2007 Letter mailed notifying of impending condemnation and encouraging negotiations prior to Council

City of Fayetteville
Staff Review Form
City Council Agenda Items

or
Contracts

6 Nov 07

~~16 Oct 07~~

City Council Meeting Date

David Jurgens
Submitted By

Wastewater System Imprv Project
Division

Water/Wastewater
Department

Action Required:

Approval of a resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Deloris Mae Tuck and located at Parcel Nos. 001-10661-000 and 001-10647-000, located within NW-SW 18-16-29.

Location 4 on attached list and map.

\$ 2,488
Cost of this request

\$ 99,153,095.00
Category/Project Budget

Wastewater System Imp Project
Program Category / Project Name

4520-9520-5810.00
Account Number

\$ 89,391,891.66
Funds Used to Date

Water and Wastewater
Program / Project Category Name

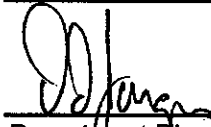
02133.0305
Project Number

\$ 9,761,203.34
Remaining Balance

Water/Sewer
Fund Name

Budgeted Item ☒

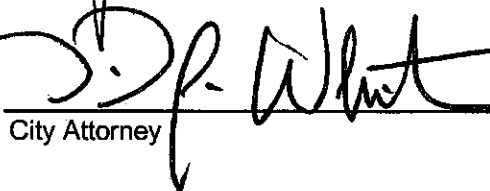
Budget Adjustment Attached ☐


Department Director

11 Oct 07
Date

Previous Ordinance or Resolution #

Original Contract Date:


City Attorney

10/15/2007

Original Contract Number:

Paul A. Buhm
Finance and Internal Service Director

10-15-2007
Date

Received in City Clerk's Office

ENTERED

10/12/07


Mayor

10/15/07
Date

Received in Mayor's Office

ENTERED

10/15/07

Comments:

City Council Meeting of November 6, 2007

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody
Water and Sewer Committee

From: David Jurgens, Water & Wastewater Director



Date: October 5, 2007

Subject: Approval of four resolutions authorizing the City Attorney to seek condemnation and possession of certain lands owned by the individuals and/or organizations listed herein.

RECOMMENDATION

Fayetteville City Administration recommends approval of four related resolutions authorizing the City Attorney to seek condemnation and possession of certain lands owned by the individuals and/or organizations listed on the attached pages.

BACKGROUND

The City of Fayetteville has been negotiating with land owners for easements in which to install the new sewer lines EL-1 and 2 that will carry wastewater flows to the Noland Wastewater Treatment Plant. Fifty-three tracts were required for pipelines EL-1 and 2; 44 have been acquired. Of the nine remaining, we have verbal agreement on one, and believe two more will be completed within the next two weeks. These are not on the proposed condemnation list. The owners of the remaining six tracts (four owners) have all been contacted via mail, telephone, and/or in person, and are aware of the City's intent to turn any unresolved easement purchases over to the City Attorney to initiate the condemnation process on November 6, 2007. They are identified in the attached recommended condemnation list.

DISCUSSION

The remaining land owners generally want to be paid more money than staff feels is reasonable and appropriate, or simply refuse to communicate with the City. The City is paying full fee simple prices for all easements for the WSIP, based on appraisals conducted within the twelve months prior to the original offer being made. Given that we are only obtaining an easement, in all of these cases adjacent to the existing easement for the existing 36" sewer main, and the owner still owns the land, paying more than this is not reasonable. Full fee simple is significantly greater than the easement payment offers made by the Highway Department, other utilities, and significantly exceeds that which the City has paid in the past for water/sewer easements. The City generally offered 25% of full fee simple. Counter offers have been made in several cases; owners have either not responded or refused the counter offer. Counter offers have included negotiated agreements pertaining to land restoration, sequencing and timing of work, etc. At this point, there can be no deviations on the selected route.

BUDGET IMPACT

Costs for the easements and fees are included within the WSIP budget.

Attachments: List of Potential Condemnations
Location Map

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO
SEEK CONDEMNATION AND POSSESSION OF CERTAIN
LANDS OWNED BY DELORIS MAE TUCK.**

WHEREAS, the City of Fayetteville and Deloris Mae Tuck have been unable to agree on a fair price for the property owned by Deloris Mae Tuck that is needed for permanent utility and temporary construction easements across Parcel Nos.001-10661-000 and 001-10647-000; and

WHEREAS, the City of Fayetteville needs to gain possession of this property promptly to begin work on the sewer lines that will carry wastewater flows to the Noland Wastewater Treatment Plant.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court ordered possession of property located on Parcel Nos.001-10661-000 and 001-10647-000 and owned by Deloris Mae Tuck, that is needed for permanent utility and temporary construction easements, and to pay into the Registry of the Circuit Court just compensation therefor.

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

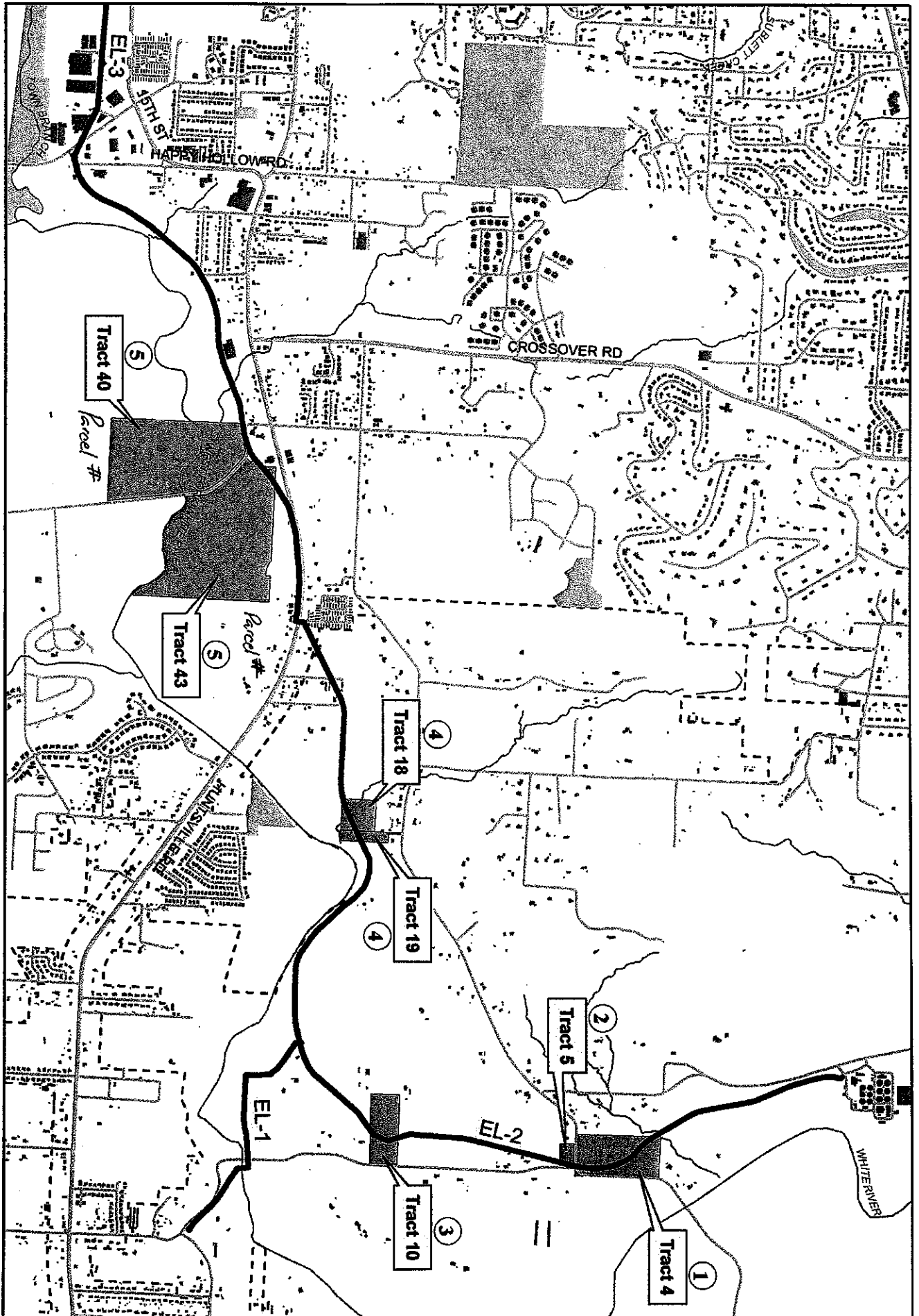
WSIP East Lines 1 and 2 Easement Condemnation List

C. 10
Deloris Mae Tuck Condemnation
Page 4 of 6

Map Reference	Description
1.	Easement Acquired.
2.	EL2 – Tract 5 Owner: James A. Cole and Linda L. Cole Permanent and Temporary Construction Easements across: Parcel No. 126-10003-000, Located within Lot C of Jim Blackston Subd. Offer Amount: \$2,520 (PUE: \$1,800 for 2,546 sq. ft.; TCE: \$720 for 10,605 sq. ft.)
3.	EL2 – Tract 10 Owner: Kathy Denise Ferguson Permanent and Temporary Construction Easements across: Parcel No. 001-10602-000, Located within NW-SW 17-16-29. Offer Amount: No compensation offered. House located on our existing easement. (Proposed PUE: 20,719 sq. ft.; Proposed TCE: 38,303 sq. ft.)
4.	EL2 – Tracts 18 & 19 Owner: Deloris Mae Tuck, Survivor of Franklin L. Tuck, Deceased Permanent and Temporary Construction Easements across: Parcel Nos. 001-10661-000 and 001-10647-000, Located within NW-SW 18-16-29 Offer Amount: Tract 18 -- \$728 (PUE: \$364 for 990 sq. ft.; TCE: \$364 for 9,898 sq. ft) Tract 19 -- \$1,760 (PUE: \$962 for 2,620 sq. ft.; TCE: \$798 for 21,700 sq. ft.)
5.	EL2 – Tract 40 & 43 Owner: Gary Combs, Tract 40. Gary Combs, LLC, Tract 43. Permanent and Temporary Construction Easements across: Parcel Nos. 765-15268-101 and 765-24107-000, located within the N½ 24-16-30, also Known as Anderson Farm Plat AND Pt Section 23-16-30 Offer Amount: Tract 40 -- \$625 (PUE: \$300 for 2,577 sq. ft.; TCE: \$325 for 28,180 sq. ft) Tract 43 -- \$700 (TCE ONLY 61,486 sq. ft)



EL-2 Condemnation Reference Map



Delores Mae Tuck, Surviving Spouse of Franklin Lee Tuck
EL7 – Tracts 18 and 19
CASE HISTORY

January 18, 2005	Offer packet mailed by Ed Connell, containing letter, easement document, and drawings. For Tract 18 the total offer amount was \$728 for 0.02 acre of perm ease (\$364) and 0.23 acre of tce (\$364). For Tract 19 the total offer amount was \$1,760 for 0.06 acre of perm ease (\$962) and 0.50 acre of tce (\$798). Fee simple was offered for the perm easement and 10% rental for the tce, based on "comparable area land sales, valued at \$16,000/acre" per Ed Connell.
January, 2005	Ed spoke with Mr. Tuck's brother, Isaac (Tract 17) and he indicated the family was not happy with the value given these tracts.
February 15, 2005	Received appraisal of Isaac Tuck's tract by Mark Risk, the Real Estate Consultants. Land Value of \$12,000/acre.
October 16, 2006	New offer packet mailed (HJ), containing letter, ease doc, and drawings. Same offer amount due to the fact that the appraisal for the adjoining tract came in lower than the original offer made by Mr. Connell. Explained this in letter to Tuck
April 9, 2007	Reminder letter mailed
April 16, 2007	Received letter from Tuck's atty (Keyes) stating that no additional easement is desired on this property by Tuck. Spoke with Ron P. and Jill and determined that it is possible to work on these 2 tracts in only a tce. Called Keyes and informed him of this revelation.
May 25, 2007	Received letter from Keyes with counter offer of \$7000 for p.e. and tce but wants easement revised to not allow full access to both tracts...since there is an existing 50 easement across these tracts, full access already exists.
May 29, 2007	Revised our offer to meet Cole's appraised value of \$30,000/ac. New packet mailed and total offer for both tracts: Tract 18 -- \$1290 (\$600 for p.e. and \$690 for tce). Tract 19 -- \$3300 (1800 for p.e. and \$1500 for tce). Total offer \$4590.00
July 20, 2007	Letter accepting our offer of \$4590 for the easement on condition that we limit ingress and egress onto her property to a specific area...like an access easement to our w/s easement. Discussed with DJ and Lynn Hyke via email and as of July 25, no determination had been made as to location of access easement and no further response has been received
September 28, 2007	Letter mailed notifying of impending condemnation and encouraging negotiations prior to Council

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

C. 11
Gary Combs, LLC Condemnation
Page 1 of 6

6-Nov-07
City Council Meeting Date

David Jurgens
Submitted By

Wastewater System Imprv Project
Division

Water/Wastewater
Department

Action Required:

Approval of a resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Gary Combs, LLC and located at Parcel Nos. 765-24107-000 and 765-15267-000, located within the N½ 24-16-30, also known as Anderson Farm Plat AND Pt Section 23-16-30
Location 5 on attached list and map.

\$ 1,325

Cost of this request

\$ 99,153,095.00

Category/Project Budget

Wastewater System Imp Project

Program Category / Project Name

4520-9520-5810.00

Account Number

\$ 89,391,891.66

Funds Used to Date

Water and Wastewater

Program / Project Category Name

02133.0305

Project Number

\$ 9,761,203.34

Remaining Balance

Water/Sewer

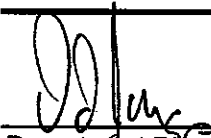
Fund Name

Budgeted Item

☒ XX

Budget Adjustment Attached

☐


Department Director

11/02/07
Date

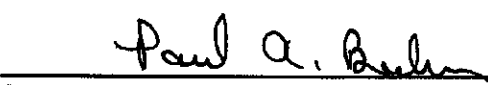
Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


City Attorney

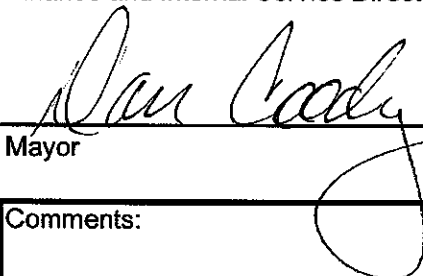
10/15/2007


Finance and Internal Service Director

10-15-07
Date

Received in City Clerk's Office

ENTERED
10/12/07


Mayor

10/15/07
Date

Received in Mayor's Office

ENTERED
10/15/07

Comments:

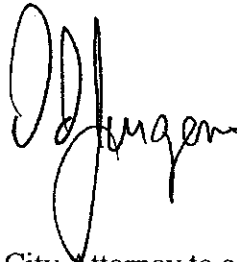
City Council Meeting of November 6, 2007

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody
Water and Sewer Committee

From: David Jurgens, Water & Wastewater Director



Date: October 5, 2007

Subject: Approval of four resolutions authorizing the City Attorney to seek condemnation and possession of certain lands owned by the individuals and/or organizations listed herein.

RECOMMENDATION

Fayetteville City Administration recommends approval of four related resolutions authorizing the City Attorney to seek condemnation and possession of certain lands owned by the individuals and/or organizations listed on the attached pages.

BACKGROUND

The City of Fayetteville has been negotiating with land owners for easements in which to install the new sewer lines EL-1 and 2 that will carry wastewater flows to the Noland Wastewater Treatment Plant. Fifty-three tracts were required for pipelines EL-1 and 2; 44 have been acquired. Of the nine remaining, we have verbal agreement on one, and believe two more will be completed within the next two weeks. These are not on the proposed condemnation list. The owners of the remaining six tracts (four owners) have all been contacted via mail, telephone, and/or in person, and are aware of the City's intent to turn any unresolved easement purchases over to the City Attorney to initiate the condemnation process on November 6, 2007. They are identified in the attached recommended condemnation list.

DISCUSSION

The remaining land owners generally want to be paid more money than staff feels is reasonable and appropriate, or simply refuse to communicate with the City. The City is paying full fee simple prices for all easements for the WSIP, based on appraisals conducted within the twelve months prior to the original offer being made. Given that we are only obtaining an easement, in all of these cases adjacent to the existing easement for the existing 36" sewer main, and the owner still owns the land, paying more than this is not reasonable. Full fee simple is significantly greater than the easement payment offers made by the Highway Department, other utilities, and significantly exceeds that which the City has paid in the past for water/sewer easements. The City generally offered 25% of full fee simple. Counter offers have been made in several cases; owners have either not responded or refused the counter offer. Counter offers have included negotiated agreements pertaining to land restoration, sequencing and timing of work, etc. At this point, there can be no deviations on the selected route.

BUDGET IMPACT

Costs for the easements and fees are included within the WSIP budget.

Attachments: List of Potential Condemnations
Location Map

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO
SEEK CONDEMNATION AND POSSESSION OF CERTAIN
LANDS OWNED BY GARY COMBS, LLC.**

WHEREAS, the City of Fayetteville and Gary Combs, LLC have been unable to agree on a fair price for the property owned by Gary Combs, LLC that is needed for permanent utility and temporary construction easements across Parcel Nos. 765-24107-000 and 765-15267-000; and

WHEREAS, the City of Fayetteville needs to gain possession of this property promptly to begin work on the sewer lines that will carry wastewater flows to the Noland Wastewater Treatment Plant.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court ordered possession of property located on Parcel Nos. 765-24107-000 and 765-15267-000 and owned by Gary Combs, LLC, that is needed for permanent utility and temporary construction easements, and to pay into the Registry of the Circuit Court just compensation therefor.

PASSED and APPROVED this 6th day of November, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

WSIP East Lines 1 and 2 Easement Condemnation List

Map
Reference

Description

1. Easement Acquired.

2. **EL2 – Tract 5**

Owner: James A. Cole and Linda L. Cole

Permanent and Temporary Construction Easements across:

Parcel No. 126-10003-000, Located within Lot C of Jim Blackston Subd.

Offer Amount: \$2,520 (PUE: \$1,800 for 2,546 sq. ft.; TCE: \$720 for 10,605 sq. ft.)

3. **EL2 – Tract 10**

Owner: Kathy Denise Ferguson

Permanent and Temporary Construction Easements across:

Parcel No. 001-10602-000, Located within NW-SW 17-16-29.

Offer Amount: No compensation offered. House located on our existing easement.
(Proposed PUE: 20,719 sq. ft.; Proposed TCE: 38,303 sq. ft.)

4. **EL2 – Tracts 18 & 19**

Owner: Deloris Mae Tuck, Survivor of Franklin L. Tuck, Deceased

Permanent and Temporary Construction Easements across:

Parcel Nos. 001-10661-000 and 001-10647-000, Located within NW-SW 18-16-29

Offer Amount: Tract 18 -- \$728 (PUE: \$364 for 990 sq. ft.; TCE: \$364 for 9,898 sq. ft)
Tract 19 -- \$1,760 (PUE: \$962 for 2,620 sq. ft.; TCE: \$798 for 21,700 sq. ft.)

5. **EL2 – Tract 40 & 43**

Owner: Gary Combs, Tract 40. Gary Combs, LLC, Tract 43.

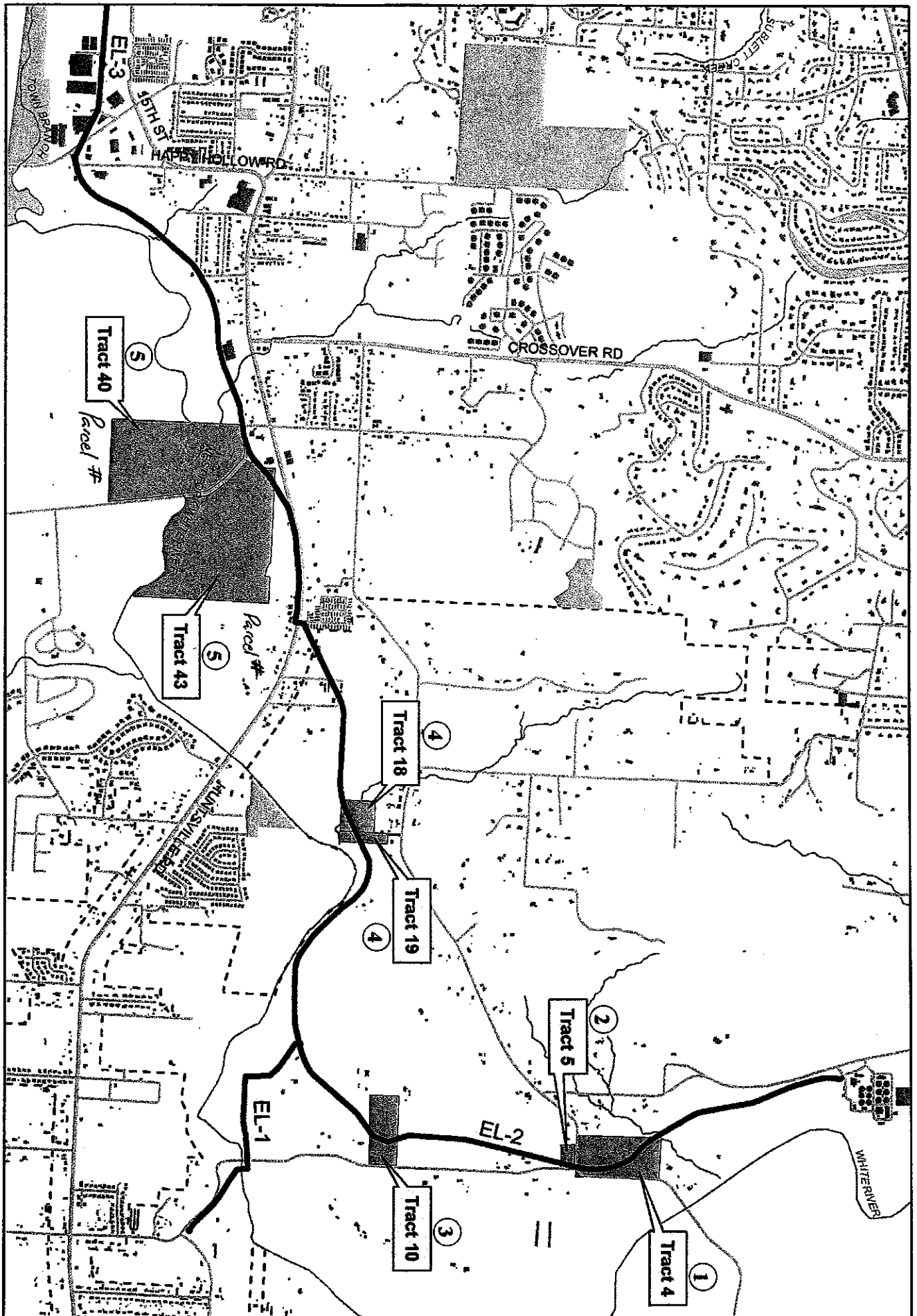
Permanent and Temporary Construction Easements across:

Parcel Nos. 765-15268-101 and 765-24107-000, located within the N½ 24-16-30, also
Known as Anderson Farm Plat AND Pt Section 23-16-30

Offer Amount: Tract 40 -- \$625 (PUE: \$300 for 2,577 sq. ft.; TCE: \$325 for 28,180 sq. ft)
Tract 43 -- \$700 (TCE ONLY 61,486 sq. ft)



EL-2 Condemnation Reference Map



Gary Combs/Gary Combs, LLC
EL7 – Tracts 40 & Tract 43
CASE HISTORY

Feb. 4, 2005	Date of Appraisal by Mark Risk, the Real Estate Consultants. Land Value of \$5,000/acre (tract 40). This value used for both tracts.
Dec. 8, 2006	Offer packet mailed containing letter, easement document, and drawings. Total offer for Tract 40 was \$625.00 for 0.06 acre of perm ease (\$300) and 0.65 acre of temp ease (\$325). Total offer for Tract 43 was \$700 for 1.41 acre of temp ease. only. (Full fee simple offered for perm ease and 10% rental for temp ease. as based on appraisal amount.
March 20, 2007	Jill and I met with Bruce Johnson and Gary Combs regarding another project and I discussed this project with him. He told me he had received the packet and had turned it over to his attorney. He said that we weren't getting anything else from him if Jurgens had anything to do with the project.
April 9, 2007	Follow-up letter mailed
April 26, 2007	Kem faxed a copy of the follow-up letter to Michelle, Gary's Assistant, at Gary's office.
July 12, 2007	Gary and I met onsite; Concerns: Tract 40— Has one place to build on this tract, our proposed line will go through this building site. (there is an existing 36" line there now – not a good argument). Tract 41 – Same argument – obstruction of building site on this tract also. Concerned about elevation of line at road crossing. Wants Pipe fencing repaired and/or replaced. Provided labor for all the asphalt work on Dead Horse Mountain Road overlay. Wants tax credit for this labor. Paved 2.2 miles
July 23, 2007	Discussed Gary's concerns with DJ—have him get proof time, labor costs, etc for tax credit to me and we'll see if we can get something. Called and talked to Gary. He'll get those papers to me. Gary was in the process of purchasing the property on the corner of Dead Horse and 16 at the time that we met. He did not mention this in our meeting. Soon after I called him for the above mentioned paperwork I overheard that he was filling in the pond on the property formerly known as the Animal Hospital. This was being done without permits. Our Engineer, Matt Casey, and Code Enforcement officers placed a Stop Work Order on Gary's job on this site. He will no longer return my phone calls.
No response	
September 28, 2007	Letter mailed notifying of impending condemnation and encouraging negotiations prior to Council

Agenda Session
10/30/07

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
November 6, 2007**

A meeting of the Fayetteville City Council will be held on November 6, 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

Agenda Session Presentations:

1. Discussion on Minutes

Mayor's Announcements, Proclamations and Recognitions:

1. Citizen's Police Academy Graduates

Presentations, Reports and Discussion Items:

A. Consent:

1. Approval of the September 18, October 2 and October 16, 2007 City Council meeting minutes.

✓ **5. Broyles Commercial Funding, LLC Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Broyles Commercial Funding, LLC in the amount of \$36,422.00 for the upsizing of approximately 752' of 8" water main to 12" water main.

✓ **6. Phillip/Martin Development Partners, LLC Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Phillip/Martin Development Partners, LLC in the amount of \$48,886.20 for the widening of Zion Road; and approving a budget adjustment in the amount of \$53,123.72.

✓ **7. Township Heights Subdivision Appeal:** An appeal of the Planning Commission's decision to deny PPL 07-2679, Township Heights.

Remove ✗ **8. James A. Cole and Linda L. Cole Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by James A. Cole and Linda L. Cole.

Remove ✗ **9. Kathy Denise Ferguson Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Kathy Denise Ferguson.

move to 10. **Deloris Mae Tuck Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Deloris Mae Tuck.

next meeting 11. **Gary Combs, LLC Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Gary Combs, LLC.

Agenda Additions:

Announcements:

1. City Council Tour: ~~November 5, 2007~~ *NO*

Adjournment:

Pre-Agenda Meeting 10/24/07

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
November 6, 2007**

A meeting of the Fayetteville City Council will be held on November 6, 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

Agenda Session Presentations:

1. Discussion on Minutes

Mayor's Announcements, Proclamations and Recognitions:

1. Citizen's Police Academy Graduates

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the September 18, October 2 and October 16, 2007 City Council meeting minutes.

2. **Steel Crossing Investments III, LLC:** A resolution accepting a donation from Steel Crossing Investments III, LLC of approximately 17.9 acres of real property on behalf of the people of the City of Fayetteville, Arkansas for the purpose of connecting Scull Creek Trail with Mud Creek Trail.
3. **Zion Road Improvements:** A resolution approving a construction contract with _____ in the amount of \$ _____ for improvements to Zion Road from College Avenue to Vantage Drive; and approving a five percent (5%) project contingency in the amount of \$ _____.
4. **Sales and Use Tax CIP Bonds Series 2007:** A resolution approving a budget adjustment to appropriate the proceeds of the Sales and Use Tax Capital Improvement Bonds, Series 2007 in the amount of \$14,257,819.00 for the Wastewater System Improvement Project.

B. Unfinished Business:

1. **VAC 07-2722 (Menninger):** An ordinance approving VAC 07-2722 submitted by Alan Reid for property located at 301 South West Avenue to vacate three rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of the property and the full width of the un-constructed extension of South Street on the north side of the subject property, a total of 0.30 acres. *This ordinance was Tabled at the October 16, 2007 City Council meeting to the November 6, 2007 City Council meeting.*

C. Public Hearings:

- NB Last
- ① **James A. Cole and Linda L. Cole Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by James A. Cole and Linda L. Cole.
 - NB Last ② **Kathy Denise Ferguson Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Kathy Denise Ferguson.
 - NB Last ③ **Deloris Mae Tuck Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Deloris Mae Tuck.
 - NB Last ④ **Gary Combs, LLC Condemnation:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Gary Combs, LLC.

D. New Business:

- move to before the appeal
- ① **RZN 07-2708 (City of Fayetteville Fire Stations):** An ordinance rezoning those properties described in rezoning petition RZN 07-2708, for approximately 8.11 acres, located at various locations from various zoning districts to P-1, Institutional.

2. **C-PZD 07-2726 (The Sunshine House Daycare):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2726 The Sunshine House, located at 2460 North Old Wire Road, containing approximately 1.95 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.
3. **VAC 07-2733 (Physician's Surgery Center):** An ordinance approving VAC 07-2733 submitted by CEI Engineering Associates, Inc. for property located at 3873 North Parkview Drive to vacate portions of a utility and a drainage easement on the subject property, a total of 0.06 acres.
4. **Broyles Commercial Funding, LLC bid waiver:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Broyles Commercial Funding, LLC in the amount of \$36,422.00 for the upsizing of approximately 752' of 8" water main to 12" water main.
5. **Phillip/Martin Development Partners, LLC bid waiver:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Phillip/Martin Development Partners, LLC in the amount of \$48,886.20 for the widening of Zion Road; and approving a budget adjustment in the amount of \$53,123.72.
6. **Township Heights Subdivision Appeal:** An appeal of the Planning Commission's decision to deny PPL 07-2679, Township Heights.

#1
NB

7. **ADM 07-2762, Amend Chapter 161: Zoning Regulations:** An ordinance to amend Chapter 161: Zoning Regulations, Section 161.26(B)(1) District P-1 Institutional, of the UDC to add Use Unit 5 Government Facilities as a permitted use within the P-1 zoning district (ADM 07-2762)

new Description

Announcements:

1. **City Council Tour: November 5, 2007**

Adjournment:

call on agenda

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

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

DATE: **November 7, 2007**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of November 6, 2007**

1. **Steele Crossing Investments III, LLC:** Resolution accepting donation from Steele Crossing Investment III, LLC of approximately 17.9 acres of real property on behalf of the people of the City of Fayetteville, Arkansas for the purpose of connecting Scull Creek Trail with Mud Creek Trail;
2. **Zion Road Improvements:** Resolution approving construction contract with Ames Construction Solutions, LLC in amount of \$1,453,095.55 for improvements to Zion Road from College Avenue to Vantage Drive; and approving 5% contingency in amount of \$72,654.45;
3. **Sales & Use Tax CIP Bonds Series 2007:** Resolution approving budget adjustment to appropriate proceeds of Sales & Use Tax Capital Improvement Bonds, Series 2007 in amount of \$14,257,819.00 for wastewater system improvement project;
4. **Broyles Commercial Funding, LLC Bid Waiver:** Ordinance waiving requirements of formal competitive bidding and approving cost-share agreement with Broyles Commercial Funding, LLC in amount of \$36,422.00 for upsizing of approximately 752 feet of 8-inch water main to 12-inch;
5. **Phillip/Martin Development Partners, LLC Bid Waiver:** Ordinance waiving requirements of formal competitive bidding and approving cost-share

agreement with Phillip/Martin Development Partners, LLC in amount of \$48,886.20 for widening of Zion Road; and approving budget adjustment in amount of \$53,123.72;

6. Township Heights Subdivision Appeal: Resolution granting appeal of PPL 07-2679 (Township Heights) and approving PPL 07-2679 subject to all conditions of approval.

From: City Clerk
To: thennelly@h2ei.net
Date: 10.25.07 11:16 AM
Subject: 11.06.07 Tentative Agenda
Attachments: 11.06.07 Tentative Agenda Coversheet.pdf

Mr. Hennelly:

This will serve as confirmation of our conversation informing you that the Township Heights Subdivision Appeal is to be heard by the Fayetteville City Council on November 6, 2007. Please notify our office if this is not convenient for you. Also per your request I have attached a copy of the tentative agenda coversheet for November 6, 2007. Once the agenda is finalized I will forward to you per your request a copy of that as well. Have a good day.

Thanks.

Clarice

City of Fayetteville
City Clerk's Office
113 W. Mountain
Fayetteville, AR 72701
479-575-8323

From: City Clerk
To: thennelly@h2ei.net
Date: 10.25.07 11:16 AM
Subject: 11.06.07 Tentative Agenda
Attachments: 11.06.07 Tentative Agenda Coversheet.pdf

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Thanks.

Clarice

City of Fayetteville
City Clerk's Office
113 W. Mountain
Fayetteville, AR 72701
479-575-8323

From: Sondra Smith
To: City Council Tour
Date: 10.30.07 5:33 PM
Subject: City Council Tour
Attachments: Sondra Smith.vcf

Good Morning Ladies!

There **will not** be a City council Tour on November 5, 2007.

Have a great day!

Sondra Smith
City Clerk
City of Fayetteville
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From: Sondra Smith
To: City Council Tour
Date: 10.30.07 5:33 PM
Subject: City Council Tour
Attachments: Sondra Smith.vcf

Good Morning Ladies!

There **will not** be a City council Tour on November 5, 2007.

Have a great day!

Sondra Smith
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Benton County Daily Record

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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

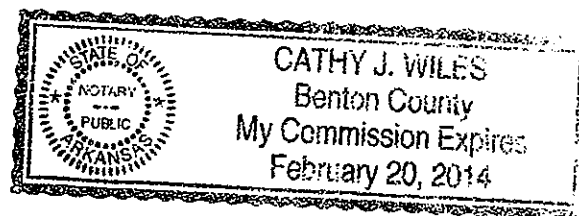
City of Fayetteville: Final Agenda

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Subscribed and sworn to before me
This 6 day of Nov, 2007.

Notary Public *Cathy Wiles*



My Commission Expires: 2/20/2014

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

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CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Monday, November 5, 2007

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
NOVEMBER 6, 2007**

Fayetteville
ARKANSAS

A meeting of the Fayetteville City Council will be held on November 6, 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

Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

1. Citizen's Police Academy Graduates

Presentations, Reports and Discussion Items:

A. Consent:

1. Approval of the September 18, October 2 and October 16, 2007 City Council meeting minutes.
2. **Steele Crossing Investments III, LLC:** A resolution accepting a donation from Steele Crossing Investments III, LLC of approximately 17.9 acres of real property on behalf of the people of the City of Fayetteville, Arkansas for the purpose of connecting Scull Creek Trail with Mud Creek Trail.
3. **Zion Road Improvements:** A resolution approving a construction contract with Ames Construction Solutions, LLC in the amount of \$1,453,095.55 for improvements to Zion Road from College Avenue to Vantage Drive; and approving a five percent (5%) project contingency in the amount of \$72,654.45.
4. **Sales and Use Tax CIP Bonds Series 2007:** A resolution approving a budget adjustment to appropriate the proceeds of the Sales and Use Tax Capital Improvement Bonds, Series 2007 in the amount of \$14,257,819.00 for the Wastewater System Improvement Project.

B. Unfinished Business:

1. **VAC 07-2722 (Menninger):** An ordinance approving VAC 07-2722 submitted by Alan Reid for property located at 301 South West Avenue to vacate three rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of the property and the full width of the un-constructed extension of South Street on the north side of the subject property, a total of 0.30 acres. *This ordinance was Tabled at the October 16, 2007 City Council meeting to the November 6, 2007 City Council meeting.*

C. New Business:

1. **ADM 07-2762, Amend Chapter 161:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Section 161.26, District P-1 Institutional to add Use Unit 5, Government Facilities, as a permitted use in the P-1 Zoning District.
2. **RZN 07-2708 (City of Fayetteville Fire Stations):** An ordinance rezoning those properties described in rezoning petition RZN 07-2708, for approximately 8.11 acres, located at various locations from various zoning districts to P-1, Institutional.
3. **C-PZD 07-2726 (The Sunshine House Daycare):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2726 The Sunshine House, located at 2460 North Old Wire Road, containing approximately 1.95 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated Master Development Plan.
4. **VAC 07-2733 (Physician's Surgery Center):** An ordinance approving VAC 07-2733 submitted by CEI Engineering Associates, Inc. for property located at 3873 North Parkview Drive to vacate portions of a utility and a drainage easement on the subject property, a total of 0.06 acres.
5. **Broyles Commercial Funding, LLC Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Broyles Commercial Funding, LLC in the amount of \$36,422.00 for the upsizing of approximately 752' of 8" water main to 12" water main.
6. **Phillip/Martin Development Partners, LLC Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Phillip/Martin Development Partners, LLC in the amount of \$48,886.20 for the widening of Zion Road; and approving a budget adjustment in the amount of \$53,123.72.
7. **Township Heights Subdivision Appeal:** An appeal of the Planning Commission's decision to deny PPL 07-2679, Township Heights.

Agenda Additions:

Announcements:

1. **City Council Tour:** None

Adjournment:

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