

Aldermen

Mayor Lioneld Jordan
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 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Final Agenda City of Fayetteville Arkansas City Council Meeting January 19, 2010

A meeting of the Fayetteville City Council will be held on January 19, 2010 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. State of the City Address – Mayor Lioneld Jordan
2. A public discussion on the permitting and funding procedures for events–
Alderman Matthew Petty

Agenda Additions:

1. **Arkansas Economic Development General Improvement Fund Economic Development Grant:** A resolution authorizing the Mayor of the City of Fayetteville to apply for a grant on behalf of the students who will benefit from the Northwest Arkansas Community College's Green Job Training Programs.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 10-10

A. Consent:

1. **Fayetteville MSA Partnership D/B/A Verizon Wireless:** A resolution approving the first amendment to the lease agreement between the City and Fayetteville MSA Partnership D/B/A Verizon Wireless (formerly Alltel Communications) for transmission tower space on the Gulley Water Tank.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 11-10

2. **Overlay/Sidewalk Projects For 2010:** A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2010.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 12-10

3. **Bid #10-01 Time Striping, Inc.:** A resolution awarding Bid #10-01 and approving the purchase of thermal striping from Time Striping, Inc. in the amount of \$74,900.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 13-10

4. **Bid #10-02 Asphalt Striping Service:** A resolution awarding Bid #10-02 and approving the purchase of reflectorized paint markings from Asphalt Striping Service in the amount of \$55,518.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 14-10

5. **Bid #10-03 Sweetser Construction, Inc.:** A resolution awarding Bid #10-03 and approving the purchase of curb and gutter from Sweetser Construction, Inc. in the amount of \$196,050.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 15-10

6. **Bid #10-04 Les Rogers, Inc.:** A resolution awarding Bid #10-04 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of \$23,625.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 16-10

7. **Bid #10-05 Les Rogers, Inc. & SSK Investments, LLC:** A resolution awarding Bid #10-05 and approving the purchase of hillside gravel from Les Rogers, Inc. for material picked up by city staff in the amount of \$20,850.00 and from SSK Investments, LLC for delivered material in the amount of \$30,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 17-10

8. **Bid #10-06 Beaver Lake Concrete, Inc.:** A resolution awarding Bid #10-06 and approving the purchase of concrete from Beaver Lake Concrete, Inc. in the amount of \$446,025.00 and authorizing the use of APAC-Central, Inc. as a secondary supplier.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 18-10

9. **Bid #10-07 Stone Gardens, LLC:** A resolution awarding Bid #10-07 and approving the purchase of bricks from Stone Gardens, LLC in the amount of \$14,750.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 19-10

- 10. Bid #10-08 Mackey Trucking, LLC:** A resolution awarding Bid #10-08 and approving the purchase of truck hauling services from Mackey Trucking, LLC in the amount of \$53,000.00 and authorizing the optional use of other bidders based on price and availability.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 20-10

- 11. Bid #10-14:** A resolution awarding Bid #10-14 and approving the purchase of crushed rock salt from Cargill, Inc. in the amount of \$24,505.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 21-10

B. Unfinished Business:

- 1. R-PZD 09-3439 (Oakbrooke Phase III):** An ordinance establishing a residential planned zoning district titled R-PZD 09-3439, Oakbrooke Phase III, located within Oakbrooke Phase I and Oakbrooke Phase II; containing approximately 29 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the December 15, 2009 City Council meeting. This ordinance was left on the Second Reading at the January 5, 2010 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5303

- 2. Amend Chapters 151 & 172:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 172: Parking and Loading in order to establish further parking standards in districts utilized for single family homes. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5304

- 3. Parks HMR Tax Revenues Special Election:** An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on March 9, 2010. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting.*

THIS ORDINANCE WAS TABLED TO FEBRUARY 2, 2010 CITY COUNCIL MEETING

C. New Business:

- 1. Bid #10-09 Northwest Arkansas Quarries, LLC:** A resolution awarding Bid #10-09 and approving the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of \$207,775.00.

THIS RESOLUTION WAS TABLED INDEFINITELY

Announcements:

- 1. City Council Tour: January 18, 2010 – 4:30 p.m.
R-PZD 09-3439 Oakbrooke Phase III**

Adjournment: 10:56 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

Subject:	Roll				
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Mayor Jordan	✓			

9-0

Subject:	Ark. Economic Grant - Green Job Training				
Motion To:		Add to Agenda		Approve	Programs
Motion By:		Cook		Petty	
Seconded:		Petty		Ferrell	
Added at the City Council Meeting.	Gray	✓		✓	
	Thiel	Absent during the vote		✓	
	Cook	✓		✓	
	Petty	✓		✓	
<u>Passed</u> 10-10	Rhoads	✓		✓	
	Ferrell	Absent during the vote.		✓	
	Lucas	✓		✓	
	Lewis	✓		✓	
	Mayor Jordan				

6-0

8-0

Subject:		Consent			
Motion To:					
Motion By:					
Seconded:					
<u>Passed</u> 11-10 thru 21-10	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Mayor Jordan				

Subject:		R-PZD 09-3439 (Oakbrooke Phase III)			
Motion To:		3rd Reading	Amend Planning Area I as in existing plan	Amend B of A	Pass
Motion By:		Petty	Lucas	Lewis	
Seconded:		Ferrell	Lewis	Lucas	
B. 1 Unfinished Business <u>Passed</u> 5303	Gray	✓	N	✓	✓
	Thiel	✓	N	✓	✓
	Cook	✓	✓	✓	✓
	Petty	✓	N	✓	✓
	Rhoads	✓	N	✓	✓
	Ferrell	✓	N	✓	✓
	Lucas	✓	✓	✓	N
	Lewis	✓	✓	✓	✓
	Mayor Jordan				

8-0

3-5
failed

8-0

7-1

Subject:		Amend Chapters 151 & 172			
Motion To:		2nd Read	Amendments	3rd Read	Pass
Motion By:		Lewis	Lewis	Lucas	
Seconded:		No Second	Lucas	Lewis	
B. 2 Unfinished Business <u>Passed</u> 5304	Gray	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	N
	Petty	✓	✓	Absent during the vote.	N
	Rhoads	✓	✓	✓	N
	Ferrell	✓	✓	✓	N
	Lucas	✓	✓	✓	✓
	Lewis	✓	✓	✓	✓
	Mayor Jordan				✓

8-0

8-0

7-0

5-4
Mayor Jordan voted

yes to break the tie

Subject:	Parks HMR Tax Revenues Special Election				
Motion To:		2nd Read	Amend to 5-18-2010	3rd Read	Feb. 2, 2010 Table to Next meeting
Motion By:		Cook	Cook	Ferrell	
Seconded:		Ferrell	Ferrell	Gray	
B. 3 Unfinished Business <i>Tabled</i> <i>to</i> <i>Feb. 2,</i> <i>2010</i>	Gray	✓	✓	✓	✓
	Thiel	absent during the vote.	✓	✓	✓
	Cook	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Rhoads	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Lewis	✓	✓	✓	✓
	Mayor Jordan				
		7-0	8-0	8-0	8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Mayor Jordan				

Subject:	Bid #10-09 Northwest Arkansas Quarries, LLC				
Motion To:		Table Indef.			
Motion By:		Ferrell			
Seconded:		Rhoads			
C. 1 New Business Table Indef.	Gray	✓			
	Thiel	N			
	Cook	N			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	N			
	Lewis	N			
	Mayor Jordan	✓			

5-4

Mayor Jordan voted yes to break the tie.

Subject:	the tie.				
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Mayor Jordan				

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Jason Kelley**, Assistant City Attorney

A handwritten signature in black ink, appearing to read "J. Kelley", written over the printed name.

DATE: **January 20, 2010**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of January 19, 2010**

1. **Fayetteville MSA Partnership d/b/a/ Verizon Wireless:** A resolution approving the First Amendment to the Lease Agreement between the City and Fayetteville MSA Partnership d/b/a/ Verizon Wireless (formerly AllTel Communications) for transmission tower space on the Gulley Water Tank.
2. **Overlay/Sidewalk Projects for 2010:** A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2010.
3. **Bid #10-01:** A resolution awarding Bid #10-01 and approving the purchase of thermal striping from Time Striping, Inc. in the amount of \$74,900.00.
4. **Bid #10-02:** A resolution awarding Bid #10-02 and approving the purchase of reflectorized paint markings from Asphalt Striping Service in the amount of \$55,518.00.
5. **Bid #10-03:** A resolution awarding Bid #10-03 and approving the purchase of Curb and Gutter from Sweetser Construction, Inc. in the amount of \$196,050.00.
6. **Bid #10-04:** A resolution awarding Bid #10-04 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of \$23,625.00.
7. **Bid #10-05:** A resolution awarding Bid #10-05 and approving the purchase of hillside gravel from Les Rogers, Inc. for material picked up by City Staff in the amount of \$20,850.00 and from SSK Investments, LLC for delivered material in the amount of \$30,000.00.

8. **Bid #10-06:** A resolution awarding Bid #10-06 and approving the purchase of concrete from Beaver Lake Concrete, Inc. in the amount of \$446,025.00 and authorizing the use of APAC-Central, Inc. as a secondary supplier.
9. **Bid #10-07:** A resolution awarding Bid #10-07 and approving the purchase of bricks from Stone Gardens, LLC in the amount of \$14,750.00.
10. **Bid #10-08:** A resolution awarding Bid #10-08 and approving the purchase of truck hauling services from Mackey Trucking, LLC in the amount of \$53,000.00 and authorizing the optional use of other bidders based on price and availability.
11. **Bid #10-14:** A resolution awarding Bid #10-14 and approving the purchase of crushed rock salt from Cargill, Inc. in the amount of \$24,505.00.
12. **Green Job Training Programs:** A resolution authorizing the Mayor of the City of Fayetteville to apply for a grant on behalf of the students who will benefit from the Northwest Arkansas Community College's Green Job Training programs.

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1. **R-PZD 09-3439 (Oakbrooke Phase III):** An ordinance establishing a residential planned zoning district titled R-PZD 09-3439, Oakbrooke Phase III, located within Oakbrooke Phase I and Oakbrooke Phase II; containing approximately 29 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the December 15, 2009 City Council meeting. This ordinance was left on the Second Reading at the January 5, 2010 City Council meeting.*

Left on the Second Reading.

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Announcements:

1. **City Council Tour: January 18, 2010 – 4:30 p.m.**
R-PZD 09-3439 Oakbrooke Phase III

Adjournment:

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RESOLUTION NO. _____

**A RESOLUTION AWARDING BID #10-14 AND APPROVING
THE PURCHASE OF CRUSHED ROCK SALT FROM CARGILL,
INC. IN THE AMOUNT OF \$24,505.00**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-14 and approves the purchase of crushed rock salt from Cargill, Inc. in the amount of \$24,505.00.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid # 10-14 Consent

BID: 10-14
DATE: 01/08/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 10-14, Crushed Rock Salt Re-Bid

BIDDER	Estimated Quantity	UNIT PRICE (per ton)	TOTAL
1 Cargill, Inc.	250	\$98.02	\$24,505.00
2 Memco, Inc.	250	\$99.90	\$24,975.00
3 North American Salt Company	250	\$105.09	\$26,272.50
4 NWA Chemical Specialists	250	\$180.00	\$45,000.00
5 Sweetser Construction, Inc.	250	\$130.00	\$32,500.00
6 TETRA Technologies, Inc.	250	\$208.00	\$52,000.00

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

CERTIFIED:

P. Vice

P. VICE, PURCH MGR

[Signature]

WITNESS

01/08/10

DATE

CONDITIONS OF APPROVAL
JANUARY 19, 2010
R-PZD 09-3439
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B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
Page 1 of 6

Conditions of Approval for R-PZD 09-3439 (Oakbrooke Phase III)
Amended by City Council 12-05-09

1. City Council determination of zoning criteria: building area. *The maximum building area for Planning Areas 1-4 shall be 60%.*
2. City Council determination of signage for the PZD. *Wall signs shall be permitted in accordance with the Residential Office zoning district, which allws two 16 sq. ft. wall signs per business, and a maximum size of the one permitted monument sign shall be limited to 50 sq. ft. Projecting signs shall be permitted in accordance with Ch. 174.11.*
3. Use Unit 24, Home Occupations, shall not be permitted as a use by right, but may be permitted as a conditional use in any planning area, subject to Planning Commission approval.
4. Use Unit 41, Accessory Dwellings Units. Accessory dwelling units may only be permitted on lots containing at least 5,000 sq. ft. and are subject to the standards of Chapter 164.19.
5. PA-2. The following design requirements shall be required for Planning Area 2 in addition to the architectural standards presented in the project booklet:
 - a. All units shall be detached single-family dwellings.
 - b. Maximum height shall be 32'.
 - c. As shown on the conceptual site plan, all units shall have a primary entry consisting of a porch, patio or other clearly delineated entry feature oriented to the common open space, or walkway connecting to the common open space. Entry features shall have minimum dimensions of 6'x 6'.
 - d. The common open space shall be provided generally as shown, with dimensions of approximately 130' x 130'.
 - e. The development shall include a variety of building styles, features, colors and site design elements. The same front façade shall not be permitted more than three times and may not be used adjacent to one another.
 - f. At least 300 sq. ft. of private, contiguous open space adjacent to each dwelling unit shall be provided with a minimum dimension of 10'.
 - g. No fence shall exceed three feet in height except where the fence is located at least 10' from the front façade of the house.
6. PA-3. A minimum of forty-two (42) detached single-family dwellings and a maximum of thirty-four (34) two-family and three-family townhouses may be permitted in Planning Area 3. Twenty one (21) of the attached units shall be permitted on Lots 53-60, 82-89 and 99-103. The remaining thirteen (13) attached units may be located throughout PA-3 (with the exception of lots 1-10, where no attached units shall be permitted), but an attached dwelling shall be separated from another attached dwelling by a minimum of two single-family detached dwellings.
7. PA-4. Only detached single-family dwelling units shall be permitted on Lot 11-21 and 33-37. Attached housing, in a townhouse form, shall be restricted to Lots 22-26 and 29-32.
8. PA-5. The minimum buildable street frontage along Ruppel Rd. shall be increased to 40%.

CONDITIONS OF APPROVAL
JANUARY 19, 2010

R-PZD 09-3439

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B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
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9. Street improvements. All interior streets have been constructed; however, street improvements, or payment in-lieu of improvements along Ruppel Road shall include those determined necessary by the Planning Commission, based upon the actual development proposed. All alleys and common driveways serving more than two dwelling units shall be constructed in compliance with the City's street design standards.
10. The applicant shall dedicate additional right-of-way for Ruppel Road and right-of-way for all public alleys at the time of final plat, or large scale development approval.
11. This project is required to obtain all construction and building permits and complete construction of each phase in accordance with the phasing table listed in the project booklet. A one-year extension may be approved for each phase, subject to the criteria in UDC Chapter 166 for extensions.
12. All sidewalks not previously installed shall be constructed in conformance with current City street standards unless otherwise varied by the Planning Commission.
13. All alley widths are subject to approval by the Fayetteville Fire and Solid Waste Divisions and adopted Street Design Standards. Alley construction will be reviewed at the time of development. A minimum of 20' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provide adequate room for a trash truck and arm to pick up residential trash carts.
14. All curb-cuts, including driveways, alleys, etc. shall be constructed in compliance with the Access Management Standards. Individual driveway widths shall be determined by Chapter 172.11(H).
15. Vehicles accessing parking spaces and garages off of an alley, or other access point, shall provide sufficient space for a 90-degree turning movement. This typically requires 24'; however, staff will evaluate access at the time of development.
16. Screening between residential and nonresidential developments shall be reviewed at the time of development.
17. A minimum of 5' of greenspace shall be required between all parking lots and adjoining property lines.
18. All common property shall be owned and maintained by the Property Owners Association. Development of these properties shall be limited to accessory type uses, such as gazebos, benches, mail kiosks, picnic tables, sidewalks, gardens, landscaping, etc., subject to approval by the City Planning Division.
19. Parks fees shall be determined at the time of development review. Fees shall be due prior to signing the final plat or building permit approval, depending on the development proposal.
20. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

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JANUARY 19, 2010
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Page 3 of 4

B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
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21. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Additionally, the development shall be held to the "architectural controls" described in the project booklet. Building elevations will be reviewed at the time of building permit. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards. All multi-family buildings shall adhere to Urban Residential Design Standards.
22. 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.
23. The following revisions shall be made to the final booklets and plats:
 - a. Plats. Page 3. Complete land use table.
 - b. Plats. Page 3. The use table needs to include a subtotal of all planning areas. Additionally, the table needs to correctly list the uses for each planning area and the correct number of lots.
 - c. The note in PA-3 stating "no more than 5 units attached" shall be removed. This planning area is limited to single-family dwellings and two and three-family townhouses.
 - d. Update PA-3 to reflect City Council determination.

Urban Forester Conditions of Approval:

24. Street trees are required to be planted every 30', except for single-family lots where one tree is required per lot. All trees shall be 2-inch large species.
25. Prior to signing the final plat, a written description of the method(s) and time frame the project will utilize to track development of each single-family lot to ensure the required trees are planted and their longevity of health assured, shall be submitted.
26. A 3-year bond, letter of credit, or check shall be required for all trees planted before signing the final plat, or approving a building permit for a large scale development. A three-year maintenance bond, letter of credit, or check shall be required prior to approval of a final Certificate of Occupancy.
27. Tree canopy required to be preserved shall be placed within a Tree Preservation Easement and dedicated by final plat or easement plat.
28. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.

Standard Conditions of Approval:

29. 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).

CONDITIONS OF APPROVAL
JANUARY 19, 2010
R-PZD 09-3439
Page 4 of 4

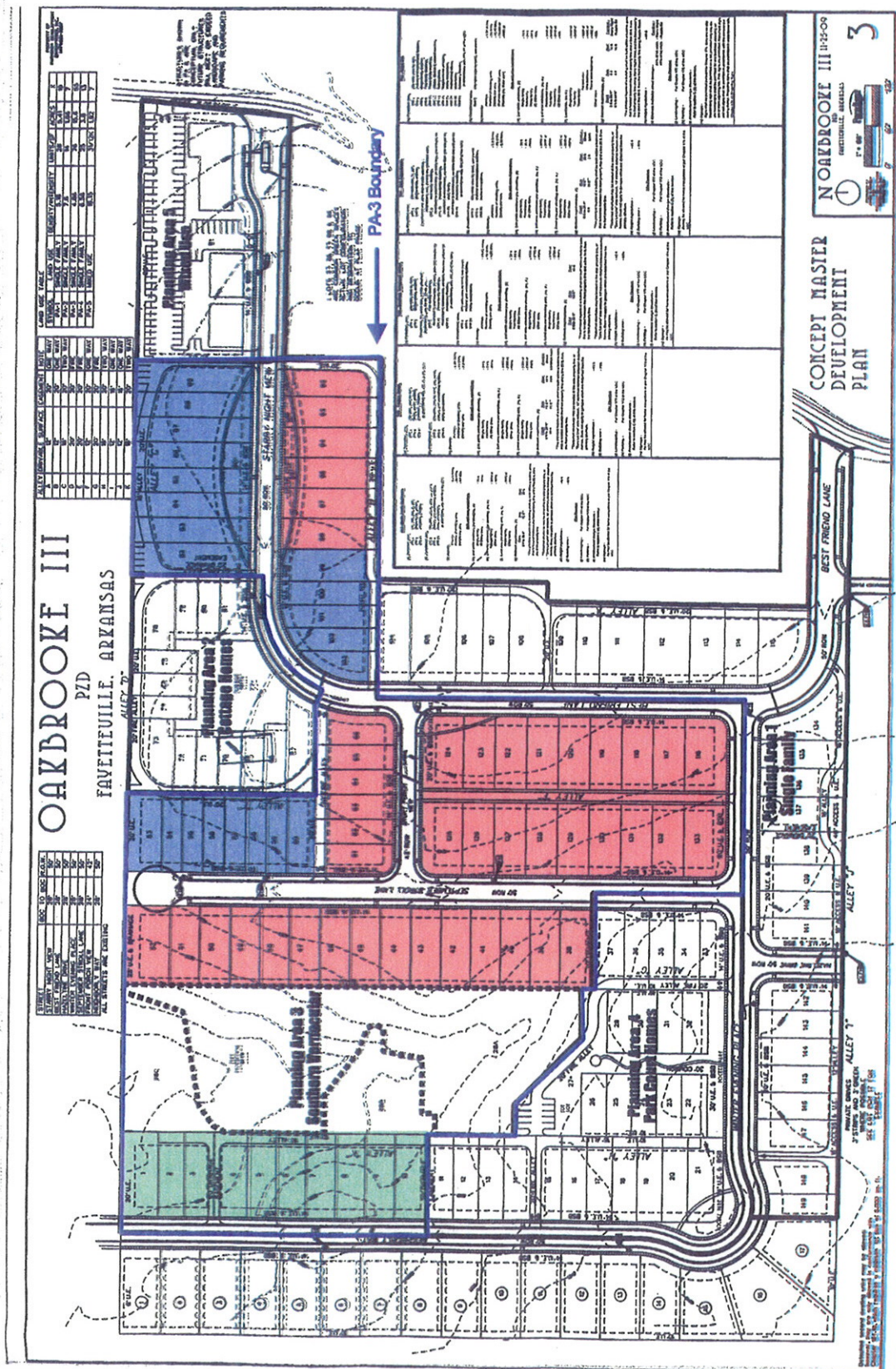
B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
Page 4 of 6

30. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
31. 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.
32. 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.
33. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
34. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
35. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit. Only one-family and two-family units are exempt from this ordinance.
36. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area.
 - d. Project Disk with all final revisions
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Handed out at Agenda Session 1-12-10
Oakbrooke

32 detached single-family dwellings
10 detached single-family dwellings
21 attached dwellings

45 lots =
13 attached dwellings



BrookOakbrooke 3.dgn 11/25/2009 2:10:10 PM

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director

Date: 13 January 2010

Subject: UDC Amendment Ch. 172.11 Parking Standards

Pursuant to the Council's discussion at the meeting January 05, staff has prepared alternative language for your consideration.

Following is the language proposed by the City Attorney for a special event exemption:

§ 172.11 (M) Exemptions

(5) Special events. Infrequent parking for special events which exceeds the normal maximum number of vehicles permitting on a property is excepted from this ordinance. Excessive parking which occurs more frequently than an average of one day a month may be determined by the Zoning and Development Administrator upon complaint by a nearby neighbor to be "frequent" and thus not excepted as "infrequent." The Zoning and Development Administrator shall notify an owner/tenant by regular mail or similar notice that the excessive parking has been determined to be "frequent" and in violation of this section prior to taking other enforcement measures.

If the Council chooses to exempt these regulations for vehicles located under carports, in addition to those within garages, staff recommends the following"

Amend §172.11 (B) Applicability, last sentence, to state the following:

"The regulations herein do not apply to motor vehicles located completely within or underneath garages or carports, nor to properties zoned Residential Agricultural."

Amend Section 1 of the enabling ordinance to include a definition to be inserted into §151 Definitions:

"*Carport*. An automobile shelter having one or more sides open."

Revision #2 1-12-10

Handed out at Agenda Session 1-12-10

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 3900 TO DEDICATE AND AUTHORIZE THE USE OF THE PARKS HMR TAX REVENUES FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS, AND TO REFER SUCH ORDINANCE TO THE ELECTORS OF FAYETTEVILLE AT A SPECIAL ELECTION TO BE HELD ON MAY 18, 2010

WHEREAS, this proposed ordinance will not raise the current Parks Hotel, Motel and Restaurant tax nor have any effect other than to establish a special city fund in which Parks HMR revenue could be used for the development, construction and maintenance of city parks; and

WHEREAS, the voters of Fayetteville approved Ordinance No. 3900 in 1995 which authorized the use of the Parks Hotel, Motel and Restaurant tax for promotion and development of City parks; and

WHEREAS, Arkansas statutes would also allow the use of revenues from this existing Park HMR for maintenance of city parks if approved by Fayetteville voters; and

WHEREAS, the citizens of Fayetteville will be better served by allowing the use of revenues from the existing Parks HMR not only for development of our many parks, but also for their maintenance.

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 Section 2 (a) of Ordinance No. 3900 by repealing it and enacting the following in its stead:

“(a) The revenues collected from the Parks Hotel, Motel and Restaurant Tax shall be used by the Fayetteville Parks and Recreation Department for development, construction and maintenance of City parks.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends Section 5 (c) of Ordinance No. 3900 by repealing it in its entirety and enacting the following in its stead:

“(c) The following question shall be placed upon the ballot for the special election to be held on May 18, 2010:

“**FOR** proposed Ordinance No. _____ amending Ordinance No. 3900.

“**AGAINST** proposed Ordinance No. _____ amending Ordinance No. 3900.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby determines that the Ballot Title shall be: “An Ordinance To Amend Ordinance No. 3900 To Authorize Use Of The Revenue From The Existing Parks Hotel, Motel And Restaurant Tax For Development, Construction and Maintenance of City Parks.”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby refers this proposed ordinance allowing the usage of revenue from the existing Parks HMR tax for maintenance of city parks to the qualified electors of the City of Fayetteville, Arkansas, for a special election to be held on May 18, 2010. This ordinance shall only take effect if approved and ratified by the Fayetteville voters in the special election of May 18, 2010. If not approved and ratified by the Fayetteville voters, this ordinance shall be null and void and have no effect upon the existing Ordinance No. 3900, nor the existing Parks Hotel, Motel and Restaurant tax.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

Added at
the City Council
Meeting 1-19-2010

City Council Agenda Items
and
Contracts, Leases or Agreements

1/19/2010
City Council Meeting Date
Agenda Items Only

Karen Minkel

Submitted By

Division

Strat. Planning and Int. Consulting
Department

Action Required:

Arkansas Economic Development General Improvement Fund Economic Development Grant: Submitted by Strategic Planning Staff to approve a resolution authorizing the mayor of the City of Fayetteville to apply for a grant of up to \$847,000 on behalf of the students who will benefit from the Northwest Arkansas Community College's green job training programs.

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

Budgeted Item ☐

Budget Adjustment Attached ☐

Karen Minkel
Department Director

1/19/10
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Bob Kelly
City Attorney

1-19-10
Date

Paul A. Beebe
Finance and Internal Services Director

1-19-2010
Date

Received in City
Clerk's Office



Kim J.

Jim Mann
Chief of Staff

1/19/10
Date

Received in
Mayor's Office



BGP

Lionel Jordan
Mayor

1-19-10
Date

Comments:

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR OF
THE CITY OF FAYETTEVILLE TO APPLY FOR A
GRANT ON BEHALF OF THE STUDENTS WHO
WILL BENEFIT FROM THE NORTHWEST
ARKANSAS COMMUNITY COLLEGE'S GREEN
JOB TRAINING PROGRAMS.**

WHEREAS, the NorthWest Arkansas Community College has worked with the City of Fayetteville, the Chamber of the Commerce, the University of Arkansas and the Northwest Arkansas Labor Council to establish a green jobs training center and program in Fayetteville; and

WHEREAS, the training center will need to purchase state of the art equipment to support training in weatherization, energy efficiency, and other green initiatives to promote economic development in these areas; and

WHEREAS, the Fayetteville City Council recognizes the need for the project, concurs with its importance and supports the NorthWest Arkansas Community College's efforts to do the same; and

WHEREAS, the Fayetteville City Council has determined that the proposed project meets eligibility requirements necessary to apply for a grant under the 2009 GIF Regional Economic Development Grant Program:

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

Section 1: That the Mayor of the City of Fayetteville is hereby authorized to submit an application of formal request to the Arkansas Economic Development Commission for purposes of securing state grant funds up to the maximum allowable amount of \$847,000.00 to aid and assist in executing the proposed project described herein, and that the Mayor of Fayetteville is further authorized to administer the grant funds for the same project.

PASSED and **APPROVED** this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

TO: City Council

THRU: Mayor Lioneld Jordan
Don Marr, Chief of Staff

FROM: Karen Minkel, Strategic Planning and Internal Consulting Director

DATE: January 19, 2010

SUBJECT: Arkansas Economic Development General Improvement Fund Economic Development Grant

Arkansas Economic Development General Improvement Fund Economic Development Grant: Submitted by Strategic Planning Staff to approve a resolution authorizing the mayor of the City of Fayetteville to apply for a grant on behalf of the students who will benefit from the NorthWest Arkansas Community College's green job training programs.

BACKGROUND

The Arkansas Economic Development Commission released a grant solicitation "to assist cities or counties involved in regional economic development with needs associated with...regional economic development." The grant must benefit more than one county and will be rated by the following criteria:

- Economic impact;
- Participation in a voluntary regional economic development organization;
- Alignment with Governor Beebe's goals for economic development;
- Ability to leverage other funding sources; and
- Readiness to proceed.

The City of Fayetteville has worked with the NorthWest Arkansas Community College (NWACC), the Chamber of Commerce, the University of Arkansas and the Northwest Arkansas Labor Council to establish a Center of Excellence delivery site in Fayetteville, which will provide green job training and certification and will need equipment to provide the anticipated programs in residential energy efficiency.

DISCUSSION

The City of Fayetteville, in partnership with NorthWest Arkansas Community College's Center of Excellence, proposes the opportunity to apply for funding from Arkansas Economic Development Commission General Improvement Funds to purchase state of the art equipment to support training in weatherization, energy efficiency, and other green initiatives to promote economic development in these areas. This partnership will utilize the recently funded Center of Excellence for Energy Efficiency to initiate training opportunities in both Washington and Benton Counties.

This spirit of collaboration within the State of Arkansas will allow the Center of Excellence in Energy Efficiency to expand its ability to train and educate the workforce required to meet this growing employment field. The Center of Excellence provides the capabilities, expertise, and strategic planning to fill this increasing workforce need and additional equipment will add to its resources and training capabilities.

RECOMMENDATION

Staff recommends approving a resolution authorizing the mayor of the City of Fayetteville to apply for a grant on behalf of the students who will benefit from the NorthWest Arkansas Community College's green job training programs.

BUDGET IMPACT

The request will be a maximum of \$847,000. No matching funds are required.

**2009 GENERAL IMPROVEMENT FUND
ALLOCATIONS FOR REGIONAL
ECONOMIC DEVELOPMENT
APPLICATION PACKET**

DEADLINE: JANUARY 29, 2010



**STATE OF ARKANSAS
ARKANSAS ECONOMIC DEVELOPMENT COMMISSION**

THIS PACKET INCLUDES THE FOLLOWING:

- GRANT PROGRAM GUIDELINES
 - APPLICATION FORM
- CERTIFICATION LETTER FORM
 - RESOLUTION FORM

ARKANSAS ECONOMIC DEVELOPMENT COMMISSION

The Arkansas Economic Development Commission's mission is to lead statewide economic development, create targeted strategies that produce better paying jobs, promote communities, and support the training and growth of a 21st century skilled workforce.

The applicant should be cognizant of Governor Mike Beebe's five goals for economic development. The five simple goals are as follows:

1. Increase the incomes of Arkansans at a growth pace greater than the national average.
2. Expand entrepreneurship, focusing on knowledge-based enterprises .
3. Compete more effectively in the global marketplace for new businesses and jobs, and create a business retention strategy to reduce closures.
4. Economic development will meet the special needs and take advantage of the extraordinary assets of various areas of the state. It will not be a one size fits all.
5. Increase the number of workers with post secondary training so they are prepared when they enter the workforce and equipped for new jobs in the future.

During the 2009 Regular Session of the Arkansas General Assembly, legislators appropriated \$847,000 for economic development projects subject to this competitive solicitation for General Improvement Funds to be used either for regional economic development efforts or for regional transportation projects that enhance economic development. Applications for these monies will be submitted for regional economic development efforts.

General Information and Eligibility

The purpose of this solicitation is to assist cities or counties involved in regional economic development with needs associated with either regional economic development projects or, more specifically, regional transportation infrastructure. Grants will be awarded based on a competitive process.

A Letter of Commitment will be provided to the community upon award of the grant. **THE PROJECT MUST BE INITIATED WITHIN SIX (6) MONTHS FROM THE AWARDING OF THE GRANT LETTER OF COMMITMENT FROM THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION, UNLESS THE APPLICANT REQUESTS A LONGER PERIOD THAT IS SUBSEQUENTLY APPROVED BY AEDC IN THE GRANT AGREEMENT.**

What Type of Project is Eligible?

Projects eligible for funding consideration under this program includes:

1. **Regional Economic Development Projects** – Grant opportunities under this category may include, but are not limited to:
 - a. Land acquisition;
 - b. Improvements;
 - c. Construction;
 - d. Renovation;
 - e. Major maintenance;
 - f. Purchase of equipment;
 - g. Industrial site development;
 - h. Intermodal facilities;
 - i. Port and waterway projects;
 - j. Rail spur construction;
 - k. Regional planning
 - l. Industrial parks;
 - m. Regional water improvements;
 - n. Regional sewer improvements; and/or
 - o. Other, non-transportation related economic development projects.

Who May Apply?

- Each application must be submitted by a mayor or county judge.
- The application may be submitted on behalf of a region (established or developing) for any eligible project.
- Act 529 of 2009 allows a planning and development district to represent a municipality in pursuing a grant project.

What Type of Project is Ineligible?

- Projects judged to be outside of the categories noted above.
- Projects that do not address more than one county.

Funding Availability

The Arkansas Economic Development Commission has received a total of \$847,000 for this solicitation.

Allocation of Grant Funds

Grantees selected for funding will be awarded 75% of grant funds upon approval by the Arkansas Economic Development Commission. If funding is authorized for the second year of the biennium, the remaining 25% of the grant funds will be disbursed after July 1, 2010 and following inspection by an Arkansas Economic Development Commission representative.

Is There a Matching Requirement?

No. There is no match requirement in applying for these funds. These funds are allocated to the Arkansas Economic Development Commission by legislators from the General Improvement Fund. In none of the appropriation bills was there any mention of a matching requirement. It should be noted that although a match is not required, the scoring system for award of grants gives points to those applicants that have been able to leverage additional funds, as stated in their application.

Application Process

WHEN can we apply?

Applications will be accepted beginning Monday, December 7, 2009 and ending Friday, January 29, 2010.

SUBMITTING an Application

ALL APPLICATIONS MUST BE RECEIVED OR POSTMARKED BY 4:30 P.M. ON JANUARY 29, 2010 or they will not be accepted. An original application with one copy of any additional information is required. *Faxes or electronic submissions will not be accepted.* An electronic version of the application is available for printing on the website at <http://www.arkansasedc.com>.

Applicants must gain the approval of their governing official, who will be ultimately responsible for the grant should it be received. This process includes completion of the application form and the approval of the application by the local city council or quorum court. The mayor or judge must affix his/her signature to the following attached documents for the application to be considered complete:

- Certification letter
- Resolution
- Application

Application Review and Awards Presentation

Applications are numbered and inspected for completeness and eligibility in the order received by the Arkansas Economic Development Commission. Applicants are encouraged to submit applications well in advance of the cycle deadline to allow AEDC staff to thoroughly review the application and assist applicants in correcting any deficiencies prior to the deadline.

Applications received postmarked after the deadline date will not be eligible for consideration.

Following final review and approval, the awards will be announced and then awarded in early 2010.

Arkansas Economic Development Commission

GIF Grant Rating Criteria

100 total points possible

1. **Economic Impact (30 points possible)**
Points will be awarded to applicants who have clearly identified how this grant, if awarded, will impact the region economically and provide more opportunities for future economic development.
2. **Participation in a voluntary regional economic development organization (25 points possible)**
Points will be awarded based on the city/county's participation in a new or existing organization addressing more than one county. All applicants will receive 15 base points from their participation in a planning and development district. Members of a voluntary regional economic development organization will receive an additional 10 points. (If not currently a member of a voluntary regional economic development organization, points will be awarded if membership is applied for prior to the deadline for this application, January 4, 2010.)
3. **Alignment with Governor's Goals (20 points possible)**
Points will be awarded based on the degree to which the proposed project addresses one or more of the five economic development goals of Governor Beebe, as noted on page 2 of this application.
4. **Ability to Leverage Other Funding Sources (15 points possible)**
Points will be awarded based on the applicant's documentation of the extent to which other funds, either in-kind or cash, will be used to complete the proposed project.
5. **Readiness to proceed (10 points possible)**
Points will be awarded to those applicants who show a clear plan of action to complete the proposed project.

Grant Reporting & Expenditures

THE PROJECT MUST BE INITIATED WITHIN SIX (6) MONTHS FROM THE DATE OF THE GRANT AGREEMENT WITH THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION, UNLESS THE APPLICANT REQUESTS A LONGER PERIOD THAT IS SUBSEQUENTLY APPROVED BY AEDC IN THE GRANT AGREEMENT.

- Should the Grantee change any substantive part of the grant originally stated in the Grant Application, the Arkansas Economic Development Commission must be notified for approval.
- If the project takes more than one year to complete, an interim progress report will be required approximately six months from the date of the grant agreement with the Arkansas Economic Development Commission. If the project is to be completed within one year from the date of the signing of the grant agreement, only a final report will be required. In all reporting, the report should address progress on the project and list all expenditures to date.
- A final report is required of each project funded and should contain a statement that assures all grant expenditures were made in accordance with the scope of the grant project. This report will be sent to Harold Sharp, Budget Director, One Capitol Mall – 4th floor, Little Rock, AR 72201.
- Failure to comply with the terms of this agreement may result in ineligibility to receive future grant funds.

Application Timelines

Deadline for Application Submission

January 29, 2010

Award Date (Proposed)

March 15, 2010

Documents needed for a Complete Grant

In addition to the grant application, with all questions answered fully, applicants must include the following for the application to be complete:

1. A signed Certification Letter, enclosed with application, from the governing official. (See attached example.)
2. A Resolution passed by the governing body enclosed with application. The Resolution must have the governing official's signature, and the signature of the city or county clerk. (See attached example.)
3. Backup documentation for ALL items listed in the project cost estimate.
4. Backup documentation for ALL items listed in the applicant's funding source breakdown (local match). This includes copies of bank statements for cash, letters indicating pledges of cash, and letters of intent to donate materials, equipment, land and/or professional labor being donated. Applicants must show they have raised their entire portion of the match in order to be eligible.
5. A deed, title, or other instrument showing proof of public ownership. This may include an "Intent to Donate" letter from a private individual or a lease that extends for more than ten (10) years.
6. Items of public input support. This could include support letters for the project from the local community's state senator, state representative, members of the community, collaborators involved with the project, etc. Also accepted are minutes from public meetings where the project is discussed and petitions with signatures of support. At least ONE letter is required, but a community may have as many as it chooses.

Questions about the grant program?

Not sure if your project is eligible?

Need to ask about the application process?

Give us a call toll-free at 1 (800) ARKANSAS (1-800-275-2672)

Or Email us at:

hsharp@arkansasedc.com

2009 GIF Regional Development Grant

Name of Applicant _____

Mayor/Judge's Name _____

Address _____

City _____ Zip Code _____

Phone _____ Cell Phone _____

Email _____ FAX _____

Contact Person/Reporting Agent _____

Phone _____ Cell Phone _____

Email _____ FAX _____

Grant Request	+	Cash Match	+	In-kind Match	=	Total Project Cost
		(Not required)		(Not required)		
\$ _____		\$ _____		\$ _____		\$ _____

**GIF REGIONAL DEVELOPMENT
GRANT APPLICATION COVER PAGE**

1. Applicant: _____
 Address: _____

 City/Zip Code: _____
 Phone: _____
 County: _____

For Internal Use Only

Control Number: _____
 Funding Year: _____
 Grants Manager: _____

2. Application Preparer: _____
 Address: _____

 City/Zip Code: _____
 Phone: _____
 Contact: _____

3. Applicable Type: (Check One)
 _____ Regional Economic Development Project
 _____ Regional Transportation Infrastructure

4. Project Summary (Briefly describes the activities to be undertaken for the project).

5. Type of Applicant: (Check one)

____ City ____ County ____ Joint* *List Minor Parties: _____

***All joint applications must be accompanied by cooperative agreements between all jurisdictions applying for funds in the application. See Application Guidelines for appropriate procedures to follow for joint applications.**

6. State Senator(s)/District(s) _____
 State Representative(s)/District(s) _____

 U.S. Congressional District _____

7. Total Project Budget: (List Sources of Funds)
 a. GIF \$ _____
 b. Local \$ _____
 c. _____ \$ _____
 d. _____ \$ _____
 e. _____ \$ _____
 f. Total \$ _____

8. Project Information:

- Estimate the # of consecutive calendar days for construction _____
- Enter the square footage of the proposed building: (if applicable)
 Renovation _____ New Construction _____ Total _____
- List all parcels of land to be acquired for the project (donated and/or fee simple). Include size references for these parcels:

- Estimated number of easements (donated and/or acquired) needed for the project: _____

9. CERTIFICATION OF CHIEF ELECTED LOCAL OFFICIAL

To the best of my knowledge and belief, all data contained in this application is true and correct and its submission has been duly authorized by the governing body. I understand that if the application is found to contain significant misinformation or deviates significantly from the application process, this application will be automatically eliminated from further consideration for funding.

Signature: _____ Title: _____

Typed Name: _____ Date: _____

Project Description

Please provide an outline of your idea and anticipated project. We understand that many projects will need further development. Please use this form to present your idea clearly and succinctly. Please use up to one additional page for description if needed.

Milestones

Describe the milestones (interim steps) needed to be taken in order to complete the project. Please attach a projected timeline for each milestone.

Partnering & Strategic Planning

Please describe all anticipated public and/or private partners that will be involved in this project. Some projects may have many partners, while others may involve only one organization. You may also list how this project fits into your overall strategic planning process. (Action Plan to accomplish this project.)

COST ESTIMATE BREAKDOWN

Please itemize the cost estimate for the project below as much as possible. You may add extra sheets if necessary. Backup documentation for each line, including in-kind materials and licensed professional labor, is required (professional estimates, catalog pages, letters of intent to donate, etc.)

<u>Item</u>	<u>Cost</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL PROJECT COST	\$ _____

FUNDING SOURCE BREAKDOWN

Must include back-up documentation that shows how the total project will be funded (*i.e. bank statements, letters of intent to donate, resolution with appropriation listed, etc.*). *This amount should be the same as the total project cost.*

Requested from GIF Regional Development Grant	\$ _____
In-kind professional labor	\$ _____
In-kind materials and /or equipment	\$ _____
Community Cash Matching Funds	\$ _____
City or County Appropriation	\$ _____
Other Funding Sources (please list)	\$ _____
TOTAL FUNDING SOURCE BREAKDOWN	\$ _____

With my signature below, I do hereby certify that I have read, understand, and support the above application for grant funds through the 2009 General Improvement Fund Infrastructure Grant. I further certify that I have read, understand, and agree to abide by the rules and regulations governing the grant programs.

Signature of Mayor or Judge / Date Signed

Signature of Contact Person / Date Signed

Please carefully review the application and be sure that you have completely answered every question. The completed application with one copy of any supporting documentation MUST be received at:

Arkansas Economic Development Commission
Budget Director
One Capitol Mall, 4th Floor
Little Rock, AR 72201

Due by 4:30 p.m. on Monday, January 29, 2010. FAXES or ELECTRONIC SUBMISSIONS WILL NOT BE ACCEPTED.

CERTIFICATION LETTER

Date _____

2009 General Improvement Fund Regional Development Grant
c/o Arkansas Economic Development Commission
One Capitol Mall
Little Rock, AR 72201

Dear Members of the 2009 GIF Regional Development Grant Review Committee:

On behalf of the _____, I am writing to request your assistance in securing a grant under the 2009 GIF Regional Development Grant. Proceeds from the \$_____ grant, if awarded, will be used for the following project, as outlined in the enclosed application:

I designate myself, Mayor/County Judge of _____ as the person ultimately responsible for the administration of the state grant, if awarded. Project funds from all sources will be expended through a fund established on the books of the city/county of _____. All project expenditures with invoices and cancelled checks attached, in addition to copies of all application materials, will remain on file in the Mayor/County Judge's office for three years or until audited (whichever is later), to assure that funds were used for the purposes for which they were made available.

If additional information is needed concerning this project, please feel free to contact me or the project's primary contact person (name) _____ at (phone number) _____.

Thank you for your consideration.

Sincerely,

Mayor _____

County Judge _____

City _____

County _____

Phone Number _____

Enclosures

RESOLUTION PASSED BY CITY COUNCIL/QUORUM COURT

Note: This is a sample copy of a resolution intended to assist grant writers in knowing what to submit. All Resolutions must be notarized by the local governing official.

RESOLUTION # _____

Be it resolved by the City Council/Quorum Court of _____, State of Arkansas a resolution entitled:

A Resolution authorizing the Mayor of _____ Town or the County Judge of _____ County to apply for a grant of behalf of the _____.

Whereas, the _____ City Council/Quorum Court has determined that the _____ meets eligibility requirements necessary to apply for a grant under the 2009 GIF Regional Development Grant Program; and

Whereas, the _____ has presented plans to (description of project:

_____ ; and

Whereas, the City Council/Quorum Court of _____ recognizes the need for the project, concurs its importance, and supports the _____ in its efforts to proceed with the same; and

Therefore, be it resolved that the City Council/Quorum Court of _____ hereby appropriates the sum of \$ _____ to complete the local match money requirement for the project described herein (if applicable);

Be it further resolved, that the Mayor/County Judge of _____ is hereby authorized to submit an application of formal request to the Arkansas Economic Development Commission for purposes of securing state grant funds in the amount of \$ _____ to aid and assist the _____ in executing the proposed project described herein and that the Mayor/County Judge or Recorder/Treasurer of _____ is further authorized to administer the grant funds for the same project.

THIS RESOLUTION ADOPTED IN REGULAR SESSION _____ Date

APPROVED:

Signature of Mayor or County Judge

Typed name of Mayor or County Judge

ATTEST: _____
Signature of City or County Clerk

*Handed out at the City
Council meeting 1-19-2010
Permitting & Funding Procedures for Events*

**SUMMARY OF SPECIAL EVENTS
FOR 2009**

Number of annual events over 24 hours long:	11
Number of annual recurring events:	37
Number of events occurring multiple times per year:	4
Total number of special event requests:	62
Total number of days used by special events:	123

(NOTE: These numbers do not include public property closures for construction, utility purposes, Farmer's Market or public solicitation requests.)

A COPY OF EACH APPLICATION IS SENT TO: # of Staff

* Parking	3
* Police Department	10
* Fire Department	5
* Transportation	4
* Administration	5
Development Services	3
Water/Sewer	5
Solid Waste	2
Parks & Rec	4
TOTAL COPIES EMAILED:	41

* TOTAL FINAL APPROVALS REQUIRED:	5
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LISTING OF SPECIAL EVENTS IN FAYETTEVILLE

2010 - APPROVED		Total No. Days of Possession (if +24 hrs)	Annual Event?	Multiple times per year?
01/01/10	Fleet Feet Twenty 10K			
01/18/10	Martin Luther King March		Y	
05/08/10	Root Rocket Run		Y	
06/26/10	NWA Pride Parade		Y	

2010 - PENDING		Total No. Days of Possession (if +24 hrs)	Annual Event?	Multiple times per year?
02/13/10	Fat Saturday Parade of Fools		Y	
02/16/10	Mardi Gras on Dickson Street		Y	
07/01/10- 07/03/10	Bikes, Babes and Bling	5		
09/29/10- 10/02/10	Bikes, Blues and BBQ	7	Y	

2009 - APPROVED		Total No. Days of Possession (if +24 hrs)	Annual Event?	Multiple times per year?
01/19/09	Martin Luther King March		Y	
02/17/09	KUAF Public Radio Groundbreaking Ceremony			
02/21/09	Fat Saturday Parade of Fools		Y	
02/21/09	NWA African American Heritage Walk			
02/24/09	Mardi Gras on Dickson Street		Y	
02/25/09	Blood Drive		Y	Y
03/25/09	Video Presentation for Michael Anderson			
03/28/09	MS Walk			
03/29/09	Easter at the Club		Y	
04/05/09	Hogeye Marathon		Y	

04/10/09	A & P Commission Photo Shoot			
04/15/09	Tea Party on the Square			
04/17/09	Rally for Change			
04/24/09	Take Back the Night March		Y	
04/29/09	Blood Drive		Y	Y
05/01/09	SpringFest	3	Y	
05/07/09- 05/10/09	Joe Martin Stage Race	4	Y	
05/09/09	Root Rocket Run		Y	
05/12/09	FHS Parade of Champions		Y	
05/17/09	Family Field Day 5K			
05/23/09	Lions Club 5K		Y	
06/05/09	Oaks Neighborhood Party		Y	
06/06/09	Block Party on Walker Street	2	Y	Y
06/07/09	FPL – Benjamin Del Shreve	6 (non-consecutive)	Y	Y
06/07/09	FPL – Mike Sumler Band			
06/14/09	FPL – Walter Savage Trio			
06/21/09	FPL – Folk Band			
06/28/09	FPL – Opal Fly & The Swatters			
08/06/09	FPL – Apartment 5 Concert			
06/09/09 06/16/09 06/23/09 06/30/09	Tyson Summer CRIT Series	4 (non-consecutive)		
06/13/09	Take Your Kids to Dickson Street			
06/20/09	Fay Tri Sport Kids Triathalon		Y	
06/22/09- 06/26/09	All Star Coaches Clinic	5	Y	
06/27/09	NWA Pride Parade		Y	
07/04/09	4 on the 4 th for Veterans			
07/04/09	Block Party at Barton and Walker	2	Y	Y
07/15/09	Blood Drive		Y	Y
07/21/09	Ark. Razorbacks All Sport Fan Appreciation Day			
08/06/09 09/03/09 10/01/09 11/05/09	First Thursday Fayetteville	4 (non-consecutive)	Y	Y
08/08/09	LHCIO Back to School Block Party			
08/14/09	Block Party – Oaks Neighborhood		Y	
08/29/09	Ark. Orthodontics Outdoor Movie			
09/11/09- 09/12/09	M&M Dickson Street Concert & OctoberFest	3	Y	

09/12/09	Walk to Cure Diabetes		Y	
09/16/09	Blood Drive		Y	Y
09/23/09- 09/26/09	Bikes, Blues and BBQ	7	Y	
10/02/09	FHS Homecoming Parade		Y	
10/03/09	Northside Rotary Walk for Kidney Sake		Y	
10/10/09	Fay. Fire Dept. Pancake Breakfast		Y	
10/11/09	Simchat Torah Procession			
10/24/09	350 Climate Change March & Rally			
10/30/09	Trick or Treat on the Square		Y	
10/30/09	U of A Homecoming Parade		Y	
10/31/09	Block Party at Barton and Walker		Y	Y
11/07/09	Veterans Memorial 5K Race		Y	
11/21/09- 01/01/10	Lights of the Ozarks	42	Y	
12/09/09	Blood Drive		Y	Y
12/13/09	Our Lady of Guadalupe Pilgrimage Parade		Y	

2008 - APPROVED		Total No. Days of Possession (if +24 hrs)	Annual Event?	Multiple times per year?
01/21/08	Martin Luther King March		Y	
02/02/08	Fat Saturday Parade of Fools		Y	
02/05/08	Mardi Gras on Dickson Street		Y	
03/09/08	Easter at the Club		Y	
03/26/08	Blood Drive		Y	Y
03/29/08	Home Safety Literacy Project Cookout			
03/29/08	NWA Heart Walk		Y	
04/06/08	Hogeye Marathon		Y	
04/12/08	Joseph FX 5K			
04/18/08	Dickson to Darfur			
04/25/08	Take Back the Night March		Y	
04/25/08- 04/27/08	SpringFest & Dickson Street Music Festival	3	Y	
04/26/08	Battle of the Bands			
04/26/08	March of Dimes March for Babies			

04/26/08	Trailblazer 5K			
05/08/08- 05/11/08	Joe Martin Stage Race	4	Y	
05/10/08	Root Rocket Run		Y	
05/24/08	Lions Club 5K Run	2	Y	
05/31/08	Hunger Run		Y	
06/04/08	Blood Drive		Y	Y
06/07/08	Block Party – Meet the Mayoral Candidates			
06/07/08	Block Party – Oaks Neighborhood		Y	
06/14/08	Alcoholics Anonymous			
06/21/08	Fay Tri Sport Kids Triathlon		Y	
06/16/08- 06/20/08	All Star Coaches Clinic	5	Y	
06/21/08	Syndicate Boards & Apparel			
06/28/08	NWA Pride Parade		Y	
07/04/08	Block Party at Barton and Walker	2	Y	Y
07/15/08	One Hot Night			
08/02/08	Christian Music Festival			
08/02/08	Salsa Fest		Y	
08/08/08	Covington Curbside Cocktails			
08/09/08	Block Party for Life Harvester Church		Y	
08/16/08	YRCC Back to School Blast			
08/23/08	NWA Young Professionals			
08/30/08	Heartwood Festival in the Mill District			
09/06/08	Northside Rotary Walk for Kidney Sake		Y	
09/10/08	Blood Drive		Y	Y
09/10/08	U of A Articulation Workshop			
09/13/08	Walk to Cure Diabetes		Y	
09/24/08- 09/27/08	Bikes, Blues and BBQ	7	Y	
09/28/08	Co-Optemberfest	2	Y	
10/03/08- 10/05/08	Twist of Green	3		
10/10/08	FHS Homecoming Parade		Y	
10/11/08	Butterfield Anniversary 5K			
10/16/08 11/13/08	Slow Dancing on Dickson Street			
10/18/08	Block Party on Olive Avenue			
10/25/08	Electronic Music Event for Barack Obama			

10/31/08	Trick or Treat on the Square		Y	
10/31/08	U of A Homecoming Parade		Y	
11/01/08	Block Party at Barton and Walker	2	Y	Y
11/09/08	Walk for Community		Y	
11/22/08- 01/01/09	Lights of the Ozarks	41	Y	
12/07/08	Our Lady of Guadalupe Pilgrimage Parade		Y	
12/10/08	Blood Drive		Y	Y
12/31/08	First Night Fayetteville		Y	

Event Permit Application Instructions/Rules

These instructions are intended to help you complete your event permit application and all associated forms. Please take the time to read these instructions prior to completing your application. If you have any questions, please do not hesitate to contact us. All information must be legible and printed. Please do not use a pencil in completing this application. It is very important that our organization, as well as others, is able to read the information submitted. We want to make sure that your event is successful and without problems.

Application must be submitted with the appropriate fee amount **21 days prior to the event date**. Applicable fees may be paid by cash or check. Checks must be payable to the City of Fayetteville. Application fees are refundable if an event is cancelled or if the event permit is denied.

There are three (3) permit forms provided for the event permit application. The size and activities of your event will determine which forms you will need to submit.

- **Event Permit Application**: This form will need to be submitted for all events that take place on City property or require City resources (police assistance, parking lots, street closings, etc.).
- **Section II – Major Event Permit Application**: This form will need to accompany the Event Permit Application if your event involves certain activities such as alcoholic beverages, street closings, vendor booths, carnival rides, etc.
- **Section III – Request for Noise Ordinance Variance**: This form will need to accompany the two forms listed above and is required if your event may possibly involve sound levels that may exceed the normal requirements of the City of Fayetteville Noise Ordinance.

Return event permit applications to:
City of Fayetteville
Parking Management Division
113 W. Mountain Street
Fayetteville, AR 72701

Direct questions and inquiries to:
Parking Management Office
479-575-8280
479-575-8250 (fax)

Event Permit Application

If at any time the application form does not provide adequate space, provide the additional information on a separate sheet and write "see attached" on the application form. Please do not write on the back side of any page of this form. When additional sheets are attached, place the event name and event date at the top of each additional sheet.

For example: **Lights of the Ozarks 11/24/04**

Event Name: Enter the name of the event. This name should be the one that you are using to advertise or promote your event.

Event Producer: Enter the name of the organization, corporation, neighborhood group, etc. that is producing the event. If the organization, corporation or group contracts with a firm or agency to produce the event, the event producer is the firm/agency contracted.

Primary Contact: Enter the name of the primary person who is to be contacted regarding the application or event.

Address, City, State, and Zip: Enter the mailing address information in these blanks of the primary contact.

Phone: Enter the telephone numbers and email address of the primary contact. It is important that the city has the ability to contact this person at all times during the event to ensure it runs smoothly and successfully.

Secondary Contact: Enter name of one additional person who can be contacted regarding application or event.

Phone: Enter telephone numbers and email address of the secondary contact. It is important that the city has the ability to contact the primary or secondary person at all times during the event to ensure it runs smoothly and successfully.

Event Location: Describe where the event will be held.

Event Type: Check all boxes that apply to your event.

Event Description: Give a brief description of the event. Please describe any unique characteristics of your event (use additional page if necessary; please **do not write on the back** side of any page of this application).

Event Duration: (Starting Date, Ending Date): Enter the dates that the event will be open and closed for attendance.

Hours of operation: Enter the hours the event site will open for attendance.

Site Preparation: Enter the starting date and time that you will start to prepare the event site. If no preparation is necessary, enter the Starting Date and Time of the event.

Dismantling & Cleanup: This is the date and time it will take to dismantle and cleanup the event site. Enter the date and time when the dismantling and cleanup will be completed and the streets/or sidewalks opened again.

Total Attendance: Enter the total number of attendees that you expect for your entire event, beginning to end.

Peak Attendance: Enter the highest number of attendees you expect at any one time during the event.

Event Features: Review list of possible features and check all that apply to your event. *If you have checked any of these features, you must also complete Section II – Major Event Permit Application.*

Hold Harmless Clause: No application will be processed or permit issued for an event without the hold harmless clause being signed by the agent duly authorized by the event applicant. Proof of liability insurance may be required for a major event.

SECTION II - Major Event Permit Application

Site Map Requirement: Regardless of event location, a site map must be submitted showing the location of the event and the event features. Please review the site map requirements section of the application for all items that are required on the site map. Please contact the Parking Management Division at 479-575-8280 to obtain site maps of the downtown area.

Street Closure: Enter the date and time of any requested street closures and the date and time the street will be reopened to traffic. Please contact the Transportation Division at 479-575-8228 to make arrangements for barricades and safety cones.

Security: It is the responsibility of an event producer to provide adequate security for an event. If security is being provided complete the security section of the event permit application.

Emergency Medical Assistance: The local Fire Chief or Fire Marshal may determine that an Emergency Response Team shall be required for major events. The fee for this service will be determined, if needed, upon review of this application.

Vendors: If you are having vendors set up at your event, then fill out this section.

Alcoholic Beverages: If you are selling alcoholic beverages, then fill out this section. Please contact the Alcoholic Beverage Control Division at 501-682-1105 to apply for a permit. When alcohol is on site, the City requires security to be present at all times. The number of security officers varies based on attendance per event. The Police Department has specific guidelines for the sale of alcohol.

Fireworks: Fireworks are prohibited by City Code 94.05.

Electrical Service: If electrical service is required, then complete this section. Events needing more than 120 amps electricity will be required to provide an alternate power source or generators for power. Otherwise, event producers may use the City's active electrical outlets for minimal requirements. The event producer is responsible to ensure proper usage of all electrical services, and is responsible for all electrician fees, including fees for servicing/repairing blown electrical services due to improper use of electrical supply.

Restroom Facilities: If groups of 500 or more are attending an event, the City requires the producer to supply portable restrooms. If restroom facilities (portalets) are being provided, then complete this section.

Trash, Recycling, and Clean Up Plans/Procedures: Any event producer holding an event on City property is responsible for trash removal during the event, and clean up and removal of debris after the event is concluded. Although it is not mandatory that recycling be a part of your event, it is highly recommended if aluminum or plastic drink containers will be a part of the event. Please contact the Solid Waste Division at 479-575-8397 or 479-601-4368 for all your events refuse and recycling needs.

Parking lots and vendor booth areas must be cleaned, swept, washed, and restored to its original set up once the event is concluded. Sub-contractors must load out at end of event unless pre-arranged with the City (i.e. ice merchandisers, staging, lights and sound, soft drink dispensers, signage, decorations, tables, chairs, vehicles, delivery and supply trucks, portable restrooms, etc.). Any items left will result in a day rental charge for space occupancy.

A clean up deposit is required of all major events and is payable in advance to the City of Fayetteville.

ADDITIONAL RULES

Reservation Policy: Any event that occurs annually and has had at least 3 successful events in the past 3 consecutive years, will automatically be reserved a spot on the City event reservation calendar for the event dates that are normal to the event. The producer of the "Established Event" will still be responsible for submission of all applicable permit applications by the appropriate deadlines. All other event requests submitted will be considered on a first-come-first-serve basis.

Barricades and Fencing: The event producer is responsible for placement of all required barricades, cones, fencing, etc. The producer may borrow these items by checking them out and picking them up at the Transportation Division located at 1525 Happy Hollow Road. Please call the Transportation Division at 479-575-8228 to make arrangements.

Towing of Vehicles: If the producer expects the possible need to tow any vehicles during an event, this information must be submitted with the permit application. All areas that may require towing of a vehicle must have proper signage (approved by the City) prominently displayed at each site that a vehicle(s) may be towed. If towing is necessary where the proper signage is not displayed, the producer must contact the Fayetteville Police Department at 479-587-3555 to see if they can legally tow or relocate the vehicle.

Pavement Markings: Pavement markings are strictly prohibited except with temporary spray chalk material that is approved by the City. Spray chalk can be purchased in the Parking Management Office located at 113 W. Mountain Street.

Pavement Holes/Marring: Drilling into pavement (parking lots, streets, sidewalks, curbs, etc.) is strictly prohibited. All signage and anchoring must be accomplished with weights such as sandbags or concrete filled barrels. Any holes or damage made to public property will be charged at cost to the producer of the event, but not less than \$100.00 per hole and/or marring of pavement.

Banners and Flyers: All banners and flyers must be pre-approved by the City including wording on banners and placement of banners.

Sales Tax and HMR Tax: All vendors conducting sales at the event must report and pay all applicable state and local sales taxes, including HMR taxes.

Noise Ordinance Variance: Instructions for requesting for a Noise Ordinance Variance are provided with the application in Section III.

Important Telephone Numbers:

Alcoholic Beverage Control Division	501-682-1105
Event Permit Applications (Parking Office)	479-575-8280
Farmer's Market on the Square	479-236-2910
Fire Department – Fayetteville	479-575-8365
Lights of the Ozarks	479-521-5776
Parking Management Office	479-575-8280
Police Department – Fayetteville	479-587-3555
Police Department – Univ. of Ark.	479-575-2222
Solid Waste & Recycling Division	479-575-8397
State Fire Marshal – Little Rock	501-618-8624
Transportation Division	479-575-8228
Walton Arts Center	479-443-9216

City of Fayetteville website: www.accessfayetteville.org

City of Fayetteville, Arkansas

Event Permit Application

Section I

Any individual or organization planning to host or produce a festival or event which will be held on City of Fayetteville property or utilize City resources must complete this application and return it with the appropriate fees to the City of Fayetteville Parking Management Division for approval. Any misrepresentation in this application or deviation from the final approved specifications and activities described herein may result in the immediate revocation of the approved permit. No application will be processed without the Hold Harmless Clause being signed. Please do not write on the back side of any page of this form.

Event Name: _____

Event Date(s): _____

Event Producer: _____

Primary Contact: _____

Primary contact is the person who is to be contacted regarding the application or event

Address: _____

City: _____

State: _____

Zip: _____

Phone:

Day: _____

Night: _____

Cell: _____

Fax: _____

Email: _____

Secondary Contact: _____

Phone:

Day: _____

Night: _____

Cell: _____

Fax: _____

Email: _____

Event Location: _____

Event Types: Check all that apply

☐	Not for Profit	☐	Wedding Ceremony	☐	Walk/Run Footrace
☐	For Profit	☐	Wedding Reception	☐	Competition
☐	Public	☐	Meeting/Dinner	☐	Parade
☐	Private	☐	Press Conference	☐	Rally Demonstration
☐	Concert	☐	Auction	☐	Festival
☐	Trade Show/Expo	☐	Block Party	☐	Other _____

SECTION II

Major Event Permit Application

Event Name: _____

Event Date(s): _____

Site Map Requirement:

Major events require a site map (you may acquire a map from the Parking Management Office). Indicate on map the exact placement of the following items, if applicable.

> Gate(s)/Official Entrance(s)	> Vendor Booths/Tents	> Security Tent(s)
> Restroom Facilities/Portable Toilets	> Money Rooms	> Emergency Medical Tent(s)
> Performance Areas/Lighting	> Fencing	> Sign/Banner Placement
> Dumpsters & Trash Containers	> Food Areas	> Street Closures/Barricades
> Event Headquarters	> Alcohol Areas	> Communication Center

Street Closure:

Reopen:

Date: _____ Time: ____:____

Date: _____ Time: ____:____

List streets to be closed (provide map):

Security:

It is the responsibility of an event producer to provide adequate security for an event, and to ensure that an adequate number of security personnel are present to manage the expected size of the event's crowd. Security must include proper crowd control. Security personnel must meet the requirements of the Fayetteville Police Department.

Number of off-duty police or private security personnel being provided: _____

Organization providing off-duty or private security: _____

Contact: _____ Phone: _____

Type of Security	Number of Personnel	Check if not Needed
Gate Security		☐
Alcohol Sales Security		☐
Money Handling Security		☐
Stage/Artists Security		☐
Parking Lot Security		☐
Overnight Security (outside of event hours)		☐

Emergency Response/Fire Team:

Special emergency response team required?

Yes ☐

No ☐

Type of response unit required: _____

Fee: \$ _____

Vendors:

List types of vendor booths (food, clothing, crafts, etc.):

Alcoholic Beverages:

Alcoholic Beverage Vendor(s): _____

ABC License Number: _____

Electrical Service:

How will electrical service be supplied :

Public Utilities ☐

Generator ☐

On-call Electrician: _____

Business Phone: _____

Emergency Phone (during event): _____

Restroom Facilities:

Number of permanent facilities: _____

Number of portable facilities: _____

Company Supplying Portables: _____

Contact: _____

Phone: _____

Trash, Recycling, and Clean Up Plans/Procedures:

Please contact the Solid Waste & Recycling Division for all your events refuse and recycling needs at 479-575-8397.

Name of trash and recycling coordinator: _____

Name of clean up coordinator: _____

Number of people on clean-up crew: _____

Number and Size of Dumpsters: _____ Type of Dumpsters: _____

Number of times to be serviced: _____

Briefly describe plan for trash and recycle removal (how will trash be collected and disposed of?):

Briefly describe plan for clean up after event is concluded:

Clean Up Deposit Required: \$500.00

This fee is payable in advance to the City of Fayetteville for clean up and removal of debris. An inspection of the event location will be performed by City personnel within 24 hours after the ending date and time of the event as established in this permit. Upon establishment of a satisfactory inspection of the site of the clean up performed by the event producer, the clean up deposit will be refunded within thirty (30) days of the inspection. If said clean up was not totally successful, then all or a portion of the deposit may be forfeited to the City in order to pay for the appropriate clean up efforts. Clean up tasks performed by the City are charged out at \$50.00 per hour. If cleanup efforts performed by the City exceed \$500.00, the event producer will be billed the additional cost.

Clean Up Deposit Received:

Date: _____ Amount: _____ Check #: _____

Refundable to:

Name: _____

Address: _____

City, St, Zip: _____

Telephone No.: _____

SECTION III
REQUEST FOR VARIANCE FROM
CITY OF FAYETTEVILLE NOISE ORDINANCE

Section I: Organizational and General Variance Information

1. Name and address of organization requesting variance: _____

2. Name and telephone number of contact person: _____

3. Variance is requested for (date and time): _____

4. The decibel level will not exceed: _____
5. Place of event: _____

6. Event will be held (*check one*): Indoors ☐ Outdoors ☐
7. Number of people expected to attend: _____
8. Sound system to be used: _____
9. Description of entertainment planned: _____

10. Why do you **not** expect to be able to comply with normal requirements of the Noise Ordinance?

11. Actions planned by organization/applicant to assure compliance with the Noise Ordinance or with restrictions designated in Variance, if granted:

Section II: Contact Person(s)

1. Contact persons designated by applicant to be responsible for receiving complaints or requests **during event:**

Primary Contact:

Name

Phone No. During Event

Address

Position

Signature

Secondary Contact:

Name

Phone No. During Event

Address

Position

Signature

2. This request is submitted on behalf of organization/applicant by:

Name

Phone No.

Address

Position

Signature

Section III: Approvals

1. *(This Section applies only if prior approval from the University of Arkansas Student Services is required.)*

The foregoing request has been submitted and reviewed by the Office of Student Services and the Director of Arkansas Union.

Signature, Director of Campus Activities

Date

INSTRUCTIONS

CITY OF FAYETTEVILLE NOISE ORDINANCE VARIANCE REQUEST

In order for you request for a variance from the City of Fayetteville Noise Ordinance to be completed properly and meet your needs, please read the following directions:

1. The City needs to receive the completed Request for Variance application at least two (2) weeks before the date you are requesting your event to begin, but earlier if possible.
2. Carefully read Ordinance No. 3926 (the last two pages of this packet). If you do not fully understand any section, please call the Mayor's Office at 479-575-8330.
3. All requests for Variance from the Noise Ordinance must be submitted along with an Event Permit Application (Section I and II).

Once your request has been returned to the City of Fayetteville, it will follow these procedures before it is approved:

1. Your request will be sent to the Parking/Events Division, Police Department, Fire Department, and Transportation Division (respectively) for their review, comments, and approval.
2. After it has been reviewed by these departments, it is given to the Mayor or his designate for final approval.
3. **If the request is approved**, you will be contacted by phone to pick up your original request at the Parking Management Office. Please keep this approval request with you during the event in case the Police Department receives a complaint and they are sent to your event. You will need to show them the approved variance to avoid any confusion.
4. **If the Variance Request is not approved**, you will be notified immediately. However, Sections I and II of your Event Permit Application may still be approved for all other aspects of the event.

ORDINANCE NO.

AN ORDINANCE REPEALING §96.04 OF THE CODE OF FAYETTEVILLE AND SUBSTITUTING A NEW §96.04 LIMITING NOISE LEVELS WITHIN LAND USE CATEGORIES, ESTABLISHING NOISE LEVELS FOR TRANSIENT AND CONSTRUCTION SOUNDS AND PROVIDING FOR RELATED MATTER AND ADDING §96.05(D) TO THE CODE OF FAYETTEVILLE PROHIBITING OPERATION OF ANY SOUND AMPLIFICATION DEVICE WITHIN A VEHICLE PLAINLY AUDIBLE AT A DISTANCE OF 30 FEET.

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

Section 1. Section 96.04 of the Code of Fayetteville is hereby repealed and the following is hereby substituted in its place:

§96.04 LIMITATIONS BY LAND USE CATEGORY.

A. No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 1 as measured at any point on the boundary of the property from which the sound or noise is emanating. A complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

<u>Use Districts</u>	<u>Time</u>	<u>Maximum Noise Levels</u>
All Residential Zones	11:00 PM to 7:00 AM	55 dB(A)
	7:00 AM to 11:00 PM	60 dB(A)
All Commercial Zones	7:00 AM to 11:00 PM	75 dB(A)
	11:00 PM to 7:00 PM	70 dB(A)
All Industrial Zones	11:00 PM to 7:00 AM	75 dB(A)
	7:00 AM to 11:00 PM	80 dB(A)

All measurements shall be taken with a sound level meter in its fast or peak level setting.

B. District Boundaries. When a noise source can be identified and its noise measured in more than one use district, the noise limits of the most restrictive use district shall apply at that district boundary.

C. Commercial Source. Notwithstanding the zoning classification of the underlying parcel, restaurants, night clubs, private clubs, auditoriums, dance halls, and rehearsal studios are defined as commercial sound sources existing in commercial zones for the purposes of this ordinance.

D. Transient Source. For a transient sound emanating in any land use category, the peak noise level shall not exceed 20 decibels above the limit set in Table 1 above.

E. Construction. Construction projects shall be subject to the limitations specified for industrial zones for the period of time allowed by the building permit.

Section 2. If any part of this ordinance or the application of the same to any person or set of circumstances, is for any reason held to be void or invalid, the validity of the remaining parts of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby.

Section 3. §96.05(D) is hereby added to the Code of Fayetteville:

§96.05 Motor Vehicle and Motorcycle Sound Limit.

D. Operating or causing to operate any sound amplification devise from within a vehicle so that the sound is plainly audible at a distance of thirty feet (30) feet or more from the vehicle whether in a street, a highway, an alley, parking lot or driveway, whether public or private property is prohibited and declared to be a noise disturbance in violation of this ordinance.

PASSED AND APPROVED this 3rd day of October, 1995.

APPROVED:

By: _____

ATTEST:

By: _____

Citizens were shown two proposed options for restoring the stream bank through Red Oak Park located at 4600 West New Bridge Road at a Public Meeting held November 19, 2009. The item was also discussed at the November 30, 2009, Ward 4 meeting.

The City of Fayetteville collected 23 comments from the public on the two options presented at these meetings. Ten citizens preferred Option 1 which included channel restoration through the majority of the park; three citizens preferred Option 2 with minimal improvements other than check dams and a control structure at New Bridge Road; and ten citizens preferred "other" options.

City Engineering and Parks staff have evaluated an alternative that would provide and preserve park area on the north side of New Bridge Road by utilizing piping in this area of the channel (approx. 300 feet in length). This would preserve the existing basketball court and provide an area where a new pavilion with ADA accessibility could be constructed in the future.

The control structure and check dams that were previously proposed in Option 2 would still be proposed on the south side of New Bridge Road. The goals achieved by this alternative would provide park area on the north side of the park and provide slowing, infiltration and recharge of storm water in the park area south of New Bridge Road. Any work in the channel requires a Section 404 permit from the U.S. Army Corps of Engineers (USACE).

A drawing of the proposed combined option is provided separately. Cost comparisons of all three options are provided below:

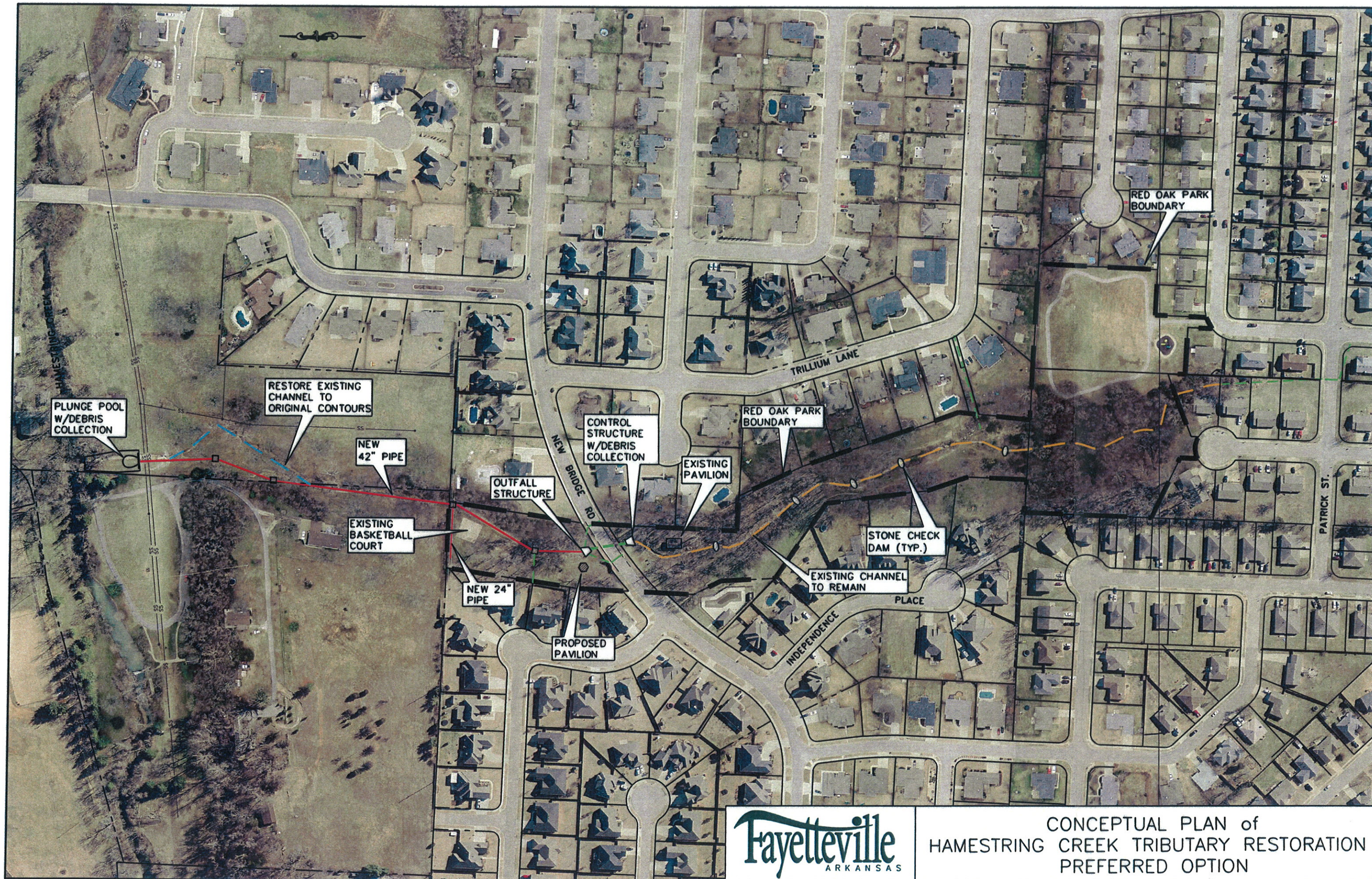
Table 1. Comparison of Design Option Costs

	Description	Stream Restoration Cost Estimates*
Option 1	Debris collection at south end of park; channel restoration thru park; one 24" dia. pipe and one 36" dia. pipe in park; stilling basin on north end of park; two 42" dia. pipes and plunge pool on adjacent property north of park.	In Red Oak Park - \$320,000
		Downstream - \$170,000
		Total \$490,000
Option 2	Control structure with debris collection in park south of New Bridge Road; removal of existing park pavilion; no channel restoration thru park; no pipes in park; stilling basin on north end of park; two 42" dia. pipes and plunge pool on adjacent property north of park.	In Red Oak Park - \$65,000
		Downstream - \$150,000
		Total \$215,000
Combined Option	Control structure with debris collection in park south of New Bridge Road; removal of existing park pavilion; minimal channel restoration thru park south of New Bridge Road; outfall structure north of New Bridge Road followed by piping of channel for approx. 300 feet; 42" dia. pipe and plunge pool on adjacent property north of park.	In Red Oak Park - \$82,205
		Downstream - \$135,795
		Total \$218,000

* Cost Estimates include construction by outside contractor(s), and do not include new park amenities. The drainage improvements would be funded by Sales Tax (\$56,741 from Parks and Recreation and balance from Engineering Drainage Funds).

Proposed Schedule of Events:

- Complete the construction documents for the chosen design and re-submit to the USACE for approval and permitting (Complete Jan 2010).
- Finalize construction scheduling/determination of whether to construct in-house or use a contractor.
- After approval and permitting by USACE, the project can be advertised for bids, and/or constructed by in-house construction crews.



Aldermen

Mayor Lioneld Jordan
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 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda City of Fayetteville Arkansas City Council Meeting January 19, 2010

A meeting of the Fayetteville City Council will be held on January 19, 2010 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. Proposed alternative for restoring the stream bank through Red Oak Park located at 4600 West New Bridge Road: Chris Brown, City Engineer and Carole Jones, Park Planner.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. State of the City Address – Mayor Lioneld Jordan

Agenda Additions:

A. Consent:

1. Approval of the January 5, 2010 City Council meeting minutes.

2. **Fayetteville MSA Partnership D/B/A Verizon Wireless:** A resolution approving the first amendment to the lease agreement between the City and Fayetteville MSA Partnership D/B/A Verizon Wireless (formerly Alltel Communications) for transmission tower space on the Gulley Water Tank.
3. **Overlay/Sidewalk Projects For 2010:** A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2010.
4. **Bid #10-01 Time Striping, Inc.:** A resolution awarding Bid #10-01 and approving the purchase of thermal striping from Time Striping, Inc. in the amount of \$74,900.00.
5. **Bid #10-02 Asphalt Striping Service:** A resolution awarding Bid #10-02 and approving the purchase of reflectorized paint markings from Asphalt Striping Service in the amount of \$55,518.00.
6. **Bid #10-03 Sweetser Construction, Inc.:** A resolution awarding Bid #10-03 and approving the purchase of curb and gutter from Sweetser Construction, Inc. in the amount of \$196,050.00.
7. **Bid #10-04 Les Rogers, Inc.:** A resolution awarding Bid #10-04 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of \$23,625.00.
8. **Bid #10-05 Les Rogers, Inc. & SSK Investments, LLC:** A resolution awarding Bid #10-05 and approving the purchase of hillside gravel from Les Rogers, Inc. for material picked up by city staff in the amount of \$20,850.00 and from SSK Investments, LLC for delivered material in the amount of \$30,000.00.
9. **Bid #10-06 Beaver Lake Concrete, Inc.:** A resolution awarding Bid #10-06 and approving the purchase of concrete from Beaver Lake Concrete, Inc. in the amount of \$446,025.00 and authorizing the use of APAC-Central, Inc. as a secondary supplier.
10. **Bid #10-07 Stone Gardens, LLC:** A resolution awarding Bid #10-07 and approving the purchase of bricks from Stone Gardens, LLC in the amount of \$14,750.00.
11. **Bid #10-08 Mackey Trucking, LLC:** A resolution awarding Bid #10-08 and approving the purchase of truck hauling services from Mackey Trucking, LLC in the amount of \$53,000.00 and authorizing the optional use of other bidders based on price and availability.
12. **Bid #10-09 Northwest Arkansas Quarries, LLC:** A resolution awarding Bid #10-09 and approving the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of \$207,775.00.
13. **Bid #10-14:** A resolution awarding Bid #10-14 and approving the purchase of crushed rock salt from _____ in the amount of \$_____.

B. Unfinished Business:

- 1. R-PZD 09-3439 (Oakbrooke Phase III):** An ordinance establishing a residential planned zoning district titled R-PZD 09-3439, Oakbrooke Phase III, located within Oakbrooke Phase I and Oakbrooke Phase II; containing approximately 29 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the December 15, 2009 City Council meeting. This ordinance was left on the Second Reading at the January 5, 2010 City Council meeting.*

Left on the Second Reading.

- 2. Amend Chapters 151 & 172:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 172: Parking and Loading in order to establish further parking standards in districts utilized for single family homes. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting.*

Left on the First Reading.

- 3. Parks HMR Tax Revenues Special Election:** An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on March 9, 2010. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting.*

Left on the First Reading.

C. New Business:

Announcements:

- 1. City Council Tour: January 18, 2010**

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

City of Fayetteville Staff Review Form

A. 2
Fayetteville MSA Partnership
D/B/A Verizon Wireless
Page 1 of 16

City Council Agenda Items
and
Contracts, Leases or Agreements

~~N/A Mayor's Signature~~ 1-19-2010

City Council Meeting Date
Agenda Items Only

Tom Hubbard

Submitted By

Capital Projects

Division

Utilities

Department

Action Required:

Approval of the First Amendment to the agreement between City of Fayetteville and Alltel Communications, Inc for lease of tower space on the Gulley Tank for continued maintenance of radio communications equipment and appurtenances (building and antenna) for \$1,440 per month.

\$ (17,280)

Cost of this request

Category / Project Budget

Rent

Program Category / Project Name

5400.0940.6450.00

Account Number

Funds Used to Date

Water and Wastewater

Program / Project Category Name

\$

Remaining Balance

Water/Sewer

Fund Name

Budgeted Item

XX

Budget Adjustment Attached

Department Director

12-30-09
Date

Previous Ordinance or Resolution #

121-99

Original Contract Date:

9/21/1999

City Attorney

12-30-09
Date

Original Contract Number:

N/A

Finance and Internal Services Director

1-4-2009
Date

Received in City
Clerk's Office



Chief of Staff

1-4-2010
Date

Received in
Mayor's Office



Mayor

1-5-10
Date

Comments:

To: Mayor Lioneld Jordan

Thru: David Jurgens, Utilities Director
Don Marr, Chief of Staff

From: Tom Hubbard, Capital Projects Team

Date: December 29, 2009

Subject: Approval of the First Amendment to the agreement with Alltel Communications, Inc to continue the lease for the cellular antenna on the Gulley Road water tower

RECOMMENDATION

Staff recommends approval of First Amendment to the agreement with Alltel Communications, Inc to continue the lease for the cellular antenna on the Gulley Road water tower.

BACKGROUND

The original 5-year agreement between the City of Fayetteville and Alltel, for installation of an antenna, building and associated hardware, began on 21 September 1999 at a monthly rental rate of \$1,000. The agreement allowed for two 5-year renewal terms, the first of which began in September 2004 at a monthly rental rate of \$1,200. The antenna has been inspected and adjustments to the cables and aviation lights have been remedied. To date the City has received \$132,000 in lease payments.

DISCUSSION

This Amendment involves permitting the second 5-year extension at a monthly rental rate of \$1,440, as agreed upon in the original agreement. It also allows for two more renewal terms of five years each. Rent will increase at the inception of each Renewal Term by twenty percent (20%). Alltel Communications will continue to maintain its antennae, transmission lines, and equipment in good operating condition. Any damage caused by Alltel Communications in the installation or maintenance of equipment will be Alltel's responsibility to repair.

Alltel Communications has made all rent payments in a timely manner and has maintained its equipment and repaired any and all damage caused to the Gulley Tank. The tower is structurally designed to be able to handle the loads created by this antenna. Therefore, it is in the City's best interests to allow this antenna to be installed upon the water tower.

BUDGET IMPACT

An annual rental income to the Water and Sewer fund of \$17,280.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY AND FAYETTEVILLE MSA PARTNERSHIP D/B/A VERIZON WIRELESS (FORMERLY ALLTEL COMMUNICATIONS) FOR TRANSMISSION TOWER SPACE ON THE GULLEY WATER TANK

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby approves the First Amendment to the lease agreement between the City and Fayetteville MSA Partnership d/b/a Verizon Wireless (formerly Alltel Communications) for tower space on the Gulley Water Tank. A copy of First Amendment to the agreement is attached to this Resolution as Exhibit "A" and incorporated herein as if set out word for word.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

FIRST AMENDMENT TO WATER TOWER ATTACHMENT COMMUNICATIONS SITE AGREEMENT

This First Amendment to Water Tower Attachment Communications Site Agreement ("Amendment") is made and entered into this ____ day of _____, 20__, by and between City of Fayetteville ("Owner") and Fayetteville MSA Limited Partnership d/b/a Verizon Wireless ("Tenant").

WHEREAS, Owner and Tenant previously entered into a Water Tower Attachment Communications Site Agreement dated the 20th day of October, 1999 whereby Owner agreed to lease to Tenant space on Owner's water tower and a certain parcel of land for the installation of a structure to house Tenant's equipment on a site owned by Owner ("Agreement"); and

WHEREAS, Owner and Tenant desire to amend and modify the Agreement as provided for in this Amendment.

NOW THEREFORE, for good and valuable consideration the sufficiency of which is acknowledged by both parties Owner and Tenant do hereby agree as follows:

1. **Renewal Term.** Tenant shall have the right to extend this Agreement for two (2) additional terms of five (5) years each on the same terms and conditions as set forth in the Agreement with the first of such Renewal Terms ("First Renewal Term") commencing on the 20th day of October, 2009 ("Renewal Commencement Date"). Unless Tenant notifies Owner of its election not to exercise any renewal term at least 30 days prior to the expiration of the then current renewal term, each renewal term shall automatically be exercised without notice or other action of any kind by Tenant.

2. **Rent.** Beginning on the First Renewal Term, Tenant shall pay Owner the sum of \$1,440.00 per month as rental. Rent shall be payable on the first day of each month in advance at Owner's address or as otherwise specified in the Agreement. In the event that Tenant elects to renew this Agreement beyond the First Renewal Term, Rent shall increase at the inception of each Renewal Term by twenty percent (20%).

3. **Assignment.** Section 19 is hereby deleted in its entirety and replaced and superseded with the following:

This Agreement may be sold, assigned or transferred by the Tenant without any approval or consent of the Owner to the Tenant's principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of Tenant's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition or other business reorganization. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of the Owner, which such consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership,



Owner Site Name/ Location: Gulley Road Water Tank Tenant Site Name: Mall West Beta Office
3265 Gulley Road. Fayetteville, AR 72703

partnership interest or control of Tenant or transfer upon partnership or corporate dissolution of Tenant shall constitute an assignment hereunder.

4. **Notices.** Tenant's address as set forth in Section 16, Notices, shall be replaced and superseded with the following:

If to Tenant, to:

Fayetteville MSA Limited Partnership
d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate

5. All remaining provisions of the Agreement shall remain in full force and effect as to all other terms and conditions, and shall remain binding on the parties hereto.
6. The Agreement and First Amendment contain all agreements, promises or understandings between Owner and Tenant and no verbal or oral agreements, promises or understandings shall be binding upon either the Owner or Tenant in any dispute, controversy or proceeding at law, and any addition, variation or modification to the Agreement and First Amendment shall be void and ineffective unless made in writing and signed by the parties. In the event any provision of the Agreement and First Amendment is found to be invalid or unenforceable, such a finding shall not affect the validity and enforceability of the remaining provisions of the Agreement and First Amendment.

(SIGNATURES TO FOLLOW)

Owner Site Name/ Location: Gulley Road Water Tank
3265 Gulley Road. Fayetteville, AR 72703

Tenant Site Name: Mall West Beta Office

IN WITNESS WHEREOF, Owner and Tenant have executed this First Amendment as of the date first written above.

OWNER:

CITY OF FAYETTEVILLE

By: _____

Mayor

TENANT:

FAYETTEVILLE MSA LIMITED PARTNERSHIP
D/B/A VERIZON WIRELESS

By: Alltel Communications, LLC
Its General Partner

By: _____

Hans F. Leutenegger
Area Vice President Network

PENNINGTON LAW FIRM, L.L.P.

ATTORNEYS & COUNSELORS AT LAW

A. 2
Fayetteville MSA Partnership
D/B/A Verizon Wireless
Page 7 of 16

ALLISON HUGHES
PARALEGAL
ALLISONHUGHES@PENNLAWFIRM.COM

1501 MAIN STREET, SUITE 600 (29201)
POST OFFICE BOX 2844
COLUMBIA, SOUTH CAROLINA 29202
TELEPHONE 803-929-1070
TELECOPIER 803-929-1075
WWW.PENNLAWFIRM.COM

December 29, 2009

VIA OVERNIGHT EXPRESS

Mr. Tom Hubbard
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

RE: FIRST AMENDMENT TO WATER TOWER ATTACHMENT
COMMUNICATIONS SITE AGREEMENT BETWEEN CITY OF
FAYETTEVILLE AND FAYETTEVILLE MSA LIMITED PARTNERSHIP
D/B/A VERIZON WIRELESS

(MALL WEST BETA OFFLOAD SITE/ PC LAW NO. 1955-126)

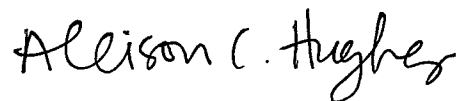
Dear Tom,

Enclosed please find three (3) partially executed original First Amendments to Water Tower Attachment Communications Site Agreement and three (3) partially executed original Memoranda of Water Tower Attachment Communications Site Agreement for the above referenced site. Please have these documents executed and return one (1) fully executed original First Amendment and two (2) fully executed original Memoranda of Water Tower Attachment Communications Site Agreement to me at your earliest convenience.

If you have any questions or comments, or if you need additional information, please do not hesitate to contact me.

Sincerely,

PENNINGTON LAW FIRM, L.L.P.



Allison C. Hughes

Enclosures

Owner Name/ Location: Gully Road Water Tank
3265 Gulley Road, Fayetteville, Arkansas

Tenant Site Name: Mall West Beta Offload

Upon Recording, Return to:

Pennington Law Firm, L.L.P.
Post Office Box 2844
Columbia, South Carolina 29202

STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON)

**MEMORANDUM OF WATER TOWER ATTACHMENT
COMMUNICATIONS SITE AGREEMENT**

This Memorandum of Water Tank Attachment Communications Site Agreement is made this ____ day of _____, 2009, between CITY OF FAYETTEVILLE, hereinafter referred to as "OWNER", and FAYETTEVILLE MSA LIMITED PARTNERSHIP, a Arkansas limited partnership d/b/a Verizon Wireless, with its principal office located at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920, hereinafter referred to as "TENANT". OWNER and TENANT are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

1. OWNER and TENANT entered into a Water Tower Attachment Communications Site Agreement (the "Lease") October 20, 1999 for an initial term of five (5) years, terminating on October 19, 2004. The Lease was extended for one (1) successive five (5) year renewal option, expiring on October 19, 2009.
2. OWNER and TENANT entered into a First Amendment to Water Tower Attachment Communications Site Agreement on the __ day of _____, 2009. Pursuant to the First Amendment, commencing October 20, 2009, the Lease shall be automatically extended for two (2) additional five (5) year

Owner Name/ Location: Gully Road Water Tank
3265 Gulley Road, Fayetteville, Arkansas

Tenant Site Name: Mall West Beta Offload

renewal terms, unless the TENANT elects not to renew at the end of the then current term by giving the OWNER written notice of the same thirty (30) days prior to the end of the then current term.

3. Subject to the terms and conditions of the Lease, OWNER grants to TENANT the nonexclusive right to install, maintain, operate and remove radio communications equipment and appurtenances on OWNER's tower (the "Water Tower") located on the property described in Exhibit "A" (the "Premises"), and leases to TENANT a portion of the Premises for construction and occupancy of an equipment shelter or building to house TENANT's equipment on the Premises as more particularly described in Exhibit "A". OWNER shall continue to have the right to occupy the Premises and operate the Water Tower and to grant others rights to occupy or utilize the Premises and the Water Tower at OWNER's sole discretion.

OWNER also grants to TENANT a nonexclusive easement during the term of this Agreement for ingress, egress and regress and for the installation and transmission of utilities on property described on attached Exhibit "B" ("Easement").

4. The terms, covenants and provisions of the Lease, the terms of which are hereby incorporated by reference into this Memorandum, shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of OWNER and TENANT.

[SIGNATURES TO FOLLOW]

Owner Name/ Location: Gully Road Water Tank
3265 Gulley Road, Fayetteville, Arkansas

Tenant Site Name: Mall West Beta Offload

IN WITNESS WHEREOF, hereunto and to a duplicate hereof, OWNER and TENANT have caused this Memorandum to be duly executed on the date first written hereinabove.

OWNER:
CITY OF FAYETTEVILLE

By: 
Mayor

TENANT:
FAYETTEVILLE MSA LIMITED PARTNERSHIP
D/B/A VERIZON WIRELESS

By: Alltel Communications, LLC
Its General Partner

By: 
Hans F. Leutenegger
Area Vice President Network

Owner Name/ Location: Gully Road Water Tank
3265 Gulley Road, Fayetteville, Arkansas

Tenant Site Name: Mall West Beta Offload

STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON) **ACKNOWLEDGEMENT**

I, _____, a Notary Public for said State, do hereby certify that
_____ personally came before me this day and acknowledged
that s/he is the Mayor of the City of Fayetteville, and he, being authorized to do so,
executed the foregoing Memorandum of Water Tower Attachment Communications
Site Agreement as his own act and deed on behalf of the City of Fayetteville.

WITNESS my hand and official Notarial Seal, this ____ day of _____,
2009.

Notary Public

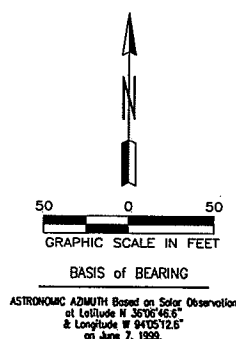
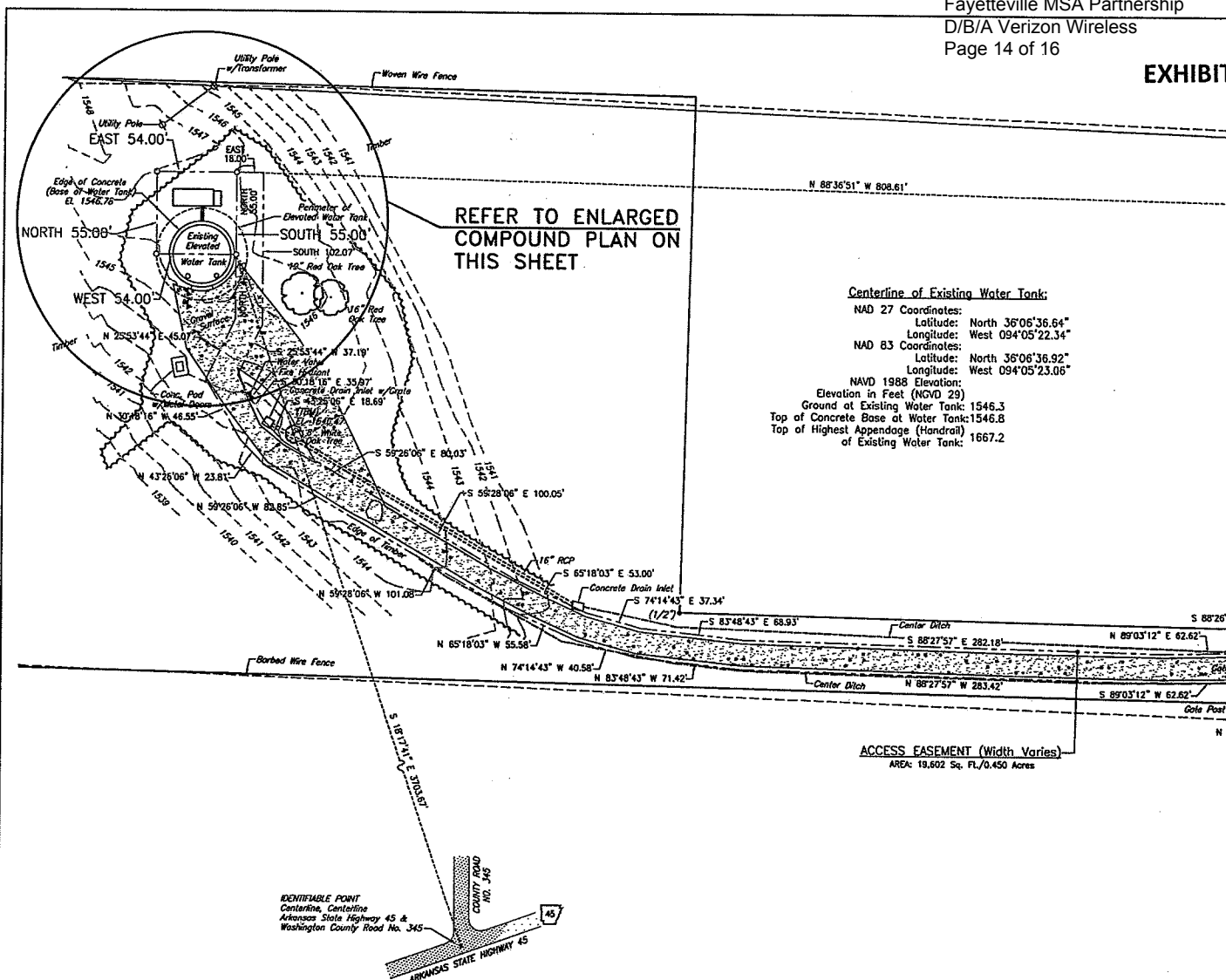
My Commission Expires:

**Owner Name/ Location: Gully Road Water Tank
3265 Gulley Road, Fayetteville, Arkansas**

Tenant Site Name: Mall West Beta Offload

EXHIBIT A

(SEE ATTACHED)



LEGEND	
—	FENCE
●	FOUND MONUMENT
✱	FOUND REBAR
○	SET 1/2-INCH REBAR w/YELLOW CAP (LS683)
⊙	UTILITY POLE
⊙	UTILITY POLE w/TRANSFORMER
⊙	GUY DOWN ANCHOR
—	AERIAL POWER LINE
—	AERIAL TELEPHONE LINE
—	CONTOUR LINE (2' Interval)
EL. 1546.3	ELEVATION IN FEET—Datum: NAVD 88
FG	FINISH GRADE

NOTES:

- No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility or municipal/public service facility. For information regarding these utilities or facilities, please contact the appropriate agencies or other surveys.
- Except as specifically stated or shown on this plot, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements which were visible at the time of the making of this survey or as provided by client; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, and any other land-use regulations, and any other facts which on accurate and current title search may disclose.
- Boundary & Topographic data were taken from a survey prepared by Hoffman-Priest & Associates, Inc. dated 8-15-98.
- UTILITIES
Power Line
OZARK ELECTRIC
(501)521-2800
Telephone Line
SOUTHWESTERN BELL TELEPHONE
1-800-464-7928
- Bounds of Coordinates
HGPIT: USGS Designation, M-310 PID 020994
Latitude: N 36°05'05\" MAD 83 (Scaled)
Longitude: W 094°09'34\" MAD 83 (Scaled)
Elevation: 1295.84 feet NAVD of 1929.
POSITION: GPS PROGRS w/Orndt Star.
Temporary Bench Mark (TBM): Set 60W Nail in the North face of an 8\" White Oak Tree located S 16°50' E, 128 feet from the Southeast corner of subject property as depicted on this survey plot.
Elevation: 1546.47 feet, NAVD of 1988.

- Site Work Notes
A. Site Striping:
Remove surficial grass, organics and other objectionable materials for a depth of six (6) inches.
B. Proof Rolling:
After site stripping is completed, proof roll the entire site using a totally loaded tandem axle dump truck. Proof rolling shall be done with a representative of the materials laboratory of Grubbs, Hoskey, Barton & Wyatt, Inc. present to observe proof rolling to identify areas of site which would be classified as unacceptable and be required to be undercut.
All material used as fill shall be approved by the materials laboratory, Grubbs, Hoskey, Barton & Wyatt, Inc. and shall be placed in lifts have a loose thickness of 8 inches. Each lift shall be compacted to 95% of modified proctor density at optimum moisture content.

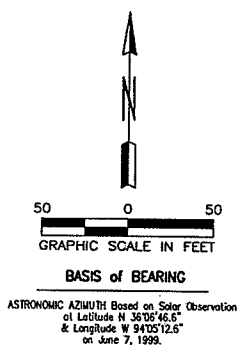
CORNER REFERENCE: Found One-Half Inch Diameter Corner of the SE 1/4 of the NE 1/4 of Section 29, T. 33 S. E. (Map), 30.15\" Set 60W Nail in the 1. S. 32\" W (Map), 30.95\" Set 60W Nail in the 2. S. 32\" W (Map), 30.95\" Set 60W Nail in the 3. N. 45\" E (Map), 52.70\" Set 60W Nail in the 4. Reference Survey: G. Allen, 1871, L51005, Job

**Owner Name/ Location: Gully Road Water Tank
3265 Gulley Road, Fayetteville, Arkansas**

Tenant Site Name: Mall West Beta Offload

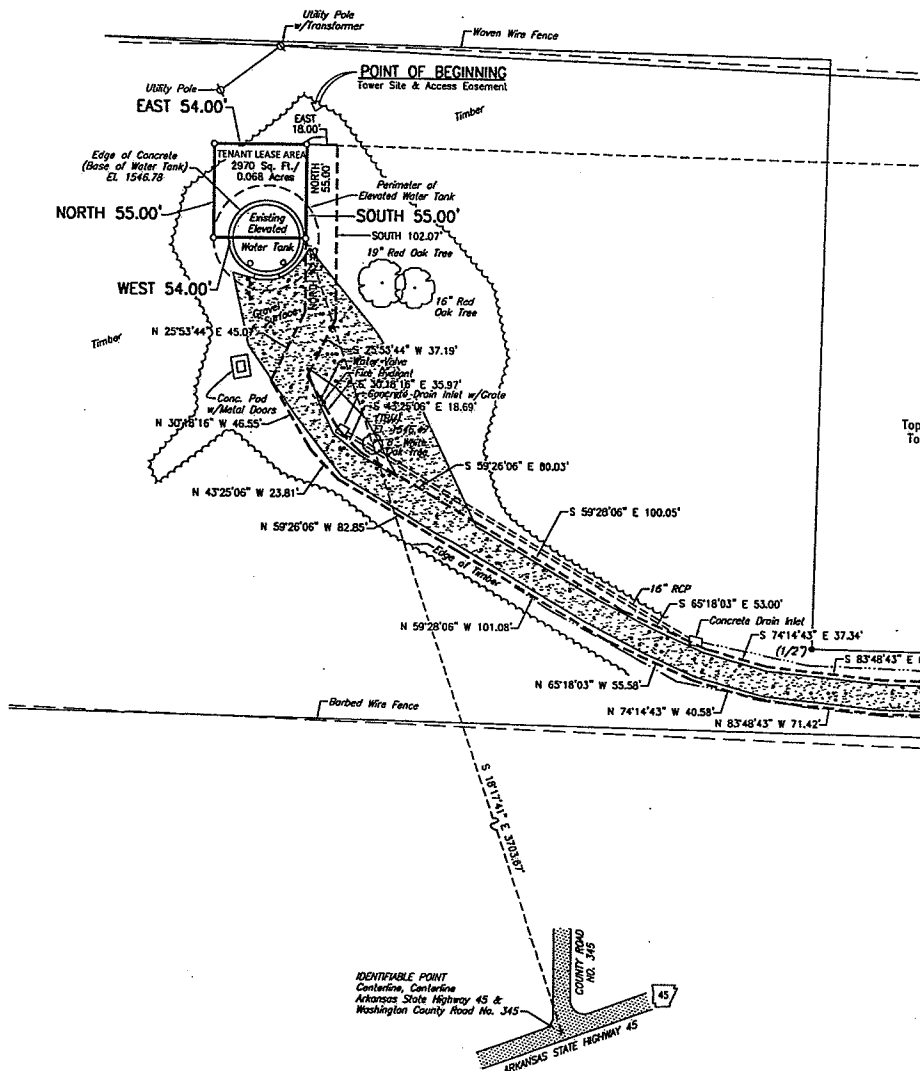
EXHIBIT B

(SEE ATTACHED)



ASTRONOMIC AZIMUTH Based on Solar Observation
of Latitude N 36°05'46.5"
& Longitude W 94°05'12.5"
on June 7, 1999.

- LEGEND**
- X— FENCE
 - FOUND MONUMENT
 - #— FOUND REBAR
 - SET 1/2-INCH REBAR w/YELLOW CAP (LS663)
 - UTILITY POLE
 - UTILITY POLE w/TRANSFORMER
 - GUY DOWN ANCHOR
 - ~— AERIAL POWER LINE
 - T— AERIAL TELEPHONE LINE
 - 1548— CONTOUR LINE (2' Interval)
Datum: NAVD 88
 - EL. 1546.3 ELEVATION IN FEET—
Datum: NAVD 88



METES AND BOUNDS DESCRIPTION FOR TOWER SITE:

A portion, 2970 square feet/0.068 acres, more or less, out of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section 29, Township 17 North, Range 29 West of the Fifth Principal Meridian, Washington County, Arkansas, more particularly described as follows:

COMMENCING at a found one-quarter inch diameter rebar at the Southeast Corner of said Southeast Quarter (SE/4) of the Southeast Quarter (SE/4); THENCE North 01 degrees 23 minutes 00 seconds East along the East line of said Southeast Quarter (SE/4) of the Southeast Quarter (SE/4), 731.21 feet; THENCE North 88 degrees 36 minutes 31 seconds West, 800.61 feet to a set one-half inch diameter rebar and the POINT OF BEGINNING; THENCE South, 55.00 feet to a set one-half inch diameter rebar; THENCE West, 54.00 feet to a set one-half inch diameter rebar; THENCE North, 55.00 feet to a set one-half inch diameter rebar; THENCE East, 54.00 feet to the Point of Beginning.

METES AND BOUNDS DESCRIPTION FOR ACCESS EASEMENT:

A portion, 19602 square feet/0.450 acres, more or less, out of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section 29, Township 17 North, Range 29 West of the Fifth Principal Meridian, Washington County, Arkansas, more particularly described as follows:

COMMENCING at a found one-quarter inch diameter rebar at the Southeast Corner of said Southeast Quarter (SE/4) of the Southeast Quarter (SE/4); THENCE North 01 degrees 23 minutes 00 seconds East along the East line of said Southeast Quarter (SE/4) of the Southeast Quarter (SE/4), 731.21 feet; THENCE North 88 degrees 36 minutes 31 seconds West, 800.61 feet to a set one-half inch diameter rebar and the POINT OF BEGINNING; THENCE East, 18.00 feet; THENCE South, 102.07 feet; THENCE South 25 degrees 53 minutes 44 seconds West, 37.19 feet; THENCE South 30 degrees 18 minutes 16 seconds East, 35.97 feet; THENCE South 43 degrees 25 minutes 06 seconds East, 18.69 feet; THENCE South 59 degrees 28 minutes 06 seconds East, 80.03 feet; THENCE South 59 degrees 28 minutes 06 seconds East, 100.05 feet; THENCE South 65 degrees 18 minutes 03 seconds East, 53.00 feet; THENCE South 74 degrees 14 minutes 43 seconds East, 37.34 feet; THENCE South 83 degrees 48 minutes 43 seconds East, 68.83 feet; THENCE South 88 degrees 27 minutes 57 seconds East, 282.10 feet; THENCE North 89 degrees 03 minutes 12 seconds East, 62.62 feet; THENCE South 88 degrees 26 minutes 21 seconds East, 100.00 feet to the center of Washington County Road No. 345; THENCE South 01 degrees 56 minutes 23 seconds West along the centerline of said Washington County Road No. 345, 20.00 feet; THENCE North 88 degrees 26 minutes 21 seconds West, 99.43 feet; THENCE South 89 degrees 03 minutes 12 seconds West, 62.62 feet; THENCE North 88 degrees 27 minutes 57 seconds West, 283.42 feet; THENCE North 83 degrees 48 minutes 43 seconds West, 71.42 feet; THENCE North 74 degrees 14 minutes 43 seconds West, 40.58 feet; THENCE North 65 degrees 18 minutes 03 seconds West, 53.58 feet; THENCE North 59 degrees 28 minutes 06 seconds West, 101.08 feet; THENCE North 59 degrees 26 minutes 06 seconds West, 82.85 feet; THENCE North 43 degrees 25 minutes 06 seconds West, 23.81 feet; THENCE North 30 degrees 18 minutes 16 seconds East, 45.07 feet; THENCE North, 42.53 feet, to a set one-half inch diameter rebar; THENCE North, 55.00 feet to the Point of Beginning.

City Council Agenda Items
and
Contracts, Leases or Agreements

1/19/2010

City Council Meeting Date
Agenda Items Only

Terry Gulley

Submitted By

Transportation

Division

Transportation Services

Department

Action Required:

A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2010.

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

Budgeted Item

☒

Budget Adjustment Attached

☐

Terry Gulley 12-30-09
Department Director Date

John Kelly 12-31-09
City Attorney Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Paul A. Baker 1-4-2010
Finance and Internal Services Director Date

Received in City
Clerk's Office

King

Mike Mann 1-4-10
Chief of Staff Date

Received in
Mayor's Office

Freddie Jordan 1-5-10
Mayor Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Department Director *TJG*

Date: December 29, 2009

Subject: Approval of 2010 Overlay/Sidewalk Projects

PROPOSAL:

Staff and the Street Committee recommend a resolution approving the Transportation Division overlay/sidewalks projects list for 2010. The 2010 project list was presented to the Street Committee on December 29, 2009. The Street Committee requests the final list be presented to the City Council for its approval by resolution in accordance with Ordinance No. 5173.

RECOMMENDATION:

Each year the Transportation Division reviews the need for street overlays based on existing conditions of streets. The In-House Pavement Improvements program includes asphalt, curb and guttering, pavement striping, and preparation costs for the overlays. The Sidewalk Improvements program improves the connectivity of the sidewalk system by constructing new sidewalk and replacing or repairing sidewalks throughout the city. This project also includes funding for ADA accessible ramps required for the In-House Pavement Improvements.

The 2010 overlay project list proposes a total of 83,468 linear feet or 15.8 miles summarized by ward as follows:

Ward #1	20,664 linear feet	(3.9 miles)
Ward #2	20,997 linear feet	(4.0 miles)
Ward #3	21,982 linear feet	(4.2 miles)
Ward #4	19,825 linear feet	(3.8 miles)

The 2010 sidewalk improvements project list proposes a total of 24,827 linear feet summarized by ward as follows:

Ward #1	5,992 linear feet
Ward #2	11,136 linear feet
Ward #3	3,737 linear feet
Ward #4	3,962 linear feet

BUDGET IMPACT:

Funds for labor, equipment, materials, and services are included in the 2010 Sales Tax Capital Improvements Fund project budgets (In-House Pavement Improvements \$1,637,700; Sidewalk Improvements \$500,000). Additional Federal Transit Administration grant funds (\$387,500) are available for sidewalk construction and transit shelter and bench pads.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE TRANSPORTATION DIVISION
OVERLAY/SIDEWALK PROJECTS LIST FOR 2010

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves
the Transportation Division Overlay/Sidewalk Projects list for 2010. A copy of the 2010
Overlay/Sidewalk Projects list, marked Exhibit A, is attached hereto and made a part hereof.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

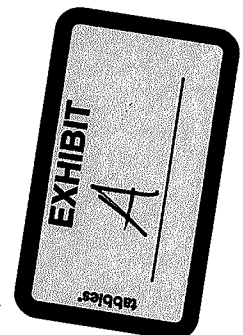
By: _____
LIONELD JORDAN, Mayor

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

Proposed 2010 Transportation Project List

12/30/2009

		From	To	Overlay Length	Sidewalk Length
	1	Asphalt Testing			
	1	Assembly Dr.	Mission Ave.	3,135	0
	1	Barton Ave.	Walker Rd.	509	0
	1	Block Ave.	Seventh St.	1,876	0
	1	Cherry St.	School Ave.	763	0
	1	Church Ave.	Sixth St.	642	0
	1	Dunn Ave.	National St.	452	0
	1	Eden Cir.	Cul-de-sac	0	250
	1	Garland Ave.	California Dr.	1,068	0
	1	Gregg Ave.	Prairie St.	478	0
	1	Haddon Ave.	Lester St.	244	0
	1	Huntsville Rd.	Blair Ave.	0	500
	1	Lester St.	School Ave.	333	0
	1	Martin Luther King	College Ave.	1,348	1,350
	1	Miscellaneous Spot Repair			
	1	Morningside Dr.	Huntsville Rd.	0	610
ORT	1	Morningside Dr.	Fairlane St.	0	2,000
	1	Mountain St.	College Ave.	182	0
	1	Prairie St.	Government Ave.	888	0
	1	Rock Ave.	Willow Ave.	886	0
	1	School Ave.	Spring St.	728	0
ORT	1	Shelter/Bench Pads			
	1	Skyline Dr.	Assembly Dr.	4,646	0
	1	South St.	West Ave.	1,282	1,282
	1	Street Striping			
	1	Thirteenth St.	Ellis Ave.	1,204	0
		Ward 1 total		20,664	5,992
				3.9	



Proposed 2010 Transportation Project List

12/30/2009

		From	To	Overlay Length	Sidewalk Length	
	2	Arkansas Ave.	Dickson St.	Lafayette St.	200	0
	2	Ash Ave..	Rayview St.	Walnut Ave.	480	0
	2	Asphalt Testing				
	2	Block Ave.	Dickson St.	Center St.	1,306	2,612
	2	Block Ave.	Mountain St.	Rock St.	374	150
	2	Cardinal Dr.	Hummingbird Ln..	Old Wire Rd.	0	0
	2	Center St.	Church Ave.	Block Ave.	363	150
	2	Delaware Ave.	Stone St.	Dead End	702	0
	2	Eagle St.	Leverett Ave.	Storer St.	303	0
	2	East Ave.	Mountain St.	Rock St.	347	0
	2	Edgehill Dr.	Cul-de-sac	Lakeridge Dr.	1,052	0
	2	Gregg Ave.	Sycamore St.	Spruce St.	0	725
	2	Hazel St.	Oakland Ave.	Leverett Ave.	662	0
	2	Highland Ave.	North St.	Prospect St.	1,248	0
	2	Janice Ave.	Garland Ave.	Deane St.	1,407	0
	2	Kelly St.	Leverett Ave.	Oakland Ave.	793	0
	2	Lafayette St.	Washington Ave.	Willow Ave.	0	100
	2	Lakefront	North St.	North St.	909	0
ORT	2	Lawson St.	Porter Rd.	Sang Ave.	0	520
	2	Lawson St.	Porter Rd.	Sang Ave.	1,463	0
	2	Louise St.	Park Ave.	Dead End	381	0
	2	Meadow St.	Gregg Ave.	West Ave.	354	0
	2	Miscellaneous Spot Repair				
	2	Mountain St.	Church Ave.	Block Ave.	383	150
	2	Mountain St.	East Ave.	College Ave.	453	0
ORT	2	Mt. Comfort Rd.	Stephens Ave.	Garland Ave.	0	1,824
ORT	2	Oakland Ave.	Sycamore St.	Mt. Comfort Rd.	0	2,250
	2	Old Wire Rd.	Broadview Dr.	Broadview Dr.	0	350
	2	Park Ave.	North St.	Prospect St.	0	1,275
	2	Pike St.	Park Ave.	Highland Ave.	374	0
ORT	2	Shelter/Bench Pads				
	2	Street Striping				
	2	Sutton St.	Washington Ave.	Walnut Ave.	893	0
	2	Sycamore St.	Woolsey Ave.	College Ave.	2,629	0
	2	Sycamore St.	College Ave.	Walnut Ave.	600	0
	2	Walnut Ave.	Ash St.	Sycamore St.	1,074	0
	2	Wheeler Ave.	Ash St.	Dead End	641	0
	2	Willow Ave.	Maple St.	Rebecca St.	1030	1030
	2	Windy Hill Dr.	Juneway Terr.	Sheridan Ave.	576	0
		Ward 2 total		20,997	11,136	
				4.0		

Proposed 2010 Transportation Project List

12/30/2009

	From	To	Overlay Length	Sidewalk Length
3	Alice St.	Nolan Ave.		
3	Asphalt Testing			
3	Bertha St.	Lee Ave.		
3	Briarcliff St.	Elizabeth Ave.		
3	Butternut Dr.	Malinda Dr.		
3	Elizabeth Ave.	Briarcliff St.		
3	Eton St.	Old Missouri Rd.		
3	Eton St.	Loxley Ave.		
3	Evergreen Ln..	Cul-de-sac		
3	Fiesta Dr.	Appleby Rd.		
3	Hilldale Dr.	Loxley Ave.		
3	Joyce Blvd.	Old Missouri Rd.		
3	Joyce Blvd.	College Ave.		
3	Joyce Blvd.	Crossover Rd.		
3	Katherine Ave.	Elaine St.		
3	Lisa Ln..	Mission Blvd.		
3	Loxley Ave.	Rolling Hills Dr.		
3	Malinda Dr.	Butternut Dr.		
3	Margaret Pl.	Village Dr.		
3	Market Ave.	Parking Lot		
3	Martin Ave.	Alice St.		
3	Mimosa Ln.	Cul-de-sac		
3	Miscellaneous Spot Repair			
3	Nolan Ave.	Alice St.		
3	Oaks Manor Dr.	Rolling Hills Dr.		
3	Pharris Dr.	Margaret Pl.		
3	Red Bud Ln.	Cul-de-sac		
3	Shane Cir.	Pharris Dr.		
ORT 3	Shelter/Bench Pads			
3	Stanton Ave.	Hilldale Dr.		
3	Stearns St.	Joyce Blvd.		
3	Street Striping			
3	Township St.	Crossover Rd.		
3	Zion Rd.	Randal Rd.		
Ward 3 total			21,982	3,737
			4.2	

Proposed 2010 Transportation Project List

12/30/2009

		From	To	Overlay Length	Sidewalk Length
	4	Arbuckle Ln.	Sixth St.	277	0
	4	Asphalt Testing			
ORT	4	Center St.	Hartman Ave.	0	825
	4	Dot Tipton Rd.	Double Sprs. Rd.	4,100	0
	4	Double Springs (North)	City Limits	665	0
	4	Elkins Rd.	Wedington Dr.	1,000	0
ORT	4	Fifteenth St.	Beechwood Ave.	0	1,050
	4	Lonnie Ave.	Wedington Dr.	595	0
	4	Miscellaneous Spot Repair			
	4	One Mile Rd.	Old Farmington Rd.	748	0
	4	Ozark Trail	Ozark Tr.	751	0
	4	Razorback Rd.	Cleveland St.	0	1,310
	4	Reed Rd.	85th Ave.	1,056	0
	4	Riches Rd.	Wedington Dr.	1,325	0
	4	Salem Rd.	Old Town Ln.	0	460
	4	Salem Rd.	Bentgrass Rd.	0	317
	4	Salem Rd.	Timberline Dr.	1,450	0
	4	Sandra St.	Old Farmington Rd.	687	0
	4	Shallot Dr.	End of R/W	650	0
ORT	4	Shelter/Bench Pads			
	4	Smokehouse Tr.	Hoot Owl Ln..	2,756	0
	4	Street Striping			
	4	Treat St.	Cato Springs Rd.	881	0
	4	Valley View Dr.	Wedington Dr.	660	0
	4	Velda Ct.	One Mile Rd.	325	0
	4	West Berry St.	Lonnie Ave.	1,107	0
	4	Wilmoth Rd.	Reed Rd.	792	0

Ward 4 total **19,825** **3,962**
 3.8

Grand total **15.8** **24,827**
 (Miles) (Feet)

Bid # 10-01

City of Fayetteville Staff Review Form

A. 4
Bid #10-01 Time Striping, Inc.
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

January 19, 2010

City Council Meeting Date
Agenda Items Only

Terry Gulley
Submitted By

Transportation
Division

Transportation Services
Department

Action Required:

A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

\$	20,000.00
\$	879,561.00
\$	262,327.00
\$	800,000.00
\$	1,961,888.00

Cost of this request

\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Category/Project Budget

Materials and Supplies
In-House Pavement Improvements
Sidewalk Improvements
Transportation Bond Trail Improvements
Multiple

Program Category / Project Name

2100.4120.5204.00
4470.9470.5417.00
4470.9470.5814.00
4520.9550.5814.05
Multiple

Account Number

\$	-
\$	-
\$	-
\$	-
\$	-

Funds Used to Date

Street Maintenance
Transportation Improvements
Transportation Improvements
Trail Improvements
Multiple

Program / Project Category Name

02052 / 1
02053 / 1
06036 / 1
Multiple

Project Number

\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Remaining Balance

Street
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Construction Bond
Multiple

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry Gulley
Department Director

12-30-09
Date

Previous Ordinance or Resolution # _____

Chris Bell
City Attorney

12-31-09
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bahr
Finance and Internal Services Director

1-4-2010
Date

Received in City
Clerk's Office

ENTERED
12/30/09
Kim G

Ann Man
Chief of Staff

1-5-10
Date

Received in
Mayor's Office

ENTERED
12/31/09
P.H.

Frank Jordan
Mayor

1-5-10
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 19, 2010

Subject: A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

PROPOSAL: Staff proposes a resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

RECOMMENDATION: The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2010 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for thermal striping, reflectorized paint marking, curb and gutter, topsoil, hillside gravel, concrete, bricks, truck hauling services, aggregate, and crushed rock salt were publicly read and the results are attached to this memo.

Bid 10-01: Staff recommends awarding the thermal striping bid to Time Striping, Inc.

Bid 10-02: Staff recommends awarding the reflectorized paint markings bid to Asphalt Striping Service.

Bid 10-03: Staff recommends awarding the curb and gutter bid to Sweetser Construction.

Bid 10-04: Staff recommends awarding the topsoil bid to Les Rogers, Inc.

Bid 10-05: Staff recommends awarding the hillside gravel bid to Les Rogers, Inc. for materials picked up by City staff and SSK Investments, LLC for delivered materials.

Bid 10-06: Staff recommends awarding the concrete bid to Beaver Lake Concrete, Inc., as the primary supplier and APAC – Central, Inc. as the secondary supplier. The secondary supplier is awarded for use on an "as needed" basis, in the event that the primary supplier cannot supply the necessary materials within the time frame required to complete a project.

Bid 10-07: Staff recommends awarding the bricks bid to Stone Gardens, LLC.

Bid 10-08: Staff recommends awarding the truck hauling services bid to Mackey Trucking, LLC, as the primary supplier, with the option to utilize other bidders based on price and availability, in the order as follows: Jab Trucking, S & R Trucking, Mobbs Trucking, Les Rogers, Inc., Sweetser Construction, Goodwin & Goodwin, Inc., and Chev's Trucking, Inc.

Bid 10-09: Staff recommends awarding the aggregate bid to Northwest Arkansas Quarries, LLC.

Bid 10-14: Staff recommends awarding the crushed rock salt bid to _____.

BUDGET IMPACT: Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements, Sidewalk Improvements, and Transportation Bond Trail Improvements capital projects and the Street Maintenance Program. Sufficient funding is available for the 2010 purchases.

Attached:	Bid 10-01	Thermal Striping
	Bid 10-02	Reflectorized Paint Markings
	Bid 10-03	Curb and Gutter
	Bid 10-04	Topsoil
	Bid 10-05	Hillside Gravel
	Bid 10-06	Concrete
	Bid 10-07	Bricks
	Bid 10-08	Truck Hauling Services
	Bid 10-09	Aggregate
	Bid 10-14	Crushed Rock Salt

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #10-01 AND APPROVING
THE PURCHASE OF THERMAL STRIPING FROM TIME
STRIPING, INC. IN THE AMOUNT OF \$74,900.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby awards Bid #10-01 and approves the purchase of thermal striping from
Time Striping, Inc. in the amount of \$74,900.00.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 10-01
 DATE: 12/29/09
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Bid 10-01, Thermal Striping

Item #	Description	Estimated Quantity	Time Striping, Inc.	
			Unit Price	TOTAL
1	Hot Truck Applied Thermoplastic White Or Yellow (4") - Per Linear Foot	15,000 LF	\$0.51	\$7,650.00
2	Hot Applied Thermoplastic Arrows - Each	6 EA	\$175.00	\$1,050.00
3	Hot Applied Thermoplastic Words - Each	6 EA	\$200.00	\$1,200.00
4	Hot Applied Thermoplastic Railroad Emblems - Each	1 EA	\$800.00	\$800.00
5	Hot Applied Thermoplastic Handicap Emblems - Each (Blue Background With White Emblem)	2 EA	\$250.00	\$500.00
6	Hot 4" Hand Applied Thermoplastic For Parking Spaces - Per Linear Foot	100 LF	\$2.00	\$200.00
7	Hot 12" Hand Applied Thermoplastic Stop Bars - Per Linear Foot	100 LF	\$5.00	\$500.00
8	Hot Applied Thermoplastic Sharrow Symbol - Each	252 EA	\$250.00	\$63,000.00
TOTAL BID BASED ON ESTIMATES =				\$74,900.00

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

CERTIFIED:

P. Vice

P. VICE, PURCH MGR

A. J. Jerev
 WITNESS

12/30/09
 DATE

Bid # 10-02

City of Fayetteville Staff Review Form

A. 5
 Bid #10-02 Asphalt Striping Service
 Page 1 of 6

City Council Agenda Items
 and
 Contracts, Leases or Agreements

January 19, 2010

City Council Meeting Date
 Agenda Items Only

Terry Gulley
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

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Cost of this request

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\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Category/Project Budget

Materials and Supplies
In-House Pavement Improvements
Sidewalk Improvements
Transportation Bond Trail Improvements
Multiple

Program Category / Project Name

2100.4120.5204.00
4470.9470.5417.00
4470.9470.5814.00
4520.9550.5814.05
Multiple

Account Number

\$	-
\$	-
\$	-
\$	-
\$	-

Funds Used to Date

Street Maintenance
Transportation Improvements
Transportation Improvements
Trail Improvements
Multiple

Program / Project Category Name

02052 / 1
02053 / 1
06036 / 1
Multiple

Project Number

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\$	500,000.00
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\$	3,591,500.00

Remaining Balance

Street
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Construction Bond
Multiple

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry Gulley
 Department Director

12-30-09
 Date

Previous Ordinance or Resolution # _____

Chris Bell
 City Attorney

12-31-09
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Berlin
 Finance and Internal Services Director

1-4-2010
 Date

Received in City
 Clerk's Office

ENTERED
 12/30/09
Kunig

Donald Man
 Chief of Staff

1-5-10
 Date

Received in
 Mayor's Office

ENTERED
 12/31/09
PH

Leonard Jordan
 Mayor

1-5-10
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 19, 2010

Subject: A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

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Bid 10-14: Staff recommends awarding the crushed rock salt bid to _____.

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	Bid 10-03	Curb and Gutter
	Bid 10-04	Topsoil
	Bid 10-05	Hillside Gravel
	Bid 10-06	Concrete
	Bid 10-07	Bricks
	Bid 10-08	Truck Hauling Services
	Bid 10-09	Aggregate
	Bid 10-14	Crushed Rock Salt

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #10-02 AND APPROVING
THE PURCHASE OF REFLECTORIZED PAINT MARKINGS
FROM ASPHALT STRIPING SERVICE IN THE AMOUNT OF
\$55,518.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby awards Bid #10-02 and approves the purchase of reflectORIZED paint
markings from Asphalt Striping Service in the amount of \$55,518.00.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 10-02
 DATE: 12/29/09
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Bid 10-02, Reflectorized Paint Markings

Item	Description	Estimated Quantity	Anderson Striping		Asphalt Striping Service		Mid-State Sign & Supply		Time Striping, Inc.	
			Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
1	Reflectorized Paint Marking <u>White</u> (4") - Per Linear Foot	44,000	\$0.07	\$3,080.00	\$0.0675	\$2,970.00	\$0.07	\$3,080.00	\$0.07	\$3,080.00
2	Reflectorized Paint Marking <u>Yellow</u> (4") - Per Linear Foot	501,000	\$0.07	\$35,070.00	\$0.066	\$33,066.00	\$0.07	\$35,070.00	\$0.07	\$35,070.00
3	Reflectorized Paint Marking Arrows - Per Each	170	\$50.00	\$8,500.00	\$50.00	\$8,500.00	\$50.00	\$8,500.00	\$50.00	\$8,500.00
4	Reflectorized Paint Marking (Words only: Lane, etc.) - Per Each	25	\$70.00	\$1,750.00	\$60.00	\$1,500.00	\$70.00	\$1,750.00	\$70.00	\$1,750.00
5	Reflectorized Paint Marking (Symbols only: Bike, ADA, etc.) - Per Each	30	\$55.00	\$1,650.00	\$45.00	\$1,350.00	\$55.00	\$1,650.00	\$55.00	\$1,650.00
6	Reflectorized Paint Marking <u>Yellow</u> (4" Walk-Behind Trail Striping) - Per Linear Foot	21,120	\$0.15	\$3,168.00	\$0.10	\$2,112.00	\$0.09	\$1,900.80	\$0.21	\$4,435.20
7	Reflectorized Paint Marking <u>White</u> (4" Solid White Bike Lane Striping) - Per Linear Foot	20,000	\$0.07	\$1,400.00	\$0.07	\$1,400.00	\$0.07	\$1,400.00	\$0.21	\$4,200.00
8	Reflectorized Paint Marking Bike Lane Symbol with Arrow - Per Each	84	\$75.00	\$6,300.00	\$55.00	\$4,620.00	\$55.00	\$4,620.00	\$60.00	\$5,040.00
TOTAL BID BASED ON ESTIMATES =				\$60,918.00		\$55,518.00		\$57,970.80		\$63,725.20

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

CERTIFIED:

P. Vice
 P. VICE, PURCH MGR

A. Foren
 WITNESS

12/30/09
 DATE

Bid # 10-03

City of Fayetteville Staff Review Form

A. 6
 Bid #10-03 Sweetser Construction, Inc.
 Page 1 of 6

City Council Agenda Items
 and
 Contracts, Leases or Agreements

January 19, 2010

City Council Meeting Date
 Agenda Items Only

Terry Gulley
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

\$	20,000.00
\$	879,561.00
\$	262,327.00
\$	800,000.00
\$	1,961,888.00

Cost of this request

\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Category/Project Budget

Materials and Supplies
In-House Pavement Improvements
Sidewalk Improvements
Transportation Bond Trail Improvements
Multiple

Program Category / Project Name

2100.4120.5204.00
4470.9470.5417.00
4470.9470.5814.00
4520.9550.5814.05
Multiple

Account Number

\$	-
\$	-
\$	-
\$	-
\$	-

Funds Used to Date

Street Maintenance
Transportation Improvements
Transportation Improvements
Trail Improvements
Multiple

Program / Project Category Name

02052 / 1
02053 / 1
06036 / 1
Multiple

Project Number

\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Remaining Balance

Street
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Construction Bond
Multiple

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry Gulley
 Department Director

12-30-09
 Date

Previous Ordinance or Resolution # _____

Chris Bell
 City Attorney

12-31-09
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becher
 Finance and Internal Services Director

1-4-2010
 Date

Received in City
 Clerk's Office

ENTL 12/30/09 Kim G

Don Man
 Chief of Staff

1-5-10
 Date

Received in
 Mayor's Office

ENTL 12/31/09 PL

Frank Jordan
 Mayor

1-5-10
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 19, 2010

Subject: A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

PROPOSAL: Staff proposes a resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

RECOMMENDATION: The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2010 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for thermal striping, reflectorized paint marking, curb and gutter, topsoil, hillside gravel, concrete, bricks, truck hauling services, aggregate, and crushed rock salt were publicly read and the results are attached to this memo.

Bid 10-01: Staff recommends awarding the thermal striping bid to Time Striping, Inc.

Bid 10-02: Staff recommends awarding the reflectorized paint markings bid to Asphalt Striping Service.

Bid 10-03: Staff recommends awarding the curb and gutter bid to Sweetser Construction.

Bid 10-04: Staff recommends awarding the topsoil bid to Les Rogers, Inc.

Bid 10-05: Staff recommends awarding the hillside gravel bid to Les Rogers, Inc. for materials picked up by City staff and SSK Investments, LLC for delivered materials.

Bid 10-06: Staff recommends awarding the concrete bid to Beaver Lake Concrete, Inc., as the primary supplier and APAC – Central, Inc. as the secondary supplier. The secondary supplier is awarded for use on an "as needed" basis, in the event that the primary supplier cannot supply the necessary materials within the time frame required to complete a project.

Bid 10-07: Staff recommends awarding the bricks bid to Stone Gardens, LLC.

Bid 10-08: Staff recommends awarding the truck hauling services bid to Mackey Trucking, LLC, as the primary supplier, with the option to utilize other bidders based on price and availability, in the order as follows: Jab Trucking, S & R Trucking, Mobbs Trucking, Les Rogers, Inc., Sweetser Construction, Goodwin & Goodwin, Inc., and Chev's Trucking, Inc.

Bid 10-09: Staff recommends awarding the aggregate bid to Northwest Arkansas Quarries, LLC.

Bid 10-14: Staff recommends awarding the crushed rock salt bid to _____.

BUDGET IMPACT: Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements, Sidewalk Improvements, and Transportation Bond Trail Improvements capital projects and the Street Maintenance Program. Sufficient funding is available for the 2010 purchases.

Attached:	Bid 10-01	Thermal Striping
	Bid 10-02	Reflectorized Paint Markings
	Bid 10-03	Curb and Gutter
	Bid 10-04	Topsoil
	Bid 10-05	Hillside Gravel
	Bid 10-06	Concrete
	Bid 10-07	Bricks
	Bid 10-08	Truck Hauling Services
	Bid 10-09	Aggregate
	Bid 10-14	Crushed Rock Salt

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #10-03 AND APPROVING
THE PURCHASE OF CURB AND GUTTER FROM SWEETSER
CONSTRUCTION, INC. IN THE AMOUNT OF \$196,050.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby awards Bid #10-03 and approves the purchase of curb and gutter from
Sweetser Construction, Inc. in the amount of \$196,050.00.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 10-03
 DATE: 12/29/09
 2:00 PM
 CITY OF FAYETTEVILLE

Bid 10-03, Curb and Gutter

Item #	Description	Estimated Quantity	Danny Robinson Construction		Fochtman Enterprises, Inc.		Sweetser Construction, Inc.	
			UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Hand Formed "Type A" Curb and Gutter (per specifications) - Per Linear Foot	10,000	\$11.00	\$110,000.00	\$10.00	\$100,000.00	\$8.95	\$89,500.00
2	Hand Formed "Type A" Curb and Gutter (per specifications) - Per Linear Foot	1,000	\$12.00	\$12,000.00	\$11.00	\$11,000.00	\$9.95	\$9,950.00
3	Hand Formed "Type A" Curb and Gutter (per specifications) - Per Square Foot	10,000	\$3.15	\$31,500.00	\$4.00	\$40,000.00	\$3.20	\$32,000.00
4	Hand Formed "Type D" Curb and Gutter (per specifications) - Per Square Foot	10,000	\$3.75	\$37,500.00	\$5.00	\$50,000.00	\$3.95	\$39,500.00
5	Hand Formed "Type D" Curb and Gutter (per specifications) - Per Square Foot	2,000	\$7.00	\$14,000.00	\$7.00	\$14,000.00	\$6.55	\$13,100.00
6	Hand Formed "Type D" Curb and Gutter (per attached specifications) - Each	5	\$3,100.00	\$15,500.00	\$1,700.00	\$8,500.00	\$1,800.00	\$9,000.00
7	Flatwork - 4" Thick (Sidewalk, Driveway Approaches, Access Ramps) - Each	5	\$900.00	\$4,500.00	\$500.00	\$2,500.00	\$600.00	\$3,000.00
TOTAL BID BASED ON ESTIMATES=				\$225,000.00		\$226,000.00		\$196,050.00

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

CERTIFIED: P. Vice
 P. VICE, PURCH MGR

John Fera
 WITNESS

12/30/09
 DATE

Bid # 10-04

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

A. 7
Bid #10-04 Les Rogers, Inc.
Page 1 of 6

January 19, 2010

City Council Meeting Date
Agenda Items Only

Terry Gulley
Submitted By

Transportation
Division

Transportation Services
Department

Action Required:

A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

\$	20,000.00
\$	879,561.00
\$	262,327.00
\$	800,000.00
\$	1,961,888.00

Cost of this request

\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Category/Project Budget

Materials and Supplies
In-House Pavement Improvements
Sidewalk Improvements
Transportation Bond Trail Improvements
Multiple

Program Category / Project Name

2100.4120.5204.00
4470.9470.5417.00
4470.9470.5814.00
4520.9550.5814.05
Multiple

Account Number

\$	-
\$	-
\$	-
\$	-
\$	-

Funds Used to Date

Street Maintenance
Transportation Improvements
Transportation Improvements
Trail Improvements
Multiple

Program / Project Category Name

02052 / 1
02053 / 1
06036 / 1
Multiple

Project Number

\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Remaining Balance

Street
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Construction Bond
Multiple

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry Gulley
Department Director

12-30-09
Date

Previous Ordinance or Resolution # _____

Carl Bell
City Attorney

12-31-09
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Barker
Finance and Internal Services Director

1-4-2010
Date

Received in City
Clerk's Office

ENTERED
12/30/09
Kim G

Don Mau
Chief of Staff

1-5-10
Date

Received in
Mayor's Office

ENTERED
12/31/09
PH

Frank Jordan
Mayor

1-5-10
Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 19, 2010

Subject: A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

PROPOSAL: Staff proposes a resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

RECOMMENDATION: The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2010 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for thermal striping, reflectorized paint marking, curb and gutter, topsoil, hillside gravel, concrete, bricks, truck hauling services, aggregate, and crushed rock salt were publicly read and the results are attached to this memo.

Bid 10-01: Staff recommends awarding the thermal striping bid to Time Striping, Inc.

Bid 10-02: Staff recommends awarding the reflectorized paint markings bid to Asphalt Striping Service.

Bid 10-03: Staff recommends awarding the curb and gutter bid to Sweetser Construction.

Bid 10-04: Staff recommends awarding the topsoil bid to Les Rogers, Inc.

Bid 10-05: Staff recommends awarding the hillside gravel bid to Les Rogers, Inc. for materials picked up by City staff and SSK Investments, LLC for delivered materials.

Bid 10-06: Staff recommends awarding the concrete bid to Beaver Lake Concrete, Inc., as the primary supplier and APAC – Central, Inc. as the secondary supplier. The secondary supplier is awarded for use on an "as needed" basis, in the event that the primary supplier cannot supply the necessary materials within the time frame required to complete a project.

Bid 10-07: Staff recommends awarding the bricks bid to Stone Gardens, LLC.

Bid 10-08: Staff recommends awarding the truck hauling services bid to Mackey Trucking, LLC, as the primary supplier, with the option to utilize other bidders based on price and availability, in the order as follows: Jab Trucking, S & R Trucking, Mobbs Trucking, Les Rogers, Inc., Sweetser Construction, Goodwin & Goodwin, Inc., and Chev's Trucking, Inc.

Bid 10-09: Staff recommends awarding the aggregate bid to Northwest Arkansas Quarries, LLC.

Bid 10-14: Staff recommends awarding the crushed rock salt bid to _____.

BUDGET IMPACT: Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements, Sidewalk Improvements, and Transportation Bond Trail Improvements capital projects and the Street Maintenance Program. Sufficient funding is available for the 2010 purchases.

Attached:	Bid 10-01	Thermal Striping
	Bid 10-02	Reflectorized Paint Markings
	Bid 10-03	Curb and Gutter
	Bid 10-04	Topsoil
	Bid 10-05	Hillside Gravel
	Bid 10-06	Concrete
	Bid 10-07	Bricks
	Bid 10-08	Truck Hauling Services
	Bid 10-09	Aggregate
	Bid 10-14	Crushed Rock Salt

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #10-04 AND APPROVING
THE PURCHASE OF TOPSOIL FROM LES ROGERS, INC. IN THE
AMOUNT OF \$23,625.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby awards Bid #10-04 and approves the purchase of topsoil from Les Rogers,
Inc. in the amount of \$23,625.00.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 10-04
DATE: 12/29/09
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 10-04, Topsoil

BIDDER	Estimated Quantity	UNIT PRICE (per cubic yard)	TOTAL
1 Chev's Trucking, Inc.	2,500	\$9.50	\$23,750.00
2 Harlan Brown Trucking	2,500	\$14.00	\$35,000.00
3 Les Rogers, Inc.	2,500	\$9.45	\$23,625.00

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

CERTIFIED:

A handwritten signature in black ink, appearing to read "P. Vice".

P. VICE, PURCH MGR

A handwritten signature in black ink, appearing to read "J. Foreman".

WITNESS

12/30/09

DATE

Bid # 10-05

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

A. 8
Bid #10-05 Les Rogers, Inc.
& SSK Investments, LLC
Page 1 of 6

January 19, 2010

City Council Meeting Date
Agenda Items Only

Terry Gulley
Submitted By

Transportation
Division

Transportation Services
Department

Action Required:

A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

\$	20,000.00
\$	879,561.00
\$	262,327.00
\$	800,000.00
\$	1,961,888.00

Cost of this request

\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Category/Project Budget

Materials and Supplies
In-House Pavement Improvements
Sidewalk Improvements
Transportation Bond Trail Improvements
Multiple

Program Category / Project Name

2100.4120.5204.00
4470.9470.5417.00
4470.9470.5814.00
4520.9550.5814.05
Multiple

Account Number

\$	-
\$	-
\$	-
\$	-
\$	-

Funds Used to Date

Street Maintenance
Transportation Improvements
Transportation Improvements
Trail Improvements
Multiple

Program / Project Category Name

02052 / 1
02053 / 1
06036 / 1
Multiple

Project Number

\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Remaining Balance

Street
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Construction Bond
Multiple

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry Gulley
Department Director

12-30-09
Date

Previous Ordinance or Resolution # _____

Chris Bell
City Attorney

12-31-09
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Butler
Finance and Internal Services Director

1-4-2010
Date

Received in City
Clerk's Office

ENTERED
12/30/09
Kunig

Don Mar
Chief of Staff

1-5-10
Date

Received in
Mayor's Office

ENTERED
12/31/09
PH

Donald Jordan
Mayor

1-5-10
Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 19, 2010

Subject: A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

PROPOSAL: Staff proposes a resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

RECOMMENDATION: The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2010 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for thermal striping, reflectorized paint marking, curb and gutter, topsoil, hillside gravel, concrete, bricks, truck hauling services, aggregate, and crushed rock salt were publicly read and the results are attached to this memo.

Bid 10-01: Staff recommends awarding the thermal striping bid to Time Striping, Inc.

Bid 10-02: Staff recommends awarding the reflectorized paint markings bid to Asphalt Striping Service.

Bid 10-03: Staff recommends awarding the curb and gutter bid to Sweetser Construction.

Bid 10-04: Staff recommends awarding the topsoil bid to Les Rogers, Inc.

Bid 10-05: Staff recommends awarding the hillside gravel bid to Les Rogers, Inc. for materials picked up by City staff and SSK Investments, LLC for delivered materials.

Bid 10-06: Staff recommends awarding the concrete bid to Beaver Lake Concrete, Inc., as the primary supplier and APAC – Central, Inc. as the secondary supplier. The secondary supplier is awarded for use on an "as needed" basis, in the event that the primary supplier cannot supply the necessary materials within the time frame required to complete a project.

Bid 10-07: Staff recommends awarding the bricks bid to Stone Gardens, LLC.

Bid 10-08: Staff recommends awarding the truck hauling services bid to Mackey Trucking, LLC, as the primary supplier, with the option to utilize other bidders based on price and availability, in the order as follows: Jab Trucking, S & R Trucking, Mobbs Trucking, Les Rogers, Inc., Sweetser Construction, Goodwin & Goodwin, Inc., and Chev's Trucking, Inc.

Bid 10-09: Staff recommends awarding the aggregate bid to Northwest Arkansas Quarries, LLC.

Bid 10-14: Staff recommends awarding the crushed rock salt bid to _____.

BUDGET IMPACT: Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements, Sidewalk Improvements, and Transportation Bond Trail Improvements capital projects and the Street Maintenance Program. Sufficient funding is available for the 2010 purchases.

Attached:	Bid 10-01	Thermal Striping
	Bid 10-02	Reflectorized Paint Markings
	Bid 10-03	Curb and Gutter
	Bid 10-04	Topsoil
	Bid 10-05	Hillside Gravel
	Bid 10-06	Concrete
	Bid 10-07	Bricks
	Bid 10-08	Truck Hauling Services
	Bid 10-09	Aggregate
	Bid 10-14	Crushed Rock Salt

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #10-05 AND APPROVING THE PURCHASE OF HILLSIDE GRAVEL FROM LES ROGERS, INC. FOR MATERIAL PICKED UP BY CITY STAFF IN THE AMOUNT OF \$20,850.00 AND FROM SSK INVESTMENTS, LLC FOR DELIVERED MATERIAL IN THE AMOUNT OF \$30,000.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-05 and approves the purchase of hillside gravel from Les Rogers, Inc. for material picked up by city staff in the amount of \$20,850.00 and from SSK Investments, LLC for delivered material in the amount of \$30,000.00.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 10-05
DATE: 12/29/09
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 10-05, Hillside Gravel

BIDDER	Red Hillside Gravel (Pickup & Loaded on City Truck - Material Cost Only) Est Qty: 15,000		Red Hillside Gravel (Delivery Price Only - To be Added to the Cost of Material) Est Qty: 10,000		TOTAL BID BASED ON ESTIMATES
	Price/Cubic Yd	TOTAL	Price/Cubic Yd	TOTAL	
1 Les Rogers, Inc.	\$1.39	\$20,850.00	\$3.74	\$37,400.00	\$58,250.00
2 S&R Trucking	\$1.40	\$21,000.00	\$3.50	\$35,000.00	\$56,000.00
3 SSK Investments, LLC	\$1.49	\$22,350.00	\$3.00	\$30,000.00	\$52,350.00
4 Sweetser Construction, Inc.	\$1.40	\$21,000.00	\$3.75	\$37,500.00	\$58,500.00

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

CERTIFIED: P. Vice
 P. VICE, PURCH MGR

Andrew Jones 12/30/09
 WITNESS DATE

Bid # 10-06

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

A. 9
Bid #10-06 Beaver Lake Concrete, Inc.
Page 1 of 6

January 19, 2010

City Council Meeting Date
Agenda Items Only

Terry Gulley
Submitted By

Transportation
Division

Transportation Services
Department

Action Required:

A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

\$	20,000.00
\$	879,561.00
\$	262,327.00
\$	800,000.00
\$	1,961,888.00

Cost of this request

\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Category/Project Budget

Materials and Supplies
In-House Pavement Improvements
Sidewalk Improvements
Transportation Bond Trail Improvements
Multiple

Program Category / Project Name

2100.4120.5204.00
4470.9470.5417.00
4470.9470.5814.00
4520.9550.5814.05
Multiple

Account Number

\$	-
\$	-
\$	-
\$	-
\$	-

Funds Used to Date

Street Maintenance
Transportation Improvements
Transportation Improvements
Trail Improvements
Multiple

Program / Project Category Name

02052 / 1
02053 / 1
06036 / 1
Multiple

Project Number

\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Remaining Balance

Street
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Construction Bond
Multiple

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry Gulley
Department Director

12-30-09
Date

Previous Ordinance or Resolution # _____

Chris Bell
City Attorney

12-31-09
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker
Finance and Internal Services Director

1-4-2010
Date

Received in City
Clerk's Office

ENTERED
12/30/09
Kin

Don Man
Chief of Staff

1-5-10
Date

Received in
Mayor's Office

ENTERED
12/31/09
pt

Donald Jordan
Mayor

1-5-10
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 19, 2010

Subject: A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

PROPOSAL: Staff proposes a resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

RECOMMENDATION: The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2010 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for thermal striping, reflectorized paint marking, curb and gutter, topsoil, hillside gravel, concrete, bricks, truck hauling services, aggregate, and crushed rock salt were publicly read and the results are attached to this memo.

Bid 10-01: Staff recommends awarding the thermal striping bid to Time Striping, Inc.

Bid 10-02: Staff recommends awarding the reflectorized paint markings bid to Asphalt Striping Service.

Bid 10-03: Staff recommends awarding the curb and gutter bid to Sweetser Construction.

Bid 10-04: Staff recommends awarding the topsoil bid to Les Rogers, Inc.

Bid 10-05: Staff recommends awarding the hillside gravel bid to Les Rogers, Inc. for materials picked up by City staff and SSK Investments, LLC for delivered materials.

Bid 10-06: Staff recommends awarding the concrete bid to Beaver Lake Concrete, Inc., as the primary supplier and APAC – Central, Inc. as the secondary supplier. The secondary supplier is awarded for use on an "as needed" basis, in the event that the primary supplier cannot supply the necessary materials within the time frame required to complete a project.

Bid 10-07: Staff recommends awarding the bricks bid to Stone Gardens, LLC.

Bid 10-08: Staff recommends awarding the truck hauling services bid to Mackey Trucking, LLC, as the primary supplier, with the option to utilize other bidders based on price and availability, in the order as follows: Jab Trucking, S & R Trucking, Mobbs Trucking, Les Rogers, Inc., Sweetser Construction, Goodwin & Goodwin, Inc., and Chev's Trucking, Inc.

Bid 10-09: Staff recommends awarding the aggregate bid to Northwest Arkansas Quarries, LLC.

Bid 10-14: Staff recommends awarding the crushed rock salt bid to _____.

BUDGET IMPACT: Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements, Sidewalk Improvements, and Transportation Bond Trail Improvements capital projects and the Street Maintenance Program. Sufficient funding is available for the 2010 purchases.

Attached:	Bid 10-01	Thermal Striping
	Bid 10-02	Reflectorized Paint Markings
	Bid 10-03	Curb and Gutter
	Bid 10-04	Topsoil
	Bid 10-05	Hillside Gravel
	Bid 10-06	Concrete
	Bid 10-07	Bricks
	Bid 10-08	Truck Hauling Services
	Bid 10-09	Aggregate
	Bid 10-14	Crushed Rock Salt

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #10-06 AND APPROVING THE PURCHASE OF CONCRETE FROM BEAVER LAKE CONCRETE, INC. IN THE AMOUNT OF \$446,025.00 AND AUTHORIZING THE USE OF APAC-CENTRAL, INC. AS A SECONDARY SUPPLIER

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-06 and approves the purchase of concrete from Beaver Lake Concrete, Inc. in the amount of \$446,025.00 and authorizing the use of APAC-Central, Inc. as a secondary supplier to provide concrete when the primary supplier cannot meet scheduling needs.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 10-06
 DATE: 12/29/09
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Bid 10-06, Concrete

Item #	Description	Est Qty (cubic yards)	APAC - Central, Inc.		Beaver Lake Concrete, Inc.		Mid-Continent Concrete Co/GCC		Tune Concrete Co.	
			Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
1	3500 PSI 1 1/4" Max. Aggregate Size, 4" Slump	500	\$65.00	\$32,500.00	\$65.25	\$32,625.00	\$67.50	\$33,750.00	\$69.90	\$34,950.00
2	3500 PSI 1 1/4" Max. Aggregate Size with Fiber Reinforcement, 4" Slump	1,000	\$71.00	\$71,000.00	\$70.25	\$70,250.00	\$73.50	\$73,500.00	\$74.90	\$74,900.00
3	4000 PSI 1 1/4" Max. Aggregate Size, 4" Slump	2,500	\$67.00	\$167,500.00	\$67.25	\$168,125.00	\$67.50	\$168,750.00	\$71.90	\$179,750.00
4	4000 PSI 1 1/4" Max. Aggregate Size with Fiber Reinforcement, 4" Slump	1,000	\$73.00	\$73,000.00	\$72.25	\$72,250.00	\$73.50	\$73,500.00	\$76.90	\$76,900.00
5	4000 PSI 1 1/4" Max. Aggregate Size with Straight Portland, 4" Slump	1,000	\$71.00	\$71,000.00	\$70.50	\$70,500.00	\$70.00	\$70,000.00	\$74.90	\$74,900.00
6	5000 PSI 1 1/4" Max. Aggregate Size, 4" Slump	100	\$79.00	\$7,900.00	\$71.25	\$7,125.00	\$72.50	\$7,250.00	\$79.40	\$7,940.00
7	1% Calcium Chloride Admixture	100	\$2.50	\$250.00	\$2.50	\$250.00	\$2.50	\$250.00	\$3.00	\$300.00
8	2% Calcium Chloride Admixture	60	\$5.00	\$300.00	\$5.00	\$300.00	\$5.00	\$300.00	\$6.00	\$360.00
9	Air Entraining Admixture	2,500	Included		Included		Included		Included	
10	Hot Water	500	\$3.00	\$1,500.00	\$3.00	\$1,500.00	\$3.50	\$1,750.00	\$4.00	\$2,000.00
11	3/4" Rock	3,000	\$1.50	\$4,500.00	\$1.25	\$3,750.00	\$2.00	\$6,000.00	\$2.00	\$6,000.00
*12	Exposed Aggregate	50	*Line item removed for evaluation purposes*							
13	Flowable Fill	50	\$68.00	\$3,400.00	\$66.00	\$3,300.00	\$61.00	\$3,050.00	\$60.00	\$3,000.00
*14	Lightweight Concrete	50	*Line item removed for evaluation purposes*							
	Description	Est Qty (cubic yards)								
			Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
15	Type I Portland Cement	100	No Bid		\$128.00	\$12,800.00	No Bid		\$140.00	\$14,000.00
16	Concrete Sand	100	\$22.00	\$2,200.00	\$21.00	\$2,100.00	No Bid		\$20.00	\$2,000.00
17	Masonry Sand	50	\$22.00	\$1,100.00	\$23.00	\$1,150.00	No Bid		\$20.00	\$1,000.00
TOTAL BID PRICE=			\$436,150.00		\$446,025.00		\$438,100.00		\$478,000.00	

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

CERTIFIED:

P. VICE, PURCH MGR

WITNESS

12/30/09
 DATE

City of Fayetteville Staff Review Form

A. 10
 Bid #10-07 Stone Gardens, LLC
 Page 1 of 6

Bid # 10-07

City Council Agenda Items
 and
 Contracts, Leases or Agreements

January 19, 2010
 City Council Meeting Date
 Agenda Items Only

Terry Gulley
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

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Category/Project Budget

Materials and Supplies
In-House Pavement Improvements
Sidewalk Improvements
Transportation Bond Trail Improvements
Multiple

Program Category / Project Name

2100.4120.5204.00
4470.9470.5417.00
4470.9470.5814.00
4520.9550.5814.05
Multiple

Account Number

\$	-
\$	-
\$	-
\$	-
\$	-

Funds Used to Date

Street Maintenance
Transportation Improvements
Transportation Improvements
Trail Improvements
Multiple

Program / Project Category Name

02052 / 1
02053 / 1
06036 / 1
Multiple

Project Number

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\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Remaining Balance

Street
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Construction Bond
Multiple

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Terry Gulley 12-30-09
 Department Director Date
Chris Bell 12-31-09
 City Attorney Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Paul A. Behn 1-4-2010
 Finance and Internal Services Director Date

Don Mann 1-5-10
 Chief of Staff Date

Donald Jordan 1-5-10
 Mayor Date

Received in City
 Clerk's Office

ENTERED
 12/30/09
Kuni G

Received in
 Mayor's Office

ENTERED
 12/31/09
#1

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 19, 2010

Subject: A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

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RECOMMENDATION: The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2010 Annual Budget & Work Program and five-year Capital Improvement Program plan.

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Bid 10-14: Staff recommends awarding the crushed rock salt bid to _____.

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	Bid 10-06	Concrete
	Bid 10-07	Bricks
	Bid 10-08	Truck Hauling Services
	Bid 10-09	Aggregate
	Bid 10-14	Crushed Rock Salt

RESOLUTION NO. _____

**A RESOLUTION AWARDING BID #10-07 AND APPROVING
THE PURCHASE OF BRICKS FROM STONE GARDENS, LLC IN
THE AMOUNT OF \$14,750.00**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-07 and approves the purchase of bricks from Stone Gardens, LLC in the amount of \$14,750.00.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 10-07
DATE: 12/29/09
2:00 PM
CITY OF FAYETTEVILLE

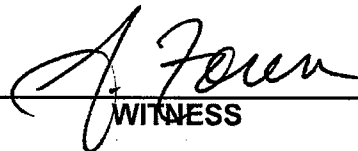
Bid 10-07, Bricks

Item	Description	Est Qty (Each)	ABC Central Block Co.		Stone Gardens, LLC	
			Per Brick	Extended Price	Per Brick	Extended Price
1	4" x 8" 60 mm Concrete Bricks (Color Antique Red)	20,000	\$0.62	\$12,400.00	\$0.60	\$12,000.00
2	4" x 8" 60 mm Concrete Detectable Warning Brick Pavers (Color Antique Red)	2,500	\$1.15	\$2,875.00	\$1.10	\$2,750.00
Total Bid Price=				\$15,275.00		\$14,750.00

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

CERTIFIED:


 P. VICE, PURCH MGR


 WITNESS

12/30/09
 DATE

City of Fayetteville Staff Review Form

A. 11
 Bid #10-08 Mackey Trucking, LLC
 Page 1 of 6

Bid # 10-08

City Council Agenda Items
 and
 Contracts, Leases or Agreements

January 19, 2010

City Council Meeting Date
 Agenda Items Only

Terry Gulley
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

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\$	1,961,888.00

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\$	1,637,700.00
\$	500,000.00
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\$	3,591,500.00

Category/Project Budget

Materials and Supplies
In-House Pavement Improvements
Sidewalk Improvements
Transportation Bond Trail Improvements
Multiple

Program Category / Project Name

2100.4120.5204.00
4470.9470.5417.00
4470.9470.5814.00
4520.9550.5814.05
Multiple

Account Number

\$	-
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\$	-
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Funds Used to Date

Street Maintenance
Transportation Improvements
Transportation Improvements
Trail Improvements
Multiple

Program / Project Category Name

02052 / 1
02053 / 1
06036 / 1
Multiple

Project Number

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\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Remaining Balance

Street
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Construction Bond
Multiple

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry Gulley
 Department Director

12-30-09
 Date

Previous Ordinance or Resolution # _____

Chris Bell
 City Attorney

12-31-09
 Date

Original Contract Date: _____

Original Contract Number: _____

Paula A. Babin
 Finance and Internal Services Director

1-4-2010
 Date

Received in City
 Clerk's Office

ENTERED
 12/30/09

Kim G

Don McLean
 Chief of Staff

1-5-10
 Date

Received in
 Mayor's Office

ENTERED
 12/31/09

PH

Donnell Jordan
 Mayor

1-5-10
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 19, 2010

Subject: A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

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Bid 10-07: Staff recommends awarding the bricks bid to Stone Gardens, LLC.

Bid 10-08: Staff recommends awarding the truck hauling services bid to Mackey Trucking, LLC, as the primary supplier, with the option to utilize other bidders based on price and availability, in the order as follows: Jab Trucking, S & R Trucking, Mobbs Trucking, Les Rogers, Inc., Sweetser Construction, Goodwin & Goodwin, Inc., and Chev's Trucking, Inc.

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Bid 10-14: Staff recommends awarding the crushed rock salt bid to _____.

BUDGET IMPACT: Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements, Sidewalk Improvements, and Transportation Bond Trail Improvements capital projects and the Street Maintenance Program. Sufficient funding is available for the 2010 purchases.

Attached:	Bid 10-01	Thermal Striping
	Bid 10-02	Reflectorized Paint Markings
	Bid 10-03	Curb and Gutter
	Bid 10-04	Topsoil
	Bid 10-05	Hillside Gravel
	Bid 10-06	Concrete
	Bid 10-07	Bricks
	Bid 10-08	Truck Hauling Services
	Bid 10-09	Aggregate
	Bid 10-14	Crushed Rock Salt

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #10-08 AND APPROVING THE PURCHASE OF TRUCK HAULING SERVICES FROM MACKEY TRUCKING, LLC IN THE AMOUNT OF \$53,000.00 AND AUTHORIZING THE OPTIONAL USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-08 and approves the purchase of truck hauling services from Mackey Trucking, LLC in the amount of \$53,000.00, and further authorizes the optional use of other bidders based on price and availability in the following order of preference: 1. JAB Trucking; 2. S&R Trucking; 3. Mobbs Trucking; 4. Les Rogers, Inc.; 5. Sweetser Construction, Inc.; 6. Goodwin & Goodwin, Inc.; and 7. Chev's Trucking, Inc.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 10-08
DATE: 12/29/09
2:00 PM
CITY OF FAYETTEVILLE

Bid 10-08, Truck Hauling Services

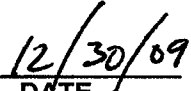
BIDDER	Estimated Quantity	UNIT PRICE (price per hour)	TOTAL
1 Chev's Trucking, Inc.	1000 hours	\$75.00	\$75,000.00
2 Goodwin & Goodwin, Inc.	1000 hours	\$65.00	\$65,000.00
3 JAB Trucking	1000 hours	\$57.50	\$57,500.00
4 Les Rogers, Inc.	1000 hours	\$64.95	\$64,950.00
5 Mackey Trucking, LLC	1000 hours	\$53.00	\$53,000.00
6 Mobbs Trucking	1000 hours	\$59.00	\$59,000.00
7 S&R Trucking	1000 hours	\$59.00	\$59,000.00
8 Sweetser Construction, Inc.	1000 hours	\$65.00	\$65,000.00

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

CERTIFIED:


P. VICE, PURCH MGR


WITNESS


DATE

City of Fayetteville Staff Review Form

A. 12
 Bid #10-09 Northwest
 Arkansas Quarries, LLC
 Page 1 of 6

City Council Agenda Items
 and
 Contracts, Leases or Agreements

Bid # 10-09

January 19, 2010

City Council Meeting Date
 Agenda Items Only

Terry Gulley
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

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Sidewalk Improvements
Transportation Bond Trail Improvements
Multiple

Program Category / Project Name

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4470.9470.5417.00
4470.9470.5814.00
4520.9550.5814.05
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Account Number

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\$	-
\$	-
\$	-
\$	-

Funds Used to Date

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Transportation Improvements
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Trail Improvements
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Program / Project Category Name

02052 / 1
02053 / 1
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\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Remaining Balance

Street
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Construction Bond
Multiple

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Terry Gulley
 Department Director

12-30-09
 Date

Previous Ordinance or Resolution # _____

Chris Bell
 City Attorney

12-31-09
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becher
 Finance and Internal Services Director

1-4-2010
 Date

Received in City
 Clerk's Office

ENTR...
 12/30/09 Kim G

Don Man
 Chief of Staff

1-5-10
 Date

Received in
 Mayor's Office

ENTR...
 12/31/09 JH

Freddie Jaylar
 Mayor

1-5-10
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 19, 2010

Subject: A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

PROPOSAL: Staff proposes a resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

RECOMMENDATION: The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2010 Annual Budget & Work Program and five-year Capital Improvement Program plan.

Sealed formal bids for thermal striping, reflectorized paint marking, curb and gutter, topsoil, hillside gravel, concrete, bricks, truck hauling services, aggregate, and crushed rock salt were publicly read and the results are attached to this memo.

Bid 10-01: Staff recommends awarding the thermal striping bid to Time Striping, Inc.

Bid 10-02: Staff recommends awarding the reflectorized paint markings bid to Asphalt Striping Service.

Bid 10-03: Staff recommends awarding the curb and gutter bid to Sweetser Construction.

Bid 10-04: Staff recommends awarding the topsoil bid to Les Rogers, Inc.

Bid 10-05: Staff recommends awarding the hillside gravel bid to Les Rogers, Inc. for materials picked up by City staff and SSK Investments, LLC for delivered materials.

Bid 10-06: Staff recommends awarding the concrete bid to Beaver Lake Concrete, Inc., as the primary supplier and APAC – Central, Inc. as the secondary supplier. The secondary supplier is awarded for use on an “as needed” basis, in the event that the primary supplier cannot supply the necessary materials within the time frame required to complete a project.

Bid 10-07: Staff recommends awarding the bricks bid to Stone Gardens, LLC.

Bid 10-08: Staff recommends awarding the truck hauling services bid to Mackey Trucking, LLC, as the primary supplier, with the option to utilize other bidders based on price and availability, in the order as follows: Jab Trucking, S & R Trucking, Mobbs Trucking, Les Rogers, Inc., Sweetser Construction, Goodwin & Goodwin, Inc., and Chev's Trucking, Inc.

Bid 10-09: Staff recommends awarding the aggregate bid to Northwest Arkansas Quarries, LLC.

Bid 10-14: Staff recommends awarding the crushed rock salt bid to _____.

BUDGET IMPACT: Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements, Sidewalk Improvements, and Transportation Bond Trail Improvements capital projects and the Street Maintenance Program. Sufficient funding is available for the 2010 purchases.

Attached:	Bid 10-01	Thermal Striping
	Bid 10-02	Reflectorized Paint Markings
	Bid 10-03	Curb and Gutter
	Bid 10-04	Topsoil
	Bid 10-05	Hillside Gravel
	Bid 10-06	Concrete
	Bid 10-07	Bricks
	Bid 10-08	Truck Hauling Services
	Bid 10-09	Aggregate
	Bid 10-14	Crushed Rock Salt

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #10-09 AND APPROVING
THE PURCHASE OF AGGREGATE FROM NORTHWEST
ARKANSAS QUARRIES, LLC IN THE AMOUNT OF \$207,775.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby awards Bid #10-09 and approves the purchase of aggregate from
Northwest Arkansas Quarries, LLC in the amount of \$207,775.00.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 10-09
 DATE: 12/29/09
 2:00 PM
 CITY OF FAYETTEVILLE

Bid 10-09, Aggregate

Item	DESCRIPTION	Estimated Tons	APAC - Central, Inc.		Northwest Arkansas Quarries		Rogers Group, Inc. - OPT 1 (Lowell location)		Rogers Group, Inc. - OPT 2 (Fayetteville location)	
			PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE
1	Class 7 Base (SB-2) - includes wet and dry	30,000	\$6.00	\$180,000.00	\$5.90	\$177,000.00	\$6.50	\$195,000.00	\$6.00	\$180,000.00
2	Concrete Aggregate - 1.5"	500	\$8.25	\$4,125.00	\$7.40	\$3,700.00	\$8.25	\$4,125.00	No Bid	
3	Concrete Aggregate - 3/4"	500	\$8.25	\$4,125.00	\$9.00	\$4,500.00	\$9.00	\$4,500.00	\$9.00	\$4,500.00
4	"B" Stone	2,500	\$6.30	\$15,750.00	\$6.75	\$16,875.00	\$7.00	\$17,500.00	\$7.00	\$17,500.00
5	Abrasives / Grit (1/4" chips)	500	No Bid		\$5.40	\$2,700.00	\$6.50	\$3,250.00	\$7.00	\$3,500.00
6	Shot Rock	500	\$6.00	\$3,000.00	\$6.00	\$3,000.00	\$6.00	\$3,000.00	\$6.00	\$3,000.00
TOTAL BASED BID =				\$207,000.00		\$207,775.00		\$227,375.00		\$208,500.00

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

CERTIFIED: P. Vice
 P. VICE, PURCH MGR

J. Fore
 WITNESS

12/30/09
 DATE

Bid # 10-14

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

A. 13
Bid #10-14
Page 1 of 4

January 19, 2010
City Council Meeting Date
Agenda Items Only

Terry Gulley
Submitted By

Transportation
Division

Transportation Services
Department

Action Required:

A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

\$	20,000.00
\$	879,561.00
\$	262,327.00
\$	800,000.00
\$	1,961,888.00

Cost of this request

\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Category/Project Budget

Materials and Supplies
In-House Pavement Improvements
Sidewalk Improvements
Transportation Bond Trail Improvements
Multiple

Program Category / Project Name

2100.4120.5204.00
4470.9470.5417.00
4470.9470.5814.00
4520.9550.5814.05
Multiple

Account Number

\$	-
\$	-
\$	-
\$	-
\$	-

Funds Used to Date

Street Maintenance
Transportation Improvements
Transportation Improvements
Trail Improvements
Multiple

Program / Project Category Name

02052 / 1
02053 / 1
06036 / 1
Multiple

Project Number

\$	195,177.00
\$	1,637,700.00
\$	500,000.00
\$	1,258,623.00
\$	3,591,500.00

Remaining Balance

Street
Sales Tax Capital Improvements
Sales Tax Capital Improvements
Sales Tax Construction Bond
Multiple

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry Gulley 12-30-09
Department Director Date

Previous Ordinance or Resolution # _____

Carl Bell 12-31-09
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul a. Becht 1-4-2010
Finance and Internal Services Director Date

Received in City
Clerk's Office

ENTERED
12/30/09

King

Don Maw 1-5-10
Chief of Staff Date

Received in
Mayor's Office

ENTERED
12/31/09

Jonell Jordan 1-5-10
Mayor Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 19, 2010

Subject: A resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville.

PROPOSAL: Staff proposes a resolution awarding Bids 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, 10-08, 10-09, and 10-14 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$1,961,888.00.

RECOMMENDATION: The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2010 Annual Budget & Work Program and five-year Capital Improvement Program plan.

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Bid 10-02: Staff recommends awarding the reflectorized paint markings bid to Asphalt Striping Service.

Bid 10-03: Staff recommends awarding the curb and gutter bid to Sweetser Construction.

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Bid 10-09: Staff recommends awarding the aggregate bid to Northwest Arkansas Quarries, LLC.

Bid 10-14: Staff recommends awarding the crushed rock salt bid to _____.

BUDGET IMPACT: Funds for the acquisition of these materials and services have been budgeted in the In-House Pavement Improvements, Sidewalk Improvements, and Transportation Bond Trail Improvements capital projects and the Street Maintenance Program. Sufficient funding is available for the 2010 purchases.

Attached:	Bid 10-01	Thermal Striping
	Bid 10-02	Reflectorized Paint Markings
	Bid 10-03	Curb and Gutter
	Bid 10-04	Topsoil
	Bid 10-05	Hillside Gravel
	Bid 10-06	Concrete
	Bid 10-07	Bricks
	Bid 10-08	Truck Hauling Services
	Bid 10-09	Aggregate
	Bid 10-14	Crushed Rock Salt

Please Note: The bid opening for the re-bid of crushed rock salt will be on 1/8/10. Bid tab & supplier award info will be added prior to Agenda session on 1/12/10.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #10-14 AND APPROVING
THE PURCHASE OF CRUSHED ROCK SALT FROM
_____ IN THE AMOUNT OF
\$ _____

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby awards Bid #10-14 and approves the purchase of crushed rock salt from
_____ in the amount of \$ _____.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
Page 1 of 56

City Council Agenda Items
and
Contracts, Leases or Agreements

12/15/2009

City Council Meeting Date
Agenda Items Only

Jesse Fulcher

Submitted By

Planning

Division

Development Services

Department

Action Required:

R-PZD 09-3439: (Oakbrooke Phase III, 361): Submitted by Tracy K. Hoskins for property located within Oakbrooke Phases I and II. The property is zoned R-PZD, Residential Planned Zoning District and contains approximately 28.62 acres. The request is for Zoning and land use approval of an R-PZD with 174 residential units and 12,000 sq. ft. of nonresidential space.

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

Budgeted Item ☐ Budget Adjustment Attached ☐

James C. Peto 11-15-2009
Department Director Date
minor changes in memo to Ordinance read.

[Signature] 11-30-09
City Attorney Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bahr 11-30-2009
Finance and Internal Services Director Date

Received in City Clerk's Office
ENTERED 11-25-09 *King*

[Signature] 12-1-09
Chief of Staff Date

Received in Mayor's Office
ENTERED 11-30-09 *BEP*

Lionel Jordan 12/1/09
Mayor Date

Comments:

Left on Second Reading at the 11/25/10 City Council Meeting
Left on the first reading of the 12/15/09 CC mtg.

Revised January 15, 2009



City Council Meeting Date:
December 15, 2009

City Council Agenda Memo

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Director

From: Jesse Fulcher, Current Planner

Date: November 24, 2009

Subject: Residential Planned Zoning District for Oakbrooke Phase III (R-PZD 09-3439)

RECOMMENDATION

Staff and Planning Commission recommend approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Oakbrooke Phase III, based on the development standards, plans and statement of commitments submitted. This action will establish a unique zoning district for a 174 attached and detached residential dwelling units and 12,000 sq. ft. of nonresidential space on 28.62 acres, a density of 6 units per acre.

BACKGROUND

The boundary of the subject PZD is proposed to encompass all but 3.76 acres of the previously approved Oakbrooke Subdivision Phases I and II, which were approved by the Fayetteville City Council in 2005. The property contains approximately 28.62 acres of the overall 32.38 acres of the original Oakbrooke development; the portion that lies outside of the current PZD will retain its approval status, restrictions and conditions from the original PZD. All infrastructure has been installed to serve the original development and the owner has received final plat approval for both phases; however, only Phase II has been filed in order to build homes. The owner has started construction on several houses within Phase II, which would be incorporated into the proposed development.

DISCUSSION

Neighboring residents attended both of the Planning Commission meetings at which this project was considered to listen and provide comments. Minutes from the first meeting are included in your packet. The Planning Commission voted 5-1-0 in favor of this request on November 23, 2009 (Commissioner Zant voting 'no'). Recommended conditions were approved by the Planning Commission and are reflected in the attached staff report. You will note in

conditions 1 and 2 that the Planning Commission and staff have differing recommendations. Ultimately, the City Council always determines the conditions of approval appropriate for a Planned Zoning District, if it is approved.

BUDGET IMPACT

None

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 09-3439, OAKBROOKE PHASE III, LOCATED WITHIN OAKBROOKE PHASE I AND OAKBROOKE PHASE II; CONTAINING APPROXIMATELY 29 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-PZD 05-1463 Oakbrooke Phase I and R-PZD 05-1555 Oakbrooke Phase II to R-PZD 09-3439 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 above requirements of the master plan and conditions of approval 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 , 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

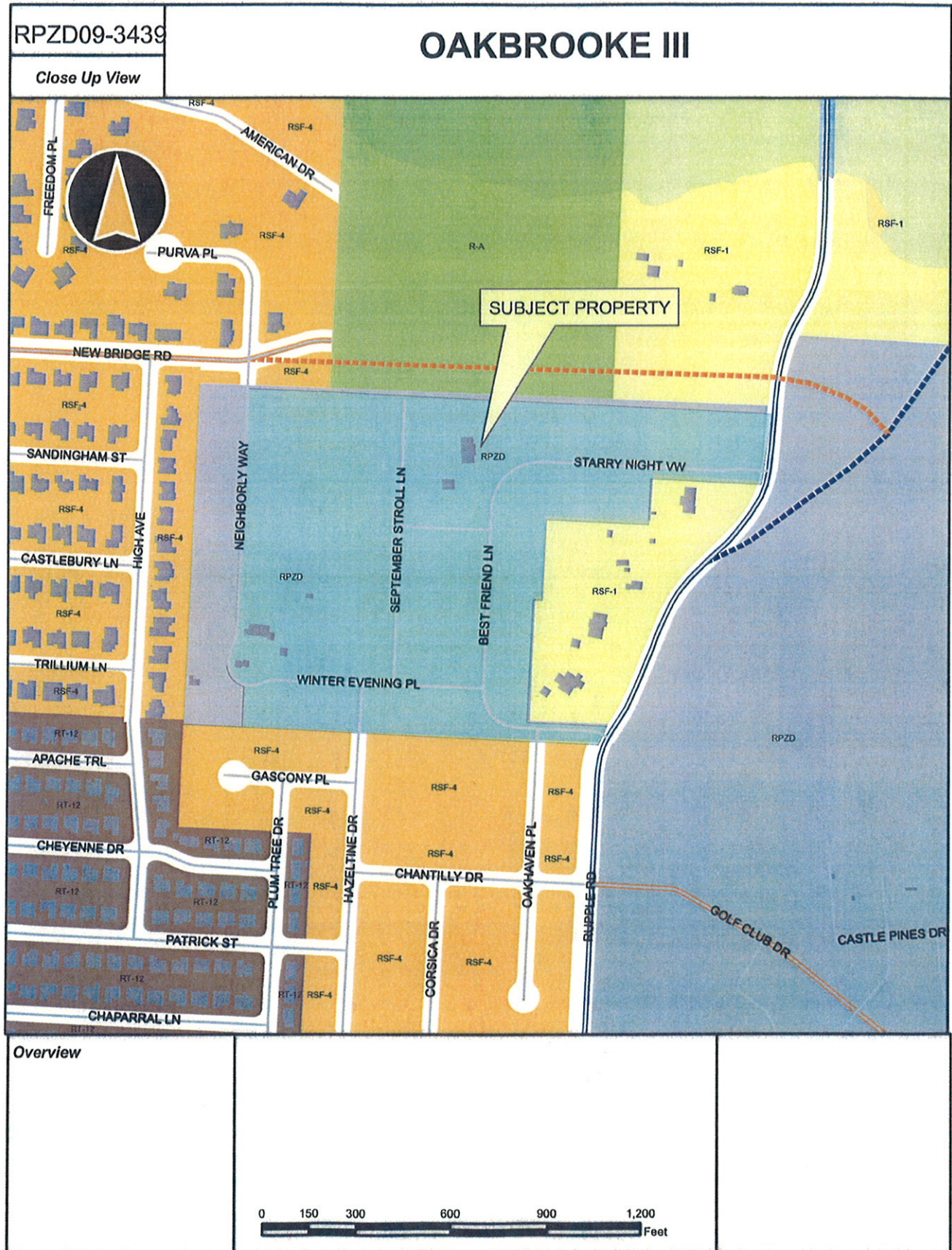
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "B"
R-PZD 09-3439

A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE FRACTIONAL SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID EIGHTY ACRE TRACT AND RUNNING THENCE N02°17'42"E 1069.16', THENCE S87°49'42"E 428.22', THENCE S87°09'15"E 1404.23', THENCE S08°18'00"W 225.89', THENCE N87°00'35"W 354.57', THENCE S02°48'25"W 146.65', THENCE N87°10'22"W 327.79', THENCE S02°50'14"W 253.09', THENCE N87°22'17"W 28.37', THENCE S02°49'27"W 389.76', THENCE S87°10'42"E 254.30', THENCE S25°22'44"W 64.97', THENCE N87°10'42"W 1319.64' TO THE POINT OF BEGINNING, CONTAINING 32.39 ACRES, MORE OR LESS. LESS AND EXCEPT: A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE FRACTIONAL SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID EIGHTY ACRE TRACT AND RUNNING THENCE N02°17'42"E 1069.16', THENCE S87°49'42"E 151.00', THENCE S02°17'42"W 770.91', THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00' FOR A CHORD BEARING AND DISTANCE OF S15°24'32"W 68.07', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 75.00' FOR A CHORD BEARING AND DISTANCE OF S22°21'58"E 116.39', THENCE S02°17'42"W 128.20', THENCE N87°10'42"W 184.13' TO THE POINT OF BEGINNING, CONTAINING 3.77 ACRES MORE OR LESS. CONTAINING IN ALL 28.62 ACRES MORE OR LESS; SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

EXHIBIT "A"

B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
Page 6 of 56



**November 9, 2009
Planning Commission Minutes
Oakbrooke Phase III (09-3439)**

R-PZD 09-3439: Residential Planned Zoning District (OAKBROOKE III, T.K. HOSKINS 361): Submitted by TRACY K. HOSKINS for property located WITHIN OAKBROOKE PHASES I AND II. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 28.59 acres. The request is for zoning and land use approval of an R-PZD with 177 residential units and 12,000 sq. ft. of nonresidential space.

Jesse Fulcher, Current Planner, gave the staff report describing the previously approved Oakbrook Subdivision and the proposal for a new PZD on this site for residential and mixed use. Staff recommended that the request be tabled until the November 23rd meeting date to allow the applicant additional time to clarify planning area 5 and make other requested revisions to the plan.

Tracy Hoskins, property owner, discussed their request and stated that he hopes they won't be tabled. He referenced new zoning criteria that they are proposing and was distributed to the Planning Commissioners at this meeting.

Jim Ramsey, applicant's architect, gave a PowerPoint presentation. He discussed the background and setting of the site, the concepts for their traditional neighborhood. He went over all of the proposed neighborhoods in the Master Plan, describing in detail their plan for mixed use, integrated variety of lot sizes, and that they did not want to repeat designs throughout the development, and that each lot would be specifically designed.

Public Comment:

Paul Johnson, president of Bridgeport Neighborhood Property Owner's Association, discussed that his neighborhood is not opposed to the style, but the size of the homes in the development. He is opposed to any homes below 1,400 square feet. He is opposed to rental property and smaller homes encourage rentals. He is not opposed to density but is opposed to less than 1,400 square feet. He discussed that crime and higher density are related. His neighborhood has had multiple calls of breaks-ins of cars and homes. He also discussed vehicles speeding in his neighborhood. We rarely see small homes that are high quality. Infill that protects existing development is appropriate.

Gilbert Belk, 2009 North Purva Place, discussed that appraisal values have gone down in the 1.5 years since he has purchased his home. He wasn't aware when he bought his house that the property proposed to be developed tonight was not a part of Bridgeport.

Jack Langford, who lives on Ruppel Road adjacent to this development, discussed concern with the size of the dwellings. He is concerned with 2-3 family dwellings and the community store that would be adjacent to his house. The applicant has kept this site clean. He asks the Planning Commission to keep the existing permitted plan.

Tom Fetner, lives in Bridgeport on High Avenue, stated concerns with row houses except where they were already permitted, and asked the Planning Commission to stay with the previously approved plan.

(Inaudible), lives on Purva Place, discussed that this property is beautiful right now and this development will hurt vegetation and asked for those issues to be considered.

Chuck Lewis, resident of Bridgeport, stated concern with any homes under 1,400 square feet.

(Inaudible), lives on American Drive, discussed that the transition from Bridgeport to this neighborhood is very great. Rental property and shops with this development do not make sense. He discussed rental homes, parties, and parking on the street. Please stick to the approved plan.

Pam Henson, lives in Bridgeport, discussed agreement with all of the other comments. She stated that the four existing houses being built are okay. She expressed concerns that the developer is changing this so much and the neighborhood has not been involved. On September 9, 2005, Alderman Lioneld Jordan made a motion to have a minimum of 1,400 square feet for residences in the Oakbrooke neighborhood. She discussed that there is already a lot of rental property in the area including the Links at Fayetteville across the street. We don't need smaller rentals in the area. Traffic on Wedington is an issue. She doesn't think this fits in this area.

Ivory Collin, Bridgeport, discussed that the proposal to have apartments above shops works in New York but not around here. She discussed the development at Futrall and I-540 that have not been rented with this concept. She expressed concern with this development.

Steve Davis, lives in Washington-Willow, discussed that he has actually worked for Tracy (Hoskins) in the past and the quality of Tracy's developments have improved over the years. As one member of the public referenced, he takes care of his property. The quality of this development will be good.

No further comment was presented.

Commissioner Myres discussed that she thinks they should follow staff's recommendation and table this item and also to make sure all other issues have been addressed.

Commissioner Zant discussed that he thinks this is a nice looking development. It would help to see the previous development to compare with this proposal.

Commissioner Winston discussed that this is potentially a great development with very innovative ideas. The neighbors could benefit with a neighborhood meeting. He thinks there is a general misunderstanding of the neighbors and what the applicant is proposing, based on the comments heard at the meeting tonight. He also discussed that he would recommend seeing the previous PZD approval so he could compare to the current proposal.

Commissioner Honchell asked about minimum square footage for homes and project phasing.

Tracy Hoskins, applicant, discussed that they are not proposing a minimum square footage and that the anticipated project phasing is approximately 5 years.

Commissioner Honchell asked what the minimum square footage of homes in surrounding areas are for comparison purposes.

Garner discussed that the City does not regulate square footages of homes and it would be very difficult for staff to determine. However, minimum lot size is regulated and could be determined.

Kit Williams, City Attorney, clarified that as the proposed project is a PZD a minimum square footage of homes can be required.

Commissioner Trumbo discussed that this plan is consistent with the principals in City Plan 2025 and that there will be a demand for this type of development in the future. If we don't plan for this now and do these types of developments, the city will continue to be developed as in the past with RSF-4 zoning and single family homes spread out everywhere. He discussed that he will not be in favor of attached units in this development being adjacent to detached units outside of this development. He is not in favor of home occupation throughout the development. The overall density is approximately 6.5 units per acre which is appropriate.

Motion:

Commissioner Kennedy made a motion to table this item until the next Planning Commission meeting on November 23, 2009. **Commissioner Zant** seconded the motion. **Upon roll call the motion to table passed with a vote of 6-0-0.**

**November 23, 2009
Planning Commission Minutes
Oakbrooke Phase III (09-3439)**

New Business:

R-PZD 09-3439: Residential Planned Zoning District (OAKBROOKE III, T.K. HOSKINS 361): Submitted by TRACY K. HOSKINS for property located WITHIN OAKBROOKE PHASES I AND II. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 28.59 acres. The request is for zoning and land use approval of an R-PZD with 174 residential units and 12,000 sq. ft. of nonresidential space.

Jesse Fulcher, Current Planner, gave the staff report, discussing the previous review of the project and comments. Staff recommended forwarding the project with several modifications to the plan as noted in the conditions of approval.

Tracy Hoskins, applicant, discussed the project and the neighborhood meeting that took place since the last Planning Commission meeting.

Public Comment:

Tom Fetner asked if the project could be rezoned, or a new PZD applied for in the future if this PZD was approved. Was concerned with the number of vacant lots in the area.

James Davis discussed concerns with the development turning into rental property, size of the houses and small lots sizes.

No further public comment was presented.

Commissioner Lack asked staff to address the public's questions.

Andrew Garner, Senior Planner, stated that the property could be rezoned in the future, as is the case for all properties.

Commissioner Honchell asked if the 1,400 sq. ft. required by the previous Bill of Assurance would conflict with the requirements of the proposed project.

Fulcher stated that the 1,400 sq. ft. limitation would only apply to the 17 lots that would remain under the zoning approval of Oakbrooke Phases I and II, and that this restriction would not apply to the proposed Phase III.

Commissioner Honchell asked if Use Unit 24, Home Occupations was already approved for all lots in Oakbrooke.

Fulcher, stated that home occupations were permitted on all lots within Oakbrook I and II.

Kit Williams, City Attorney, stated that the 1,400 sq. ft. house size requirement was offered by the applicant with Oakbrooke I and II.

Commissioner Winston asked the applicant if condition of approval #1 (maximum buildable area) would affect the development proposal, and if the limit on the maximum fence height in Planning Area 2 would be a problem.

Hoskins stated that the requested maximum buildable area was less than the previously approved project. Stated that a higher fence would be appreciated in the back yards of the homes.

Fulcher described staff's position on limiting the fence height to 3'.

Hoskins stated that limiting the fence height in front would be fine, but that allowing a standard fence along the sides and back yard would be preferred. Fences could be restricted to no greater than 3' until the fence is at least 10' behind the front façade.

Commissioners Kennedy stated that the sign regulations recommended by staff in Planning Area 5 were too restrictive. Would prefer to see the commercial uses removed if they aren't allowed to property advertise.

Hoskins stated that he was okay with monument style sign, but needed the sign allowances as proposed in the booklet.

Commissioners Kennedy discussed several R-O developments that struggle due restrictions on sign size.

Commissioners Lack stated that the Planning Area 5 was more like a residential office district, which is why it is appropriate in this setting, so the signs should be smaller than a commercial district. Use Unit 24, Home Occupations should be limited to a conditional use and not a use by right. Is the applicant okay with staff's recommendation on Planning Area 3?

Hoskins stated that the number of attached units in Planning Area 3 were reduced once based on staff's concerns. Still requesting the lots as noted for attached housing.

Commissioners Cabe asked about staff's recommendation and the applicant's request on the maximum buildable area for each planning area.

Hoskins stated that they could reduce the maximum buildable area to 65% in Planning Areas 1 and 3, and to 70% in Planning Areas 2 and 4.

Commissioners Zant stated there appears to be lots of changes occurring at the meeting and too many open-ended conditions. Wish that staff and applicant could agree upon all conditions.

Motion:

Condition of Approval #1: Commissioner Cabe made a motion to approve the condition with a 65% buildable area in Planning Areas 1 and 3 and a 70% buildable area in Planning Areas 2 and 4.

Commissioner Winston seconded the motion. **Upon roll call the motion passed with a vote of 5-1-0 (Commissioner Zant voting “no”).**

Condition of Approval #2: Commissioner Winston made a motion to approve the condition as recommended by staff. **Commissioner Kennedy** seconded the motion. **Upon roll call the motion passed with a vote of 5-1-0 (Commissioner Zant voting “no”).**

Condition of Approval #3: Commissioner Winston made a motion to approve the variance as proposed by the applicant. **Commissioner Kennedy** seconded the motion. **Upon roll call the motion passed with a vote of 4-2-0 (Commissioner Zant and Cabe voting “no”).**

Commissioner Winston made a motion to forward the project to the City Council with all conditions of approval as amended. **Commissioner Cabe** seconded the motion. **Upon roll call the motion passed with a vote of 5-1-0 (Commissioner Zant voting “no”).**

**Conditions of Approval
Oakbrooke Phase III (09-3439)**

**PLANNING COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL:**

R-PZD 09-3439

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Conditions of Approval for R-PZD 09-3439 (Oakbrooke Phase III)

1. City Council determination of zoning criteria: building area. *The Planning Commission voted to allow a maximum buildable area of 65% for Planning Areas 1 and 3, and 70% for Planning Areas 2 and 4.*
2. City Council determination of the applicant's request to allow monument signs and wall signs in Planning Area 5 subject to commercial zoning district regulations, which permits up to a 75 sq. ft. monument sign and a 150 sq. ft. wall sign per business per wall. Projecting signs shall be permitted in accordance with Chapter 174.11. *The Planning Commission voted to allow signage as proposed by the applicant.*
3. Use Unit 24, Home Occupations, shall not be permitted as a use by right, but may be permitted as a conditional use in any planning area, subject to Planning Commission approval.
4. Use Unit 41, Accessory Dwellings Units. Accessory dwelling units may only be permitted on lots containing at least 5,000 sq. ft. This requirement can not be varied by the Planning Commission or City Council. Therefore, the applicant shall remove this use unit from all planning areas. A note may be included in each planning area stating that accessory dwelling units may be permitted in accordance with Chapter 164.19 of the Unified Development Code.
5. PA-2. The following design requirements shall be required for Planning Area 2 in addition to the architectural standards presented in the project booklet:
 - a. All units shall be detached single-family dwellings.
 - b. Maximum height shall be two stories.
 - c. As shown on the conceptual site plan, all units shall have a primary entry, and/or covered porch oriented to the common open space, or walkway connecting to the common open space. The common open space shall be provided generally as shown, with dimensions of approximately 130' x 130'.
 - d. The development shall include a variety of building styles, features, colors and site design elements. Dwellings with the same combination of features shall not be located adjacent to each other. Identical elements shall not be repeated in more than three (3) of the cottages.
 - e. Each unit shall have a covered porch with a minimum depth of 6' and area of 60 sq. ft.
 - f. At least 300 sq. ft. of private, contiguous open space adjacent to each dwelling unit shall be provided with a minimum dimension of 10'.
 - g. No fence shall exceed three feet in height except where the fence is located at least 10' from the front façade of the house.
6. PA-3. The number of attached units shall be limited to Lots 1-14 and 44-51, with the dwelling types on these lots restricted to single, two, or three family townhouses. The note stating "no more than 5 units attached" shall be removed. All other lots in PA-3 shall be limited to detached single-family dwellings.
7. PA-4. Only detached single-family units shall be permitted on Lots 1-11 and 21-25. Attached housing, in a townhouse form, shall be restricted to Lots 12-20.

**PLANNING COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL:**

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8. PA-5. The minimum buildable street frontage along Ruppel Rd. shall be increased to 40%.
9. Street improvements. All interior streets have been constructed; however, street improvements, or payment in-lieu of improvements along Ruppel Road shall include those determined necessary by the Planning Commission, based upon the actual development proposed. All alleys and common driveways serving more than two dwelling units shall be constructed in compliance with the City's street design standards.
10. The applicant shall dedicate additional right-of-way for Ruppel Road and right-of-way for all public alleys at the time of final plat, or large scale development approval.
11. This project is required to obtain all construction and building permits and complete construction of each phase in accordance with the phasing table listed in the project booklet. A one-year extension may be approved for each phase, subject to the criteria in UDC Chapter 166 for extensions.
12. All sidewalks not previously installed shall be constructed in conformance with current City street standards.
13. All alley widths are subject to approval by the Fayetteville Fire and Solid Waste Divisions and adopted Street Design Standards. Alley construction will be reviewed at the time of development. A minimum of 20' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provide adequate room for a trash truck and arm to pick up residential trash carts.
14. All curb-cuts, including driveways, alleys, etc. shall be constructed in compliance with the Access Management Standards. Individual driveway widths shall be determined by Chapter 172.11(H).
15. Vehicles accessing parking spaces and garages off of an alley, or other access point, shall provide sufficient space for a 90-degree turning movement. This typically requires 24'; however, staff will evaluate access at the time of development.
16. Screening between residential and nonresidential developments shall be reviewed at the time of development.
17. A minimum of 5' of greenspace shall be required between all parking lots and adjoining property lines.
18. All common property shall be owned and maintained by the Property Owners Association. Development of these properties shall be limited to accessory type uses, such as gazebos, benches, mail kiosks, picnic tables, sidewalks, gardens, landscaping, etc., subject to approval by the City Planning Division.
19. Parks fees shall be determined at the time of development review. Fees shall be due prior to signing the final plat or building permit approval, depending on the development proposal.
20. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

**PLANNING COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL:**

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21. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Additionally, the development shall be held to the "architectural controls" described in the project booklet. Building elevations will be reviewed at the time of building permit. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards. All multi-family buildings shall adhere to Urban Residential Design Standards.
22. 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.
23. The following revisions shall be made prior to the project being placed on the City Council agenda:
 - a. Booklet. Page 2. Update PA-5 in the conceptual site plan to match current proposal.
 - b. Booklet. Page 4. The timeframes to begin and complete construction for each phase need to be clarified utilizing language similar to that listed in Chapter 166.20. The language currently used is contradictory and allows open-ended time frames for developing PA-5. Examples below:
 - a) All permits necessary to complete construction for Phase I shall be obtained within one year from City Council approval of the PZD. Final plat approval shall be obtained within two years of preliminary plat approval.
 - b) All permits necessary to complete construction of Phase V shall be obtained within five years from City Council approval of the PZD. A final Certificate of Occupancy shall be obtained within two years of the building permit approval.
 - c. Booklet. Page 7. Per comments above, remove Use Unit 24 and update buildable area.
 - d. Booklet. Page 8. Per comments above (if approved), remove Use Units 9, 10, 24 and 41, and update buildable area.
 - e. Booklet. Page 11. Per comments above (if approved), remove reference to 5 attached units, reduce attached units to Lots 1-14 and 44-51, remove Use Units 24 and 41, and update buildable area.
 - f. Booklet. Page 12. Per comments above (if approved), remove Use Units 24 and 41.
 - g. Booklet. Page 14. Per comments above (if approved), remove Use Unit 41, reduce build-to zone along Ruppel (by ordinance parking is prohibited in a build-to zone), remove setback comment for zero lot line and garages, since this is no longer proposed in the planning area, change minimum buildable area to minimum buildable street frontage, and increase percentage along Ruppel to 40%.
 - h. Booklet. Page 16. Make all applicable changes to the zoning comparison chart.
 - i. Plats. Page 1. Update legal description.
 - j. Plats. Page 3. Complete land use table.
 - k. Plats. Page 3. The use table needs to include a subtotal of all planning areas. Additionally, the table needs to correctly list the uses for each planning area and the correct number of lots.
 - l. Any common area proposed to be on a separate lot will need a separate lot number at the time of preliminary plat review.
 - m. The PZD booklet and plats shall be updated to reflect the lot numbering attached hereto and titled "Lot Numbering." These revisions, along with all other required

**PLANNING COMMISSION RECOMMENDED
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revisions shall be completed and submitted (three copies of the booklet and plats) to the Planning Division after City Council approval of the project.

Urban Forester Conditions of Approval:

24. Street trees are required to be planted every 30', except for single-family lots where one tree is required per lot. All trees shall be 2-inch large species.
25. Prior to signing the final plat, a written description of the method(s) and time frame the project will utilize to track development of each single-family lot to ensure the required trees are planted and their longevity of health assured, shall be submitted.
26. A 3-year bond, letter of credit, or check shall be required for all trees planted before signing the final plat, or approving a building permit for a large scale development. A three-year maintenance bond, letter of credit, or check shall be required prior to approval of a final Certificate of Occupancy.
27. Tree canopy required to be preserved shall be placed within a Tree Preservation Easement and dedicated by final plat or easement plat.
28. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.

Standard Conditions of Approval:

29. 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).
30. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
31. 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.
32. 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.
33. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
34. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
35. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning

**PLANNING COMMISSION RECOMMENDED
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Staff prior to building permit. Only one-family and two-family units are exempt from this ordinance.

36. Prior to the issuance of a building permit the following is required:

- a. Grading and drainage permits
- b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
- c. Separate easement plat for this project that shall include the tree preservation area.
- d. Project Disk with all final revisions
- e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

**STAFF RECOMMENDED CONDITIONS OF APPROVAL DIFFERING
FROM PLANNING COMMISSION RECOMMENDATION:**

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Conditions of Approval for R-PZD 09-3439 (Oakbrooke Phase III)

1. City Council determination of zoning criteria: building area. *In all of the residential planning areas, the applicant is proposing a high intensity of building area (the square footage of a lot covered by the first floor of any building), much more intense than is permitted within any other residential districts within the City. These range, as proposed, from 70-75%, which leaves very little unoccupied greenspace. Staff does not feel that these percentages are necessary and recommends the buildable area maximum levels be reduced to 60% for Planning Areas 1-4.*
2. City Council determination of the applicant's request to allow monument signs and wall signs in Planning Area 5 subject to commercial zoning district regulations, which permits up to a 75 sq. ft. monument sign and a 150 sq. ft. wall sign per business per wall. *Commercial businesses that may locate in PA-5 need to advertise; however, signs need to be of an appropriate scale given the location of this property in a predominantly residential area. Staff cannot support the ability to install 150 sq. ft. wall signs, or a 75 sq. ft. monument sign. Staff recommends that wall signs be permitted in accordance with the Residential Office zoning district, which allows two 16 sq. ft. wall signs per business, and the maximum size of the one monument sign be limited to 50 sq. ft. Projecting signs shall be permitted in accordance with Chapter 174.11.*

**Staff Report
Oakbrooke Phase III (09-3439)**



PC Meeting November 23, 2009

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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, Development Services Director
DATE: ~~November 16, 2009~~ Updated November 24, 2009

R-PZD 09-3439: Residential Planned Zoning District (OAKBROOKE III, T.K. HOSKINS 361): Submitted by TRACY K. HOSKINS for property located WITHIN OAKBROOKE PHASES I AND II. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 28.62 acres. The request is for zoning and land use approval of an R-PZD with 174 residential units and 12,000 sq. ft. of nonresidential space.

Planner: Jesse Fulcher

Findings:

Background: The first public review for this project was on November 9, 2009. Members of the public voiced concerns with the size of the homes, occupancy (rental vs. owner occupied), affect on property values, attached dwellings, type of businesses in mixed use area, traffic problems, compatibility with neighboring developments and that the developer already has approval to build a predominantly single-family neighborhood with a Bill of Assurance requiring homes to be at least 1,400 sq. ft.

The Planning Commission voted unanimously to table the request to the November 23, 2009 meeting, and requested additional information from Planning Staff, including; 1) site plans comparing the original Oakbrooke project with the current proposal; and 2) a map showing adjacent developments and land uses. Additional maps and site plans have been added to the end of the staff report.

Many of the questions and comments from the meeting were related to occupancy of the proposed dwellings and minimum house sizes. To clarify, the City of Fayetteville does not regulate the occupancy type of any residence, so all units within the City may be offered for rent, for sale, or for lease. Additionally, the City of Fayetteville does not have ordinances that allow the City to regulate or mandate a particular house size, so long as the maximum building area on a lot is not exceeded. The 1,400 sq. ft. house size currently required within Oakbrooke I and II was offered by the owner through a Bill of Assurance, which the Fayetteville City Council accepted as part of the original project approval. The City did not require the original Bill of Assurance, nor can the City request a Bill of Assurance.

Property Description: The subject development is proposed to be located within the previously approved Oakbrooke Subdivision Phases I and II, which were approved by the Fayetteville City Council in 2005. The property contains approximately 28.62 acres of the overall 32.38 acres of the

original Oakbrooke development. All infrastructure has been installed to serve the original development and the owner has received final plat approval for both phases; however, only Phase II has been filed. The owner has started constructed on several houses within Phase II, which would be incorporated into the proposed development. Surrounding land use and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Residential and Undeveloped	R-A, RSF-1, RSF-4
South	Residential	RSF-1, RSF-4
East	Golf course and Residential	R-PZD 07-2452
West	Residential	RSF-4

Proposal: The request is for rezoning and land use approval for a residential subdivision containing 174 attached and detached residential units and 12,000 sq. ft. of nonresidential space. A preliminary and final plat would be required if the development is approved. A large scale development will likely be necessary for areas of the development containing multi-family and nonresidential uses.

Adjacent Master Street Plan Streets: Ruppel Road (Principal Arterial Parkway), New Bridge Road (Collector Street), platted streets within Oakbrooke Phase I and II

Access and connectivity: All interior streets have been constructed, and were dedicated with the filing of Phase II of Oakbrook Subdivision. The applicant is proposing several alleys to provide rear access to many of the units. Alley design will be reviewed at the time of preliminary plat review and/or large scale development.

Right-of-way to be dedicated: All interior streets have been constructed and were dedicated with the filing of Oakbrooke Phase II. Right-of-way in the amount of 45' from centerline was also dedicated for Ruppel Road. However, Ruppel Road is now designated as a Principal Arterial Parkway, which requires right-of-way dedication in the amount of 53.5' from centerline. Therefore, an additional 8.5' of right-of-way will be dedicated with Oakbrook Phase III.

Phasing: As shown on the phasing plan in the project booklet, the applicant is proposing to develop Oakbrooke Phase III in five separate phases. Staff has requested additional information to be consistent with the current ordinance requirements regarding expiration of permits.

Parks: The Park and Recreation Advisory Board (PRAB) recommended on August 6, 2007 to accept money in-lieu of land for this project.

Water & Sewer: Water and sewer lines have been installed to serve Oakbrooke Phases I and II. Main extensions required by the new development proposal will be evaluated at the time of development review. Any new lot created will be required to have proper access and utilities, at the time of development.

Tree Preservation: Tree preservation will be reviewed at the time of development.

Public Comment: City staff has spoken with several surrounding property owners about the proposed development. One letter from an adjoining property owner has been received, objecting to the proposal. Notification was delivered to property owners within 100' of the PZD boundary and

two signs were posted on the site indicating the public hearing date. Staff has also included comments from the November 9, 2009 Planning Commission meeting at the beginning of the staff report.

Recommendation: Staff finds that the development form and land uses presented in the project proposal are consistent with the City's adopted policies and the goals of City Plan 2025, including a variety of housing types and lot sizes, and nonresidential uses at corner locations. Staff also finds that the density and housing types presented are compatible with surrounding properties. Therefore, staff recommends **forwarding R-PZD 09-3439** to the City Council. However, staff's recommendation for approval is contingent on the following conditions and revisions:

Conditions of Approval:

1. Planning Commission determination of zoning criteria: building area. *In all of the residential planning areas, the applicant is proposing a high intensity of building area (the square footage of a lot covered by the first floor of any building), much more intense than is permitted within any other residential districts within the City. These range, as proposed, from 70-75%, which leaves very little unoccupied greenspace. Staff does not feel that these percentages are necessary and recommends the buildable area maximum levels be reduced to 60% for Planning Areas 1-4.*

11/23/09: THE PLANNING COMMISSION RECOMMENDED THE FOLLOWING MAXIMUM BUILDABLE AREAS: 65% FOR PLANNING AREAS 1 AND 3, 70% FOR PLANNING AREAS 2 AND 4. PLANNING AREA 5 WAS UNCHANGED.

2. Planning Commission determination of allowing Use Unit 24, Home Occupations, as a use by right in all zoning districts. *Staff does not recommend in favor of allowing home occupations without further review by the Planning Commission to ensure that residents aren't negatively impacted by nonresidential uses. In general, staff has been supportive of most home occupations, when given the opportunity to review the request and include conditions to safeguard neighboring properties and tenants. Staff would request this same opportunity within this development. No other residential districts within the City permit Home Occupations as a use by right.*

11/23/09: THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF'S RECOMMENDATION. USE UNIT 24 SHALL BE LISTED AS A CONDITIONAL USE IN ALL PLANNING AREAS.

3. Planning Commission determination of the applicant's request to allow monument signs and wall signs in PA-5 subject to commercial zoning district regulations, which permits up to a 75 sq. ft. monument sign and a 150 sq. ft. wall sign per business per wall. *Commercial businesses that may locate in PA-5 need to advertise; however, signs need to be of an appropriate scale given the location of this property in a predominantly residential area. Staff cannot support the ability to install 150 sq. ft. wall signs, or a 75 sq. ft. monument sign. Staff recommends that wall signs be permitted in accordance with the Residential Office zoning district, which allows two 16 sq. ft. wall signs per business, and the maximum size of the one monument sign be limited to 50 sq. ft.*

11/23/09: THE PLANNING COMMISSION RECOMMENDED IN FAVOR OF THE APPLICANT'S REQUEST, ALLOWING SIGNAGE IN CONFORMANCE WITH THE

4. Use Unit 41, Accessory Dwellings Units. Accessory dwelling units may only be permitted on lots containing at least 5,000 sq. ft. This requirement can not be varied by the Planning Commission or City Council. Therefore, the applicant shall remove this use unit from all planning areas. A note may be included in each planning area stating that accessory dwelling units may be permitted in accordance with Chapter 164.19 of the Unified Development Code.
5. PA-2. Staff is supportive of a “cottage development” design with the following additional conditions:
 - a. All units shall be detached single-family dwellings.
 - b. Maximum height shall be two stories.
 - c. As shown on the conceptual site plan, all units shall have a primary entry, and/or covered porch oriented to the common open space, or walkway connecting to the common open space. The common open space shall be provided generally as shown, with dimensions of approximately 130' x 130'.
 - d. The development shall include a variety of building styles, features, colors and site design elements. Dwellings with the same combination of features shall not be located adjacent to each other. Identical elements shall not be repeated in more than three (3) of the cottages.
 - e. Each unit shall have a covered porch with a minimum depth of 6' and area of 60 sq. ft.
 - f. At least 300 sq. ft. of private, contiguous open space adjacent to each dwelling unit shall be provided with a minimum dimension of 10'.
 - g. No fence shall exceed three feet in height. THE PLANNING COMMISSION AMENDED THIS CONDITION, ALLOWING FENCES GREATER THAN 3' IN HEIGHT ONLY WHEN LOCATED FURTHER THAN 10' FROM THE FRONT FAÇADE OF THE HOUSE.

11/23/09: THE PLANNING COMMISSION VOTED IN FAVOR OF STAFF'S RECOMMENDATION WITH THE EXCEPTION OF (3g) AS NOTED ABOVE.

6. PA-3. Staff is supportive of the number of lots and dwellings proposed for this planning area; however, staff can not support the number of lots on which attached units may be permitted. Staff recommends that the number of attached units be limited to Lots 1-14 and 44-51, with the dwelling types on these lots restricted to single, two, or three family townhouses. The note stating “no more than 5 units attached” shall be removed. All other lots in PA-3 shall be limited to detached single-family dwellings.

11/23/09: THE PLANNING COMMISSION VOTED IN FAVOR OF STAFF'S RECOMMENDATION.

7. PA-4. Only detached single-family units shall be permitted on Lots 1-11 and 21-25. Attached housing, in a townhouse form, shall be restricted to Lots 12-20.

11/23/09: THE PLANNING COMMISSION VOTED IN FAVOR OF STAFF'S

RECOMMENDATION.

8. PA-5. Staff is supportive of the mixed use planning area as long as the minimum buildable street frontage along Ruppel Rd. is increased to 40% ~~and the maximum sign size is reduced as discussed in condition of approval #3.~~

11/23/09: THE PLANNING COMMISSION VOTED IN FAVOR OF STAFF'S RECOMMENDATION FOR BUILDING FRONTAGE, BUT ALLOWED SIGNS TO BE PERMITTED AS REQUESTED BY THE APPLICANT.

9. Street improvements. All interior streets have been constructed; however, street improvements, or payment in-lieu of improvements along Ruppel Road shall include those determined necessary by the Planning Commission, based upon the actual development proposed. All alleys and common driveways serving more than two dwelling units shall be constructed in compliance with the City's street design standards.
10. The applicant shall dedicate additional right-of-way for Ruppel Road and right-of-way for all public alleys at the time of final plat, or large scale development approval.
11. This project is required to obtain all construction and building permits and complete construction of each phase in accordance with the phasing table listed in the project booklet. A one-year extension may be approved for each phase, subject to the criteria in UDC Chapter 166 for extensions.
12. All sidewalks not previously installed shall be constructed in conformance with current City street standards.
13. All alley widths are subject to approval by the Fayetteville Fire and Solid Waste Divisions and adopted Street Design Standards. Alley construction will be reviewed at the time of development. A minimum of 20' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provided adequate room for a trash truck and arm to pick up residential trash carts.
14. All curb-cuts, including driveways, alleys, etc. shall be constructed in compliance with the Access Management Standards. Individual driveway widths shall be determined by Chapter 172.11(H).
15. Vehicles accessing parking spaces and garages off of an alley, or other access point, shall provide sufficient space for a 90-degree turning movement. This typically requires 24'; however, staff will evaluate access at the time of development.
16. Screening between residential and nonresidential developments shall be reviewed at the time of development.
17. A minimum of 5' of greenspace shall be required between all parking lots and adjoining property lines.
18. All common property shall be owned and maintained by the Property Owners Association. Development of these properties shall be limited to accessory type uses,

such as gazebos, benches, mail kiosks, picnic tables, sidewalks, gardens, landscaping, etc., subject to approval by the City Planning Division.

19. Parks fees shall be determined at the time of development review. Fees shall be due prior to signing the final plat or building permit approval, depending on the development proposal.
20. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
21. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Additionally, the development shall be held to the "architectural controls" described in the project booklet. Building elevations will be reviewed at the time of building permit. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards. All multi-family buildings shall adhere to Urban Residential Design Standards.
22. 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.
23. The following revisions shall be made prior to the project being placed on the City Council agenda:
 - a. Booklet. Page 2. Update PA-5 in the conceptual site plan to match current proposal.
 - b. Booklet. Page 4. The timeframes to begin and complete construction for each phase need to be clarified utilizing language similar to that listed in Chapter 166.20. The language currently used is contradictory and allows open-ended time frames for developing PA-5. Examples below:
 - i. All permits necessary to complete construction for Phase I shall be obtained within one year from City Council approval of the PZD. Final plat approval shall be obtained within two years of preliminary plat approval.
 - ii. All permits necessary to complete construction of Phase V shall be obtained within five years from City Council approval of the PZD. A final Certificate of Occupancy shall be obtained within two years of the building permit approval.
 - c. Booklet. Page 7. Per comments above, remove Use Unit 24 and update buildable area.
 - d. Booklet. Page 8. Per comments above (if approved), remove Use Units 9, 10, 24 and 41, and update buildable area.
 - e. Booklet. Page 11. Per comments above (if approved), remove reference to 5 attached units, reduce attached units to Lots 1-14 and 44-51, remove Use Units 24 and 41, and update buildable area.
 - f. Booklet. Page 12. Per comments above (if approved), remove Use Units 24 and

- 41.
- g. Booklet. Page 14. Per comments above (if approved), remove Use Unit 41, reduce build-to zone along Ruppel (by ordinance parking is prohibited in a build-to zone), remove setback comment for zero lot line and garages, since this is no longer proposed in the planning area, change minimum buildable area to minimum buildable street frontage, and increase percentage along Ruppel to 40%.
 - h. Booklet. Page 16. Make all applicable changes to the zoning comparison chart.
 - i. Plats. Page 1. Update legal description.
 - j. Plats. Page 3. Complete land use table.
 - k. Plats. Page 3. The use table needs to include a subtotal of all planning areas. Additionally, the table needs to correctly list the uses for each planning area and the correct number of lots.
 - l. Any common area proposed to be on a separate lot will need a separate lot number at the time of preliminary plat review.
 - m. The PZD booklet and plats shall be updated to reflect the lot numbering attached hereto and titled "Lot Numbering." These revisions, along with all other required revisions shall be completed and submitted (three copies of the booklet and plats) to the Planning Division after City Council approval of the project.

Urban Forester Conditions of Approval:

- 24. Street trees are required to be planted every 30', except for single-family lots where one tree is required per lot. All trees shall be 2-inch large species.
- 25. Prior to signing the final plat, a written description of the method(s) and time frame the project will utilize to track development of each single-family lot to ensure the required trees are planted and their longevity of health assured, shall be submitted.
- 26. A 3-year bond, letter of credit, or check shall be required for all trees planted before signing the final plat, or approving a building permit for a large scale development. A three-year maintenance bond, letter of credit, or check shall be required prior to approval of a final Certificate of Occupancy.
- 27. Tree canopy required to be preserved shall be placed within a Tree Preservation Easement and dedicated by final plat or easement plat.
- 28. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.

Standard Conditions of Approval:

- 29. 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).
- 30. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.

31. 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.
32. 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.
33. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
34. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
35. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit. Only one-family and two-family units are exempt from this ordinance.
36. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area.
 - d. Project Disk with all final revisions
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action: ☐ Tabled ☒ Forwarded to C.C. ☐ Denied

Motion: **Winston**

Second: **Cabe**

Vote: **5-1-0** (Zant voted no)

Meeting Date: **November 23, 2009**

Comments: _____

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date

Findings associated with R-PZD 09-3439 (Oakbrook III)

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 many aspects of the development proposal to be consistent with the Unified Development Code and City Plan 2025. The future land use map designates the property as a City Neighborhood Area, which is characterized by a denser, primarily residential urban fabric with a wide range of residential building types, including single-family, side-yard and rowhouses. These areas also recognize mixed and low-intensity nonresidential uses, usually confined to corner locations. The applicant is proposing a variety of housing types and lot sizes, and some employment opportunities within a single development, while also attempting to maintain a level of compatibility and harmony with surrounding land uses. The development maintains the existing tree preservation area, required by Oakbrook I and II, and provides additional greenspace for residents of the development.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be in compliance with all applicable statutory provisions.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: Infrastructure for this property has already been installed as required with Oakbrooke Phase I and II. However, the increase in lots, dwellings and nonresidential space will require the applicant to improve and/or extend additional infrastructure.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The development is still proposed to be predominantly residential, with the exception of one planning area adjacent to Ruppel Road. In general, the proposal could be compatible with surrounding residential land uses; however, the scale and number of attached units, in staff's opinion, is too great to achieve an appropriate level of compatibility at this time.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: Public streets and utilities have already been constructed to serve future development on this property. Therefore, the land is suitable for the intended use and compatible with the natural environment.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Any additional development in the area will certainly increase the amount of traffic on surrounding streets; however, the overall density should not create an appreciable amount of traffic above that which can be managed with the streets in the area. The site has direct access to Ruppel Road, which was recently expanded to a three-lane boulevard. Additionally, Mt. Comfort Road, which is just north of the site is currently being expanded to a four-lane road way from Ruppel to I-540.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The applicant has provided the majority of information required in the booklet and plats. However, staff does not feel that the development regulations could be accurately enforced at the time of development, due to a lack of detail and information.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

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: The applicant is proposing a variety of housing types and lot sizes, and some employment opportunities within a single development, while also attempting to maintain a level of compatibility and harmony with surrounding land uses. The development maintains the existing tree preservation area, required by Oakbrook I and II, and provides additional greenspace for residents of the development.

(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.

(C) *R – PZD, Residential Planned Zoning District.*

- (1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:
 - (a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's City Plan 2025 and the orderly development of the city.
 - (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.
 - (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
 - (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

- (e) To encourage the efficient use of those public facilities required in connection with residential development.

FINDING: As noted herein, the development proposal encourages a variety of residential land uses, which in general are arranged in an orderly manner. The subject property is surrounded by various densities of residential land uses and for the most part the project proposes land uses which are compatible with these surrounding properties.

- (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.
- (4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The residential uses on this property will be at least fifty-one percent of the gross floor area within the development.

(F) ***Bulk and area regulations***

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
- (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.
- (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.
- (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.
- (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: A proposed density of approximately 6.25 units/acre can be compatible with the surrounding properties if the building scale and type are similar. Many areas of the proposed development are appropriate based on adjacent land uses; however, the building area proposed for the various planning areas, which average approximately 70% of the lot area, are too high based on the land use.

Required Findings for Rezoning Request.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Staff finds many aspects of the development proposal to be consistent with the City's land use planning objectives, principles and policies. The future land use map designates the property as a City Neighborhood Area, which is characterized by a denser, primarily residential urban fabric with a wide range of residential building types, including single-family, side-yard and rowhouses. These areas also recognize mixed and low-intensity nonresidential uses, usually confined to corner locations. The applicant is proposing a variety of housing types and lot sizes, and some employment opportunities within a single development, while also attempting to maintain a level of compatibility and harmony with surrounding land uses. Staff, in general, supports the variety of housing and the nonresidential uses along Ruppel Road being proposed with the reduction in the number of attached units in PA-2 and PA-3.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The property is currently zoned for the development of Oakbrook I and II, which will permit a maximum of 109 dwelling units. The rezoning request is justified based on the desire of the applicant to provide a different development form than what was original approved.

3. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed rezoning would result in an increase from 109 dwellings units to 194 dwelling units and 12,000 sq. ft. of nonresidential space, as proposed by the applicant. The increase in dwellings units and nonresidential space will certainly alter the population density; however, it is not expected to increase undesirably increase the load on public services. Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments are included in this report.

4. 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

DEPARTMENTAL CORRESPONDENCE

Date 10/13/09

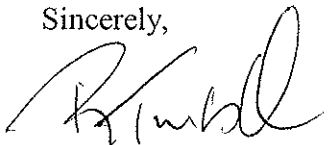
Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed R-PZD 09-3439; Oakbrooke III / Tracy Hoskins, 361): submitted by Tracy K. Hoskins for property located within Oakbrooke Phase I & II, would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. The property contains approximately 21.50 acres.

It is the opinion of the Fayetteville Police Department that this R-PZD will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. This R-PZD will not create an appreciable increase in traffic danger and congestion.

Sincerely,



Lieutenant R. Turberville
Fayetteville Police Department



The City of Fayetteville Fire Department

303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365

Fax (479) 575-0471

B. 1

R-PZD 09-3439

(Oakbrooke Phase III)

Page 38 of 56

To: Jesse Fulcher
From: Captain Mark Stevens
Date: November 4, 2009
Re: R-PZD 09-3439

This development will be protected by Engine 7 located at 835 N. Ruppel Road.

It is approximately 1 mile from the station with an anticipated response time of 3 minutes to the beginning of the development.

The Fire Department anticipates 31 (20 EMS - 11 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 - 18 months, after the development is started, before maximum build-out and the service impact to occur.

The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Captain Mark Stevens
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!

4. R-PZD 09-3439: Planned Zoning District (OAKBROOKE III, TRACY HOSKINS, 361): Submitted by TRACY K. HOSKINS for property located WITHIN OAKBROOKE PHASE I AND II. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 21.50 acres. The request is for review of an R-PZD, Residential Planned Zoning District, for Zoning and Land Use only.

Planner: Jesse Fulcher

Public water is available to the property. There are 8" public mains located throughout this property. New public mains may need to be extended depending on the proposed lot layout to avoid services crossing new property lines.

Sanitary sewer is available to the site. There are 8" public mains located throughout this property. New public mains may need to be extended depending on the proposed lot layout to avoid services crossing new property lines.

The site has access to Ruppel Road. Ruppel Road is partially improved boulevard section in this area. The east half has been fully improved by the recent Links development from this property south to Wedington. The west half is paved one way southbound without curb, gutter and sidewalks. Street improvements will be evaluated with development submittal.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain.

6. RZN 09-3442: (KIMBROUGH/FUGITT/805W. BEL AIR, 366): Submitted by KIM FUGGITT for property located at 805 W. BEL AIR DRIVE. The property is zoned RSF-4, SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.02 acres. The request is to rezone the subject property to RSF-8, Residential Single Family, 8 units per acre.
Planner: Dara Sanders

Public water is available to the property. There is a 6" public main located across Bel Air from this property. Public water may need to be extended through the property to provide domestic and fire flow for any proposed development.

Sanitary sewer is available to the site. There is a 6" public main located at the rear of this property and a 15" main located in Leverett Street. Public mains may need to be extended through the property to serve any proposed development.

The site has access to Bel Air and Leverett. Bel Air and Leverett are two lane paved city street in this location. Street improvements will be evaluated with development submittal.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain



September 17, 2009

Oakbrooke is a 32+/- acre sustainable community along the west side of Ruppel Road, north of Highway 16 west, and south of Mt Comfort Road. Paradigm Development Enterprises, Inc., of Fayetteville will handle the design and development of the revised Oakbrooke project.

It has always been our desire to create an authentic neighborhood of traditional American architecture, offering a variety of housing options to a variety of residents. Larger homes for growing families will be intermingled with more modest homes for those on a tighter budget; younger families; civil servants who protect our families; the teachers who educate our families; and those ready for a more simple way of life, having raised their families. The Oakbrooke community is the first legitimate inclusion of "homes within reach" that aren't segregated by class, income level, or social background.

Just as the surrounding developments, Oakbrooke is primarily a single family residential neighborhood of attached and detached homes. However, Oakbrooke will strive for character which is lacking in many developments. By not using stock plans but specifically designing each home for each lot, Oakbrooke strives to raise the standard of residential development in the Ruppel Road area.

Our goal is to create a sustainable neighborhood of viable housing options that will stand the test of time...

- Reduce public costs by making more efficient use of infrastructure
- Protect the environment through reduced land consumption, preservation of on-site environmental features, and reduced automobile travel
- Increase public safety and welfare through street design that results in slower driver speeds and reduced accidents, injuries and fatalities
- Foster community through attractive streets and public spaces that create opportunities for encounters and gatherings
- Promote sustainable development that meets the needs of the present without compromising the ability of future generations to meet their own needs
- Create a sense of "place" in an authentic "community"

Oakbrooke 3 is a redesign of portions of the constructed Oakbrooke Community. Short of the addition of some additional utility services, all necessary infrastructures have been constructed to accommodate the redesign. Revisions to the original PZD will give the opportunity to offer high quality, more "affordable" homes on somewhat smaller lots including Cottages, Town Homes, and Courtyard or Patio Homes. Larger lots are adjusted and divided to provide more affordable, more easily maintained, compact lots, and provide opportunities for additional common greenspace and highly landscaped elements, public gardens and places for neighbors to gather.

With the proposed redesign, the community store currently located on lots 52 thru 54 is moved to a more appropriate area along the reconstructed Ruppel Road, directly across from The Links apartment and golf course project; and as per the CityPlan 2025, it takes on more of a Mixed Use character. In turn, the homes once slated for this area will be appropriately relocated further away from what will soon become a highly traveled divided arterial road.

All roads lead home in Oakbrooke. There are no permanent "dead end" streets, and friendly access is given to all areas. Connectivity is supplied to all surrounding developments, both existing and future. The constructed, but temporary cul-de-sac at the north end of September Stroll is a direct connection to future development to the north. Intersections and streets are designed to be as convenient to pedestrians as they are to automobiles. Sidewalks are located on both sides on the street to allow interaction among friends and provide safe passage for children and other pedestrians. Spaces for public gardens and landscaping will be included to create community pride among neighbors and to help establish a sense of "place" and "arrival". Custom signage and lighting will help establish the individual character of Oakbrooke. No additional public streets will need to be constructed.

We appreciate your concern and completely share your desire to continually improve Fayetteville.

Tracy K. Hoskins

Tracy K. Hoskins
Paradigm Development
3155 North College, Suite 201

**RESPONSE TO THE PROPOSED REVISION TO THE PREVIOUSLY
APPROVED RPZD 05-1463, OAKBROOKE SUB-DIVISION**

B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
Page 41 of 56

Date: 11.02.09

To whom it may concern:

Upon review of the proposed revisions I have come to the conclusion that the revision for the previously approved RPZD 05-1463 is unacceptable.

My family and I live at 1893 N Ruppel Rd. We purchased our home on Ruppel Rd. in 2007. At the time of purchase we reviewed what plans were available for Oakbrooke Subdivision and we agreed to purchase the property at 1893 N Ruppel Rd. with an understanding of the current Oakbrooke plans. The current plan provides for single-family dwellings to the west and north of our property.

We do not need to list what the revision entails but we must state our objections and why. The revision has the potential to double or triple the number of residents near our home. This would double or triple the noise and traffic. The revision places the "Mixed Use" area directly across the street to the north of our home. When we purchased in 2007 we knew that we would eventually have neighbors behind us to the west and across the street to the north but we did not expect our neighbors to be businesses or multi-family dwellings approximately 100 ft. from our door. The close proximity of multi-family dwellings, businesses, and the added number of potential dwellings will definitely infringe on our privacy.

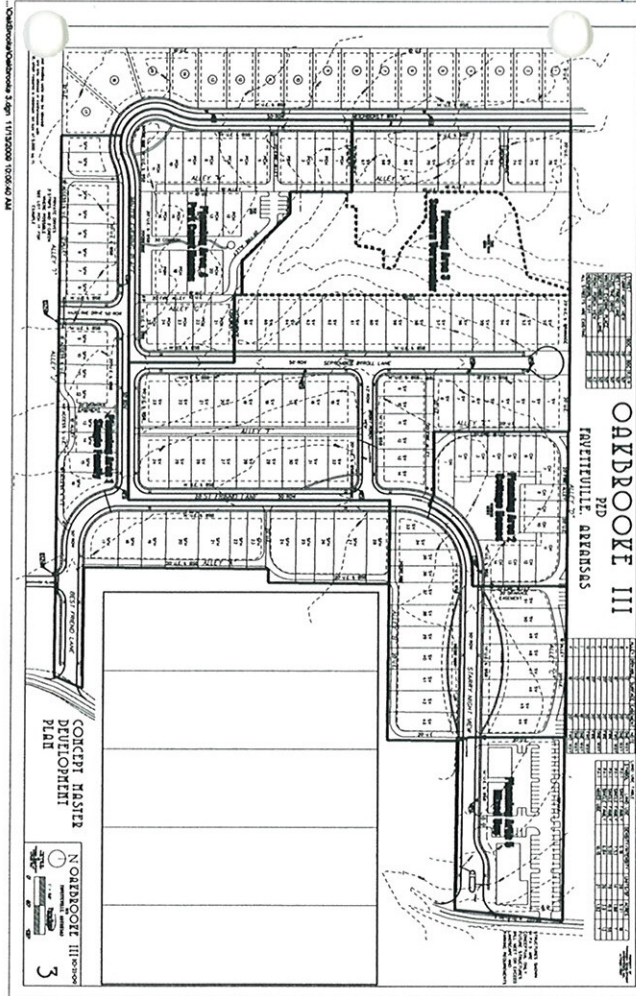
We realize this is a business deal. Under the current economic conditions smaller more affordable lots and homes have a more favorable purchase price and may be easier to sell. New larger homes built close to Ruppel Rd. with its current and future changes may sit awhile before they find their way off of the market. The revision is one sided at best. The revision favors the developer without considering the impact of property values to current residents on adjoining properties.

When we purchased our property Paradigm Development had an approved plan. My assumption is that at that time Paradigm had agreed to the current plan. We saw the plan and agreed that we could work with that plan as a neighbor. We cannot agree to the revision. It is unacceptable and we believe Paradigm Development should be held to their original and current plan.

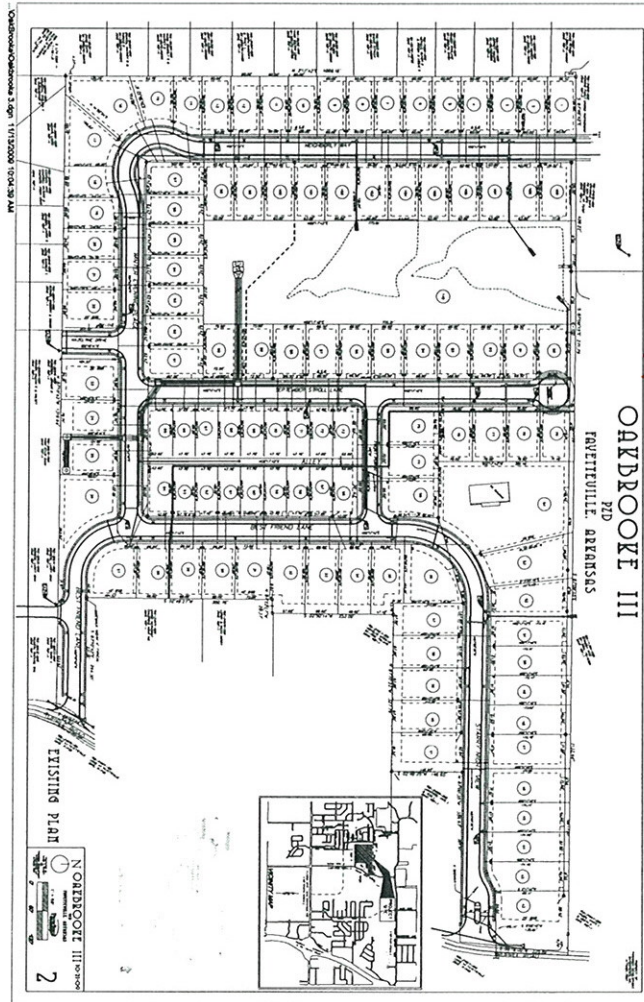
Regards,
Jack Lankford
479.233.0933



Proposed Oakbrooke III



Approved Oakbrooke I & II



Oakbrooke PH. III

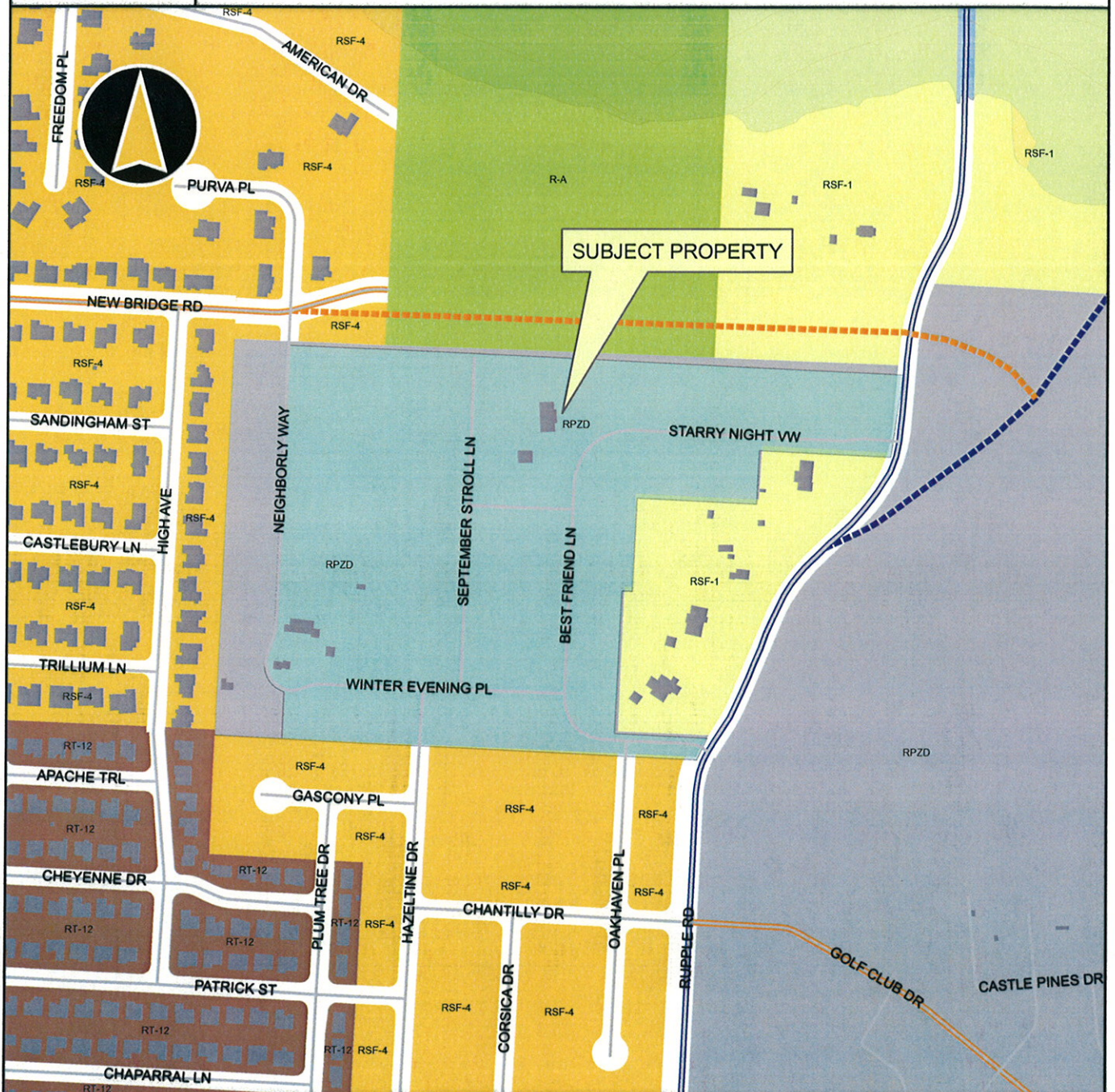
B14
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Oakbrooke Phase III
Page 43 of 50



RPZD09-3439

OAKBROOKE III

Close Up View

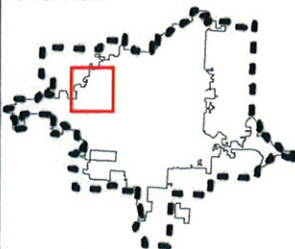
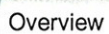


Overview



One Mile View

B. 1
R-PZD 09-3439
(Oakbrooke Phase II)
Page 45 of 56



Subject Property
 RPZD09-3439

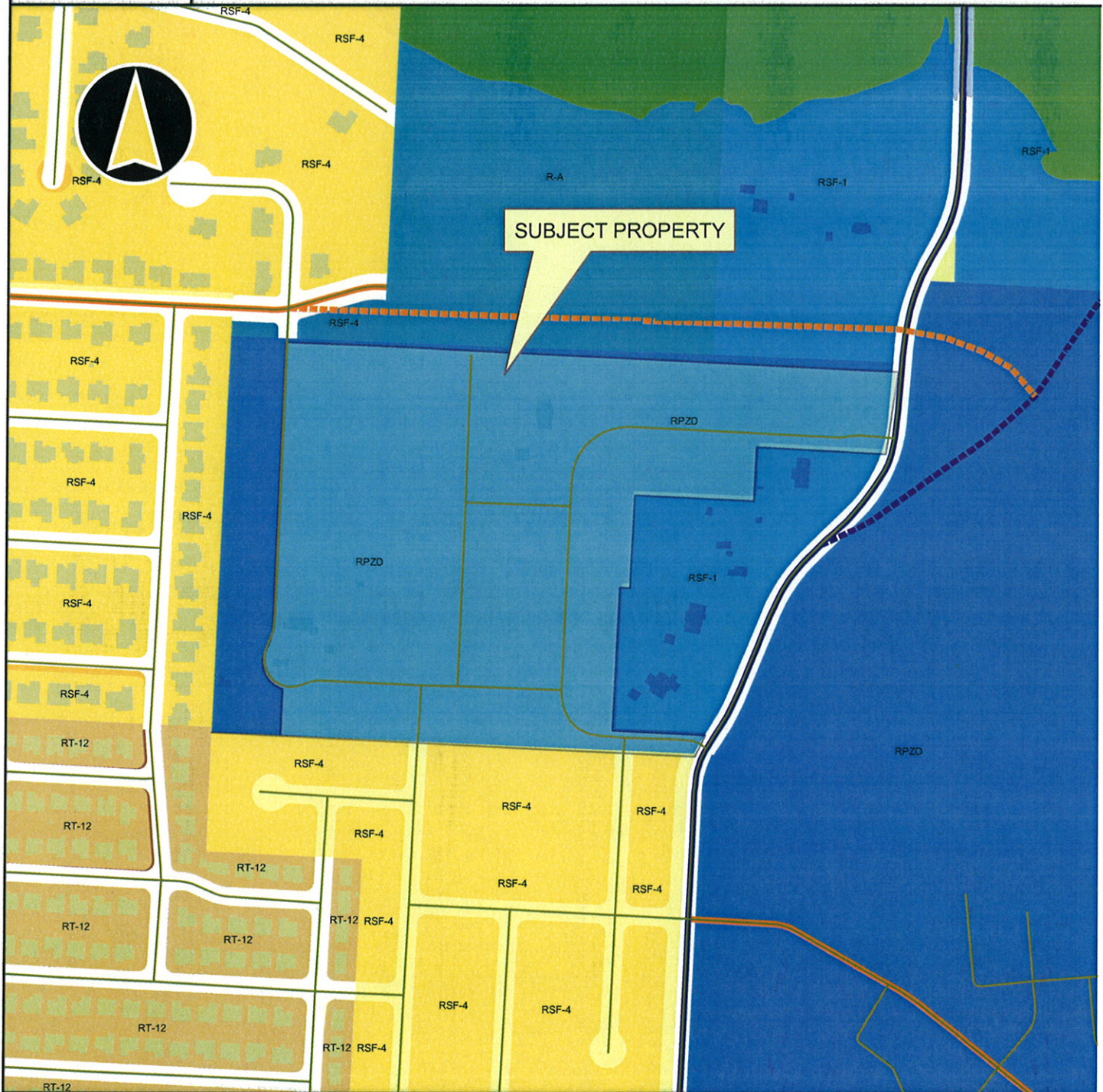
Boundary

A horizontal scale bar with tick marks at 0, 0.25, 0.5, and 1. The word "Miles" is written at the right end of the bar.

RPZD09-3439

OAKBROOKE PHASE III

Future Land Use



Overview



Oak brooke
Phase III

R-PZD
09-3439

Handed Out at Agenda Session
12/29/09.

B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
Page 47 of 56

**PLANNING COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL:**

R-PZD 09-3439

Page 1 of 4

Conditions of Approval for R-PZD 09-3439 (Oakbrooke Phase III)

1. City Council determination of zoning criteria: building area. *The Planning Commission voted to allow a maximum buildable area of 65% for Planning Areas 1 and 3, and 70% for Planning Areas 2 and 4.*
2. City Council determination of the applicant's request to allow monument signs and wall signs in Planning Area 5 subject to commercial zoning district regulations, which permits up to a 75 sq. ft. monument sign and a 150 sq. ft. wall sign per business per wall. Projecting signs shall be permitted in accordance with Chapter 174.11. *The Planning Commission voted to allow signage as proposed by the applicant.*
3. Use Unit 24, Home Occupations, shall not be permitted as a use by right, but may be permitted as a conditional use in any planning area, subject to Planning Commission approval.
4. Use Unit 41, Accessory Dwellings Units. Accessory dwelling units may only be permitted on lots containing at least 5,000 sq. ft. and are subject to the standards of Chapter 164.19.
5. PA-2. The following design requirements shall be required for Planning Area 2 in addition to the architectural standards presented in the project booklet:
 - a. All units shall be detached single-family dwellings.
 - b. Maximum height shall be 32'.
 - c. As shown on the conceptual site plan, all units shall have a primary entry consisting of a porch, patio or other clearly delineated entry feature oriented to the common open space, or walkway connecting to the common open space. Entry features shall have minimum dimensions of 6' x 6'.
 - d. The common open space shall be provided generally as shown, with dimensions of approximately 130' x 130'.
 - e. The development shall include a variety of building styles, features, colors and site design elements. The same front façade shall not be permitted more than three times and may not be used adjacent to one another.
 - f. ~~Each unit shall have a porch, patio, or other clearly delineated entry feature with minimum dimensions of 6' x 6'.~~
 - g. At least 300 sq. ft. of private, contiguous open space adjacent to each dwelling unit shall be provided with a minimum dimension of 10'.
 - h. No fence shall exceed three feet in height except where the fence is located at least 10' from the front façade of the house.
6. PA-3. A minimum of forty-two (42) detached single-family dwellings and a maximum of thirty-four (34) two-family and three-family townhouses may be permitted in Planning Area 3. Twenty one (21) of the attached units shall be permitted on Lots 53-60, 82-89 and 99-103. The remaining thirteen (13) attached units may be located throughout PA-3, but an attached dwelling shall be separated from another attached dwelling by a minimum of two single-family detached dwellings.
7. PA-4. Only detached single-family dwelling units shall be permitted on Lot 11-21 and 33-37. Attached housing, in a townhouse form, shall be restricted to Lots 22-26 and 29-32.

**PLANNING COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL:**

R-PZD 09-3439

Page 2 of 4

8. PA-5. The minimum buildable street frontage along Ruppel Rd. shall be increased to 40%.
9. Street improvements. All interior streets have been constructed; however, street improvements, or payment in-lieu of improvements along Ruppel Road shall include those determined necessary by the Planning Commission, based upon the actual development proposed. All alleys and common driveways serving more than two dwelling units shall be constructed in compliance with the City's street design standards.
10. The applicant shall dedicate additional right-of-way for Ruppel Road and right-of-way for all public alleys at the time of final plat, or large scale development approval.
11. This project is required to obtain all construction and building permits and complete construction of each phase in accordance with the phasing table listed in the project booklet. A one-year extension may be approved for each phase, subject to the criteria in UDC Chapter 166 for extensions.
12. All sidewalks not previously installed shall be constructed in conformance with current City street standards unless otherwise varied by the Planning Commission.
13. All alley widths are subject to approval by the Fayetteville Fire and Solid Waste Divisions and adopted Street Design Standards. Alley construction will be reviewed at the time of development. A minimum of 20' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provide adequate room for a trash truck and arm to pick up residential trash carts.
14. All curb-cuts, including driveways, alleys, etc. shall be constructed in compliance with the Access Management Standards. Individual driveway widths shall be determined by Chapter 172.11(H).
15. Vehicles accessing parking spaces and garages off of an alley, or other access point, shall provide sufficient space for a 90-degree turning movement. This typically requires 24'; however, staff will evaluate access at the time of development.
16. Screening between residential and nonresidential developments shall be reviewed at the time of development.
17. A minimum of 5' of greenspace shall be required between all parking lots and adjoining property lines.
18. All common property shall be owned and maintained by the Property Owners Association. Development of these properties shall be limited to accessory type uses, such as gazebos, benches, mail kiosks, picnic tables, sidewalks, gardens, landscaping, etc., subject to approval by the City Planning Division.
19. Parks fees shall be determined at the time of development review. Fees shall be due prior to signing the final plat or building permit approval, depending on the development proposal.
20. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

**PLANNING COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL:**

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Page 3 of 4

21. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Additionally, the development shall be held to the "architectural controls" described in the project booklet. Building elevations will be reviewed at the time of building permit. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards. All multi-family buildings shall adhere to Urban Residential Design Standards.
22. 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.
23. The following revisions shall be made to the final booklets and plats:
 - a. Plats. Page 3. Complete land use table.
 - b. Plats. Page 3. The use table needs to include a subtotal of all planning areas. Additionally, the table needs to correctly list the uses for each planning area and the correct number of lots.
 - c. The note in PA-3 stating "no more than 5 units attached" shall be removed. This planning area is limited to single-family dwellings and two and three-family townhouses.
 - d. Update PA-3 to reflect City Council determination.

Urban Forester Conditions of Approval:

24. Street trees are required to be planted every 30', except for single-family lots where one tree is required per lot. All trees shall be 2-inch large species.
25. Prior to signing the final plat, a written description of the method(s) and time frame the project will utilize to track development of each single-family lot to ensure the required trees are planted and their longevity of health assured, shall be submitted.
26. A 3-year bond, letter of credit, or check shall be required for all trees planted before signing the final plat, or approving a building permit for a large scale development. A three-year maintenance bond, letter of credit, or check shall be required prior to approval of a final Certificate of Occupancy.
27. Tree canopy required to be preserved shall be placed within a Tree Preservation Easement and dedicated by final plat or easement plat.
28. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.

Standard Conditions of Approval:

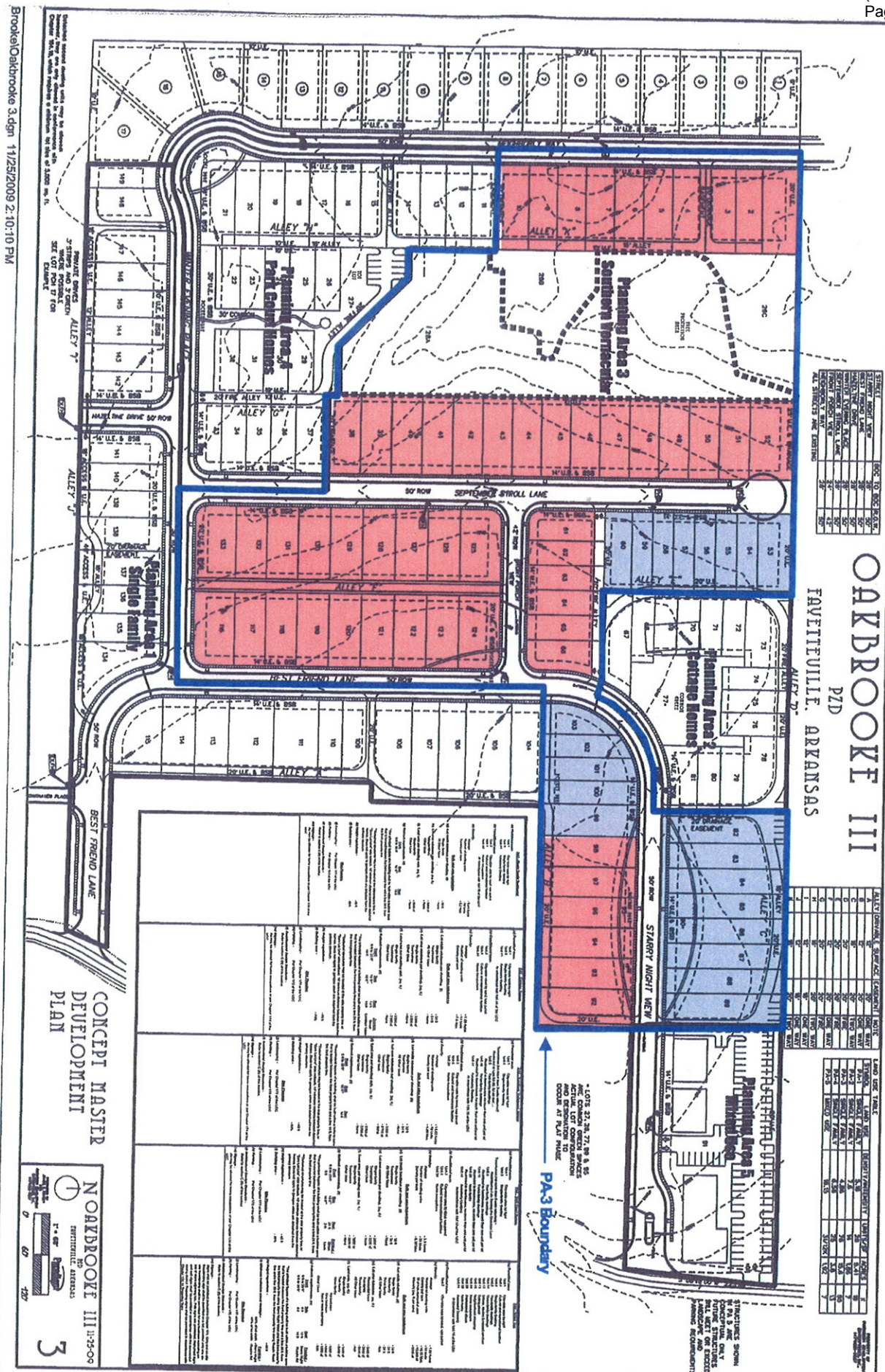
29. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).

**PLANNING COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL:**

R-PZD 09-3439

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30. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
31. 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.
32. 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.
33. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
34. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
35. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit. Only one-family and two-family units are exempt from this ordinance.
36. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area.
 - d. Project Disk with all final revisions
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.



Agenda Session
12/29/09

Revised added to
Final Agenda

B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
Page 52 of 56

PLANNING COMMISSION RECOMMENDED CONDITIONS
REVISED BY STAFF
JANUARY 5, 2010 CITY COUNCIL
R-PZD 09-3439
Page 1 of 4

***Highlighted conditions have been revised since the first reading by the City Council on December 15, 2009.**

Conditions of Approval for R-PZD 09-3439 (Oakbrooke Phase III)

1. City Council determination of zoning criteria: building area. *The Planning Commission voted to allow a maximum buildable area of 65% for Planning Areas 1 and 3, and 70% for Planning Areas 2 and 4.*
2. City Council determination of the applicant's request to allow monument signs and wall signs in Planning Area 5 subject to commercial zoning district regulations, which permits up to a 75 sq. ft. monument sign and a 150 sq. ft. wall sign per business per wall. Projecting signs shall be permitted in accordance with Chapter 174.11. *The Planning Commission voted to allow signage as proposed by the applicant.*
3. Use Unit 24, Home Occupations, shall not be permitted as a use by right, but may be permitted as a conditional use in any planning area, subject to Planning Commission approval.
4. Use Unit 41, Accessory Dwellings Units. Accessory dwelling units may only be permitted on lots containing at least 5,000 sq. ft. and are subject to the standards of Chapter 164.19.
5. PA-2. The following design requirements shall be required for Planning Area 2 in addition to the architectural standards presented in the project booklet:
 - a. All units shall be detached single-family dwellings.
 - b. **Maximum height shall be 32'.**
 - c. As shown on the conceptual site plan, all units shall have a primary entry **consisting of a porch, patio or other clearly delineated entry feature** oriented to the common open space, or walkway connecting to the common open space. **Entry features shall have minimum dimensions of 6'x 6'.**
 - d. The common open space shall be provided generally as shown, with dimensions of approximately 130' x 130'.
 - e. The development shall include a variety of building styles, features, colors and site design elements. **The same front façade shall not be permitted more than three times and may not be used adjacent to one another.**
 - f. At least 300 sq. ft. of private, contiguous open space adjacent to each dwelling unit shall be provided with a minimum dimension of 10'.
 - g. No fence shall exceed three feet in height except where the fence is located at least 10' from the front façade of the house.
6. **PA-3. A minimum of forty-two (42) detached single-family dwellings and a maximum of thirty-four (34) two-family and three-family townhouses may be permitted in Planning Area 3. Twenty one (21) of the attached units shall be permitted on Lots 53-60, 82-89 and 99-103. The remaining thirteen (13) attached units may be located throughout PA-3, but an attached dwelling shall be separated from another attached dwelling by a minimum of two single-family detached dwellings.**

PLANNING COMMISSION RECOMMENDED CONDITIONS
REVISED BY STAFF
JANUARY 5, 2010 CITY COUNCIL
R-PZD 09-3439

Page 2 of 4

7. PA-4. Only detached single-family dwelling units shall be permitted on Lot 11-21 and 33-37. Attached housing, in a townhouse form, shall be restricted to Lots 22-26 and 29-32.
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PLANNING COMMISSION RECOMMENDED CONDITIONS
REVISED BY STAFF
JANUARY 5, 2010 CITY COUNCIL
R-PZD 09-3439
Page 3 of 4

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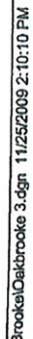
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PLANNING COMMISSION RECOMMENDED CONDITIONS
REVISED BY STAFF
JANUARY 5, 2010 CITY COUNCIL
R-PZD 09-3439

Page 4 of 4

Standard Conditions of Approval:

29. 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).
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 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.



ALDERMAN AGENDA REQUEST FORM

B. 2
Amend Chapters 151 & 172
Page 1 of 12

FOR: COUNCIL MEETING OF January 05, 2010

FROM: Shirley Lucas, Sarah Lewis

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

ADM 09-3493: (UDC AMENDMENT CH. 172.11 PARKING):

An ordinance to amend Unified Development Code Ch. 172.11, Driveway and Parking Standards for Four or Less Parking Spaces, in an effort to reduce excess and haphazard parking in yards, ensure compatible land uses and reduce over-occupancy of homes in single family districts.

APPROVED FOR AGENDA:


Council Member **Shirley Lucas**

12-29-09
Date


Council Member **Sarah Lewis**

12/29/09
Date

Prepared by:


Jeremy Pate
Director of Development Services

12-17-09
Date



Let on First Reading at the 1/5/10 CC mtg.

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director 

Date: 17 December 2009

Subject: ADM 09-3493 UDC Ch. 172.11 *Parking for Single Family Residential Uses*

PROPOSAL:

Council Members Lucas and Lewis are sponsoring an ordinance that would establish further standards for parking on properties that contain single family homes. Staff has prepared an ordinance for the Council to review and consider.

Each year the City receives multiple complaints from various neighborhoods and from City Council members regarding some of the behaviors and practices of residents within both rental and owner-occupied properties that are located within single family neighborhoods. Although some of the complaints tend to cluster near areas of university neighborhoods, it is clearly evident and quantifiable that the problems exist city-wide. The City is compelled by its ordinances and policies to protect the character and nature of these single family zones, in order to retain a compatible and complementary land use pattern.

In an attempt to remedy some of the complaints within single family neighborhoods regarding excess parking on properties, parking that blocks street access for emergency services and residents, noise from numerous, reoccurring parties, and the sometimes detrimental impacts associated with over-occupancy of single family homes, the Development Services staff has prepared a draft ordinance for the City Council to consider, which we believe would aid the City in enforcing existing ordinances and to provide some relief for certain areas.

Currently, city codes restrict occupancy within single family districts to no more than three persons unless are all related. However, this code is very difficult to enforce through established means, and can be even more difficult to prove beyond a doubt in order to prosecute. Complaints that the City received involving over-occupancy of a single family home actually tend to be related more to an excess number of vehicles parked at the residence. Through the third quarter of 2009, for instance, a total of 91 related complaints were received, with 69% of those regarding excess parking versus 31% for over-occupancy. While the City is identifying other means to address the over-occupancy issues, including education, an ordinance amendment to the City's code was identified as one policy option to consider for the parking-related issues.

The proposal before you is to amend the City's parking ordinances for single family homes. It would:

- permit a maximum of four (4) motor vehicles to be parked on a property, not including within garages;
- permit a maximum of 40% of the front yard area to be utilized for said parking;
- exempt RVs, trailers, boats and the like from meeting this requirement, as they do not meet the definition of a "motor vehicle." However, if these non-motorized vehicles and trailers are parking in the front yard area, they will be counted towards the maximum total of four permitted.
- require vehicles to be parked in driveways or clearly defined parking areas – not haphazardly on a lawn or other area of the yard;
- prohibit vehicles from parking within the street right-of-way, except for those areas that are properly and legally designated for on-street parking;
- clearly prohibit "Pay-to-park" operations (where parking is permitted for persons that do not reside on the premises)

A number of exemptions apply, including:

- UA events, for 12 hours before and after the event
- Construction vehicles for the duration a permit is active
- Temporary parking allowed by the Planning Commission
- Pre-existing driveways
- Special events (*see ordinance draft for two options*)
- Special Parking Exceptions – allowed by permit for uses such as hobbyists, larger families with more than four drivers, etc.

Council members Lucas and Lewis ask the Council to consider two varying options regarding the Special Event exemption (§172.11 (M)(5)). One option allows infrequent (not constant, habitual or regular) parking to occur in excess of the maximum number of four vehicles; the other option sets a cap of ten (10) events per year for excess parking to be allowed, and requires notification to the City prior to the event in order to account for these ten events.

RECOMMENDATION:

Staff recommends the Council consider the ordinance amendment for adoption.

BUDGET IMPACT:

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 151: DEFINITIONS AND 172: PARKING AND LOADING IN ORDER TO ESTABLISH FURTHER PARKING STANDARDS IN DISTRICTS UTILIZED FOR SINGLE FAMILY HOMES.

WHEREAS, Chapter 172: *Parking and Loading* was amended by the City Council in 2007 to establish parking standards for all districts; and

WHEREAS, the City continues to receive many citizen complaints throughout the year regarding excess, haphazard and unsightly parking of motor vehicles in single family neighborhoods; and

WHEREAS, said excess parking practices do not contribute to a neighborhood's well-being; and

WHEREAS, the same parking practices can create delays in emergency response, impediments to access for citizens, delivery vehicles and others attempting to access their property; and

WHEREAS, the City of Fayetteville recognizes a duty to ensure that compatibility of land uses within single family districts remain intact;

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 §151: Definitions by adding the following:

“Front Yard Area. Front yard area shall mean the area between the plane of the front elevation of the principal façade(s) of the principal structure extending to the side property lines and the front property line abutting the street, including the driveway. A front shall be any plane of a building which abuts to a public street right-of-way.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals §172.11 of the Unified Development Code enacts a replacement §172.11 as shown in Exhibit “A” attached hereto.

PASSED and **APPROVED** this the ____ day of _____, 2010.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

**ADM 09-3493 UDC Amendment Ch. 172.11
Driveway & Parking Standards
Exhibit "A"**

**172.11 Driveway and Parking Standards for
Four (4) or Less Parking Spaces**

- (A) *Purpose.* The purpose of this ordinance section is to promote the public health, safety and general welfare, to prevent the adverse impacts associated with excess parking and over-occupancy of homes in single family districts, and to ensure that compatibility of land uses within single family districts remain intact.
- (B) *Applicability.* The following requirements shall apply to properties within single family districts that require four (4) or less parking spaces and properties within all zoning districts that are utilized for a single family detached home requiring four (4) or less parking spaces. The regulations herein do not apply to motor vehicles located within garages, nor to properties zoned Residential Agricultural.
- (C) *Maximum Number of Parking Spaces Permitted.* Unless otherwise permitted herein, a maximum of four (4) motor vehicles may be parked outdoors on a property containing a single family home(s) at any time, including driveways and other designated off-street parking areas. Parking for all other permitted uses shall conform to the Parking Ratio Table contained within this chapter.
- (D) *Use of Front Yard Area for a Driveway and Off-street Parking.* Motor vehicles shall be parked in a driveway or off-street parking area that is clearly defined by pavement, a change in materials, edging, or other means. Driveways and off-street parking areas shall be limited to a maximum of 40% of the front yard area and shall meet the maintenance requirements as identified by this chapter.
- (E) *Parking of non-motorized vehicles in Front Yard Area.* If parked within the front yard area of a property (including driveways),
- non-motorized recreational vehicles, trailers, and boats shall be counted toward the maximum total of four (4) motor vehicles permitted on the property.
- (F) *Off-street Parking on City Street Right-of-Way.* The off-street parking of any motor vehicle, non-motorized recreational vehicle, boat or trailer shall be prohibited within the street right-of-way, which includes any sidewalk, greenspace or other area from the edge of the paved street through the width of the dedicated street right-of-way. On-street parking within properly designated areas of the street right-of-way may be permitted, in accordance with current traffic regulations.
- (G) *Driveway Standards.*
- (1) *Driveway Approach to Property Line.* The driveway approach shall extend to the property line and/or master street plan right-of-way from the paved street and shall be designed, permitted, and paved with concrete in accordance with §171.13 *Sidewalk and Driveway Specifications.*
 - (2) *Driveways Beyond the Property Line.* Driveways shall be paved from the property line and/or master street plan right-of-way with asphalt, concrete, brick or stone pavers, or other solid surface and shall extend 18 feet (length) into the property unless no parking is provided between the property line and structure.
 - (3) *Driveways Beyond 18 Feet into the Property.* Driveways beyond 18 feet into the property may be paved or unpaved and shall be clearly defined by landscaping or edging.
 - (4) *Unpaved Streets.* These requirements are waived where the street to which the driveway connects is not paved.

ADM 09-3493 UDC Amendment Ch. 172.11
Driveway & Parking Standards
Exhibit "A"

(H) *Driveway and Parking Area Maintenance Requirements.*

- (1) *Paved.* Driveways and parking areas that are paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street.
- (2) *Unpaved.* Driveways and parking areas that are not paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street. Driveways and parking areas shall be constructed and maintained with adequate gravel, grasses, or other plants and/or landscaping materials to keep the area from becoming rutted, muddy and/or soil from being blown or washed away. If an unpaved driveway is not maintained and is identified as a violation of this provision, such driveway shall be immediately remedied by the property owner.

(I) *Driveway Grading and Drainage.* The driveway shall be graded in such a way to dispose of surface water into appropriate structures.

(J) *Maximum Driveway Width.* Driveway width shall be limited to:

Lot Width	Maximum Driveway Width
70 feet or more	24 feet
50 feet to 69 feet	20 feet
Less than 50 feet	18 feet

(K) *Loop, Circle, and Multiple Driveways.* Loop, circle and multiple driveways on a single property shall be allowed so long as a 30 foot separation between the drives is maintained, as measured from the interior edges of the curb cuts, subject to other

restrictions for driveway separations in the UDC.

(L) *"Pay-to-park" operations.* Pay-to-park operations are prohibited within single family districts and properties within all zoning districts that are utilized for a single family detached home. "Pay-to-park" operations are defined as those which advertise and/or sell or lease permits to park or otherwise allow parking for free or for payment on a property on which the owner and/or operator of the vehicle does not reside.

(M) *Exemptions.* The following exemptions to this ordinance section shall be permitted:

(1) *University of Arkansas Events.* An unlimited number of motor vehicles shall be allowed to park on private property for a period of 12 hours before and 12 hours after a University of Arkansas event for persons attending said event on days when events are occurring at Bud Walton Arena or Donald W. Reynolds Stadium on the University Arkansas Campus.

(2) *Construction Vehicles.* Parking of motor vehicles for new construction and additions shall be allowed on private properties and within the greenspace between the street and sidewalk during the duration of the project, as long as the building permit remains active. Any damage from construction vehicles to city property such as broken curb, sidewalk cracks, ruts in the greenspace, and erosion of unpaved areas shall be repaired by the owner/developer prior to completion of construction.

(3) *Temporary Parking.* Temporary driveways or parking lots approved by the Planning Commission.

**ADM 09-3493 UDC Amendment Ch. 172.11
Driveway & Parking Standards
Exhibit "A"**

- (4) *Existing Driveways.* All existing driveways constructed prior to August 07, 2007 shall be exempt from meeting §172.11(G), until a curb cut permit or a building permit for the new construction of 1,000 square feet or larger is granted.
- (5) *Special events.* Infrequent parking for special events which exceeds the maximum number of motor vehicles permitted on a property is permitted, with a maximum of 10 events per year, per property. Property owners/tenants shall notify the Planning Division in writing a minimum of three (3) days prior to the special event, describing the event and the estimated number of vehicles that will be parked on the property.

OR

- (5) *Special events.* Infrequent parking for special events shall be permitted. Infrequent shall be defined as "not constant, habitual, or regular." The Zoning and Development Administrator shall have the final authority to determine if

parking on a property has exceeded the definition of "infrequent."

- (6) *Special Parking Exception Permits.* A property owner that can prove special exception to the limitation on number of motor vehicles permitted on a single family property may present evidence to the Planning Division to apply for a Special Parking Exception Permit. Such cases may include hobbyist vehicles or motor vehicle collections, an all-related family in residence, or other special circumstances deemed suitable by the Planning Division, wherein the circumstance meets the purpose and intent of the ordinance. If the Planning Division approves the special exception permit, a permit will be issued for the address, indicating additional vehicles are permitted to be parked on the property.

(Ord. 5044, 8-07-07)

172.12-172.99 Reserved

Add to Definitions chapter:

Front Yard Area. Front yard area shall mean the area between the plane of the front elevation of the principal façade(s) of the principal structure extending to the side property lines and the front property line abutting the street, including the driveway. A front shall be any plane of a building which abuts to a public street right-of-way.

Mark-Up Version 12-17-09

**172.11 Driveway and Parking Design,
Location, and Construction Standards for
Four (4) or Less Spaces-Parking Spaces
within the Front Yard Area**

- (A) *Purpose.* The purpose of this ordinance section is to promote the public health, safety and general welfare, to prevent the adverse impacts associated with excess parking and over-occupancy of homes in single family districts, and to ensure that compatibility of land uses within single family districts remain intact.
- (B) *Applicability.* The following requirements shall apply to properties within single family districts that require four (4) or less parking spaces and properties within all zoning districts that are utilized for a single family detached home requiring four (4) or less parking spaces. The regulations herein do not apply to motor vehicles located within garages, nor to properties zoned Residential Agricultural.
- (C) *Maximum Number of Parking Spaces Permitted.* Unless otherwise permitted herein, a maximum of four (4) motor vehicles may be parked outdoors on a property containing a single family home(s) at any time, including driveways and other designated off-street parking areas. Parking for all other permitted uses shall conform to the Parking Ratio Table contained within this chapter.
- (D) *Maximum Percent Use of Front Yard Area Used for a Driveway and Off-street Parking and Maximum Number of Parked Vehicles Allowed.* Motor vehicles shall be parked in a driveway or off-street parking area that is clearly defined by pavement, a change in materials, edging, or other means. Driveways and off-street parking areas shall be limited to a maximum of four (4) vehicles and a maximum of 40% of the front yard area and shall meet the paving maintenance requirements as identified by this chapter.
- (E) *Parking of non-motorized vehicles in Front Yard Area.* Parking of non-motorized recreational vehicles, trailers, and boats in the front yard area of a property, including driveways, shall be prohibited, except in designated driveways or a parking space as required by this chapter. If parked within the front yard area of a property (including driveways), non-motorized recreational vehicles, trailers, and boats shall be counted toward the maximum total of four (4) motor vehicles permitted on the property.
- (F) *Off-street Parking on City Street Right-of-Way.* The off-street parking of any motor vehicle, non-motorized recreational vehicle, boat or trailer shall be prohibited within the street right-of-way, which includes any sidewalk, greenspace or other area from the edge of the paved street through the width of the dedicated street right-of-way. On-street parking within properly designated areas of the street right-of-way may be permitted, in accordance with current traffic regulations.
- ~~(E) *Front Yard Area.* Front yard area shall mean the area between the plane of the front elevation of the principal façade(s) of the principal structure extending to the side property lines and the front property line abutting the street, including the driveway. A front shall be any plane of a building which abuts to a public street right of way.~~
- (G) *Minimum Distance of Driveway and Parking from Street and into Property. Driveway Standards.*
- (1) *Driveway Approach to Property Line.* The driveway approach shall extend to the property line and/or master street plan right-of-way from the paved street and shall be designed, permitted, and paved with concrete in accordance with Chapter 171.13 Sidewalk and Driveway Specifications.

Mark-Up Version 12-17-09

(2) *Driveways Beyond the Property Line.* Driveways shall be paved from the property line and/or master street plan right-of-way with asphalt, concrete, brick or stone pavers, or other solid surface and shall extend 18 feet (length) into the property unless no parking is provided between the property line and structure.

(3) *Driveways Beyond 18 Feet into the Property.* Driveways beyond 18 feet into the property may be paved or unpaved and shall be clearly defined by landscaping or edging.

(4) *Unpaved Streets.* These requirements are waived where the street to which the driveway connects is not paved.

(H) *Unpaved Driveway and Parking Area Maintenance Requirements.*

(1) *Paved.* Driveways and parking areas that are paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street.

(2) *Unpaved.* Driveways and parking areas that are not paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street. Driveways and parking areas shall be constructed and maintained ~~If an unpaved driveway is not maintained~~ with adequate gravel, grasses, or other plants and/or landscaping materials to keep the area from becoming rutted, muddy and/or soil from being blown or washed away. ~~If an unpaved driveway is not maintained~~ and is identified as a violation of this provision, such driveway shall be immediately remedied by the property owner.

(I) *Driveway Grading and Drainage.* The driveway shall be graded in such a way to dispose of surface water into appropriate

structures.

(J) *Maximum Driveway Width.* Driveway width shall be limited to:

Lot Width	Maximum Driveway Width
70 feet or more	24 feet
50 feet to 69 feet	20 feet
Less than 50 feet	18 feet

(K) *Loop, Circle and Multiple Driveways.* Loop, circle and multiple driveways on a single property shall be allowed so long as with a 50 30 foot separation between the drives is maintained, as measured from the interior edges of the curb cuts, ~~centerline of the driveway~~, subject to other restrictions for driveway separations in the UDC.

(L) *"Pay-to-park" operations.* Pay-to-park operations are prohibited within single family districts and properties within all zoning districts that are utilized for a single family detached home. "Pay-to-park" operations are defined as those which advertise and/or sell or lease permits to park or otherwise allow parking for free or for payment on a property on which the owner and/or operator of the vehicle does not reside.

(M) *Exemptions. ~~to Parking in Front Yard Areas.~~* The following exemptions to this ordinance section shall be permitted:

(1) *University of Arkansas Events.* An unlimited number of motor vehicles shall be allowed to parking in the front yard ~~area~~ on private property for a period of 12 hours before and 12 hours after a University of Arkansas event for persons attending said event on days when events are occurring at Bud Walton Arena or Donald W. Reynolds Stadium on the University Arkansas Campus.

(2) *Construction Vehicles.* Parking of motor vehicles for new construction and additions shall be allowed on private

Mark-Up Version 12-17-09

properties and within the greenspace between the street and sidewalk during the duration of the project, as long as the building permit remains active. Any damage from construction vehicles to city property such as broken curb, sidewalk cracks, ruts in the greenspace, and erosion of unpaved areas shall be repaired by the owner/developer prior to completion of construction.

- (3) *Temporary Parking.* Temporary driveways or parking lots approved by the Planning Commission.
- (4) *Existing Driveways.* All existing driveways constructed prior to the adoption of these standards August 07, 2007 establishing this ordinance shall be exempt from meeting §172.11(G), until a curb cut permit or a building permit for the new construction of 1,000 square feet or larger is granted.
- (5) *Special events.* Infrequent parking for special events which exceeds the maximum number of motor vehicles permitted on a property in the front yard is permitted, with a maximum of 10 events per year, per property. Property owners/tenants shall notify the Planning Division in writing a minimum of three (3) days prior to the special event, describing the event and the estimated number of vehicles that will be parked on the property.

OR

(5) *Special events.* Infrequent parking in the front yard for special events shall be permitted. Infrequent shall be defined as "not constant, habitual, or regular." The Zoning and Development Administrator shall have the final authority to determine if parking on a property has exceeded the definition of "infrequent."

- (6) *Special Parking Exception Permits.* A property owner that can prove special exception to the limitation on number of motor vehicles permitted on a single family property may present evidence to the Planning Division to apply for a Special Parking Exception Permit. Such cases may include hobbyist vehicles or motor vehicle collections, an all-related family in residence, or other special circumstances deemed suitable by the Planning Division, wherein the circumstance meets the purpose and intent of the ordinance. If the Planning Division approves the special exception permit, a permit will be issued for the address, indicating additional vehicles are permitted to be parked on the property.

(Ord. 5044, 8-07-07)

172.12-172.99 Reserved

Add to Definitions chapter:

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Added at Agenda Session 3/29/09
AGENDA REQUEST

B. 3
Parks HMR Tax
Revenues Special Election
Page 1 of 6

FOR: COUNCIL MEETING OF JANUARY 5, 2010

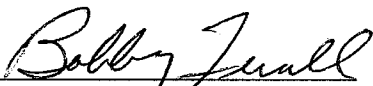
FROM:

ALDERMAN BOBBY FERRELL, ALDERMAN SHIRLEY LUCAS, ALDERMAN ADELLA GRAY, ALDERMAN SARAH LEWIS, ALDERMAN BRENDA THIEL, ALDERMAN KYLE COOK, ALDERMAN ROBERT RHOADS and ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend Ordinance No. 3900 To Dedicate And Authorize The Use Of The Parks HMR Tax Revenues For The Development, Construction And Maintenance Of City Parks, And To Refer Such Ordinance To The Electors Of Fayetteville At A Special Election To Be Held On March 9, 2010

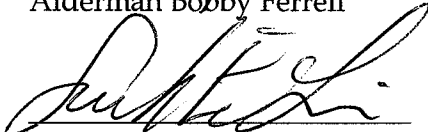
APPROVED FOR AGENDA:


Alderman Bobby Ferrell

12-29-09
Date

Alderman Robert Rhoads

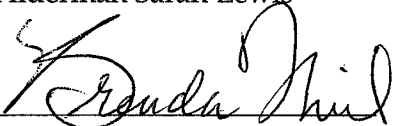
Date


Alderman Sarah Lewis

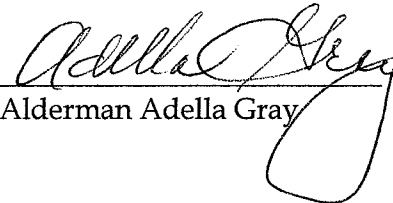
12/29/09
Date


Alderman Shirley Lucas

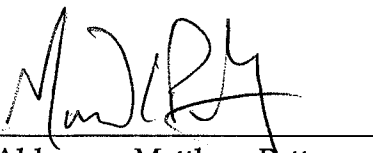
12-29-09
Date


Alderman Brenda Thiel

12/29/09
Date


Alderman Adella Gray

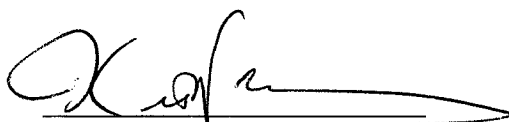
12-29-09
Date


Alderman Matthew Petty

12-29-2009
Date

Alderman Kyle Cook

Date

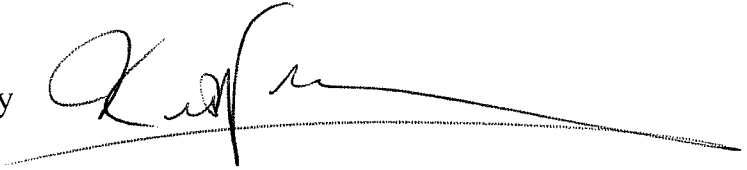

Kit Williams, City Attorney
(approved as to form)

12-17-09
Date

Left on First Reading at the 1/5/10 Cmty.

TO: **Alderman Bobby Ferrell**
Alderman Shirley Lucas

FROM: **Kit Williams**, City Attorney



DATE: **December 9, 2009**

RE: **Special Election for Ordinance to Amend Parks HMR Tax Uses to include maintenance**

Reviewing A.C.A. §7-5-103 (b)(7), I find that if the special election is not during a month in this a primary or general election is held, "the special election shall be held not less than fifty (50) days following the date that the proclamation, ordinance, resolution or order is published."

Therefore, we do not **legally** have to conduct a special City Council meeting in December to meet the March 9th election date. I will leave it up to you to determine the best policy decision for the ordinance. The ordinance would have to be passed **prior** to your January 19, 2010 City Council meeting to meet the statutory requirement for a special election on March 9, 2010.

Attached is my proposed ordinance with a tentative date of January 5, 2010. I believe this proposed ordinance (which amends the existing Ordinance No. 3900) would authorize use of the Parks HMR tax revenues for maintenance (as well as development and construction) of city parks. If it is rejected by the voters, then Ordinance No. 3900 will not be amended and will continue to restrict use of the Parks HMR revenues for promotion and development of city parks.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 3900 TO DEDICATE AND AUTHORIZE THE USE OF THE PARKS HMR TAX REVENUES FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS, AND TO REFER SUCH ORDINANCE TO THE ELECTORS OF FAYETTEVILLE AT A SPECIAL ELECTION TO BE HELD DURING THE PREFERENTIAL PRIMARY AND NONPARTISAN GENERAL ELECTION ON MAY 18, 2010

WHEREAS, this proposed ordinance will not raise the current Parks Hotel, Motel and Restaurant tax nor have any effect other than to establish a special city fund in which Parks HMR revenue could be used for the development, construction and maintenance of city parks; and

WHEREAS, the voters of Fayetteville approved Ordinance No. 3900 in 1995 which authorized the use of the Parks Hotel, Motel and Restaurant tax for promotion and development of City parks; and

WHEREAS, Arkansas statutes would also allow the use of revenues from this existing Park HMR for maintenance of city parks if approved by Fayetteville voters; and

WHEREAS, the citizens of Fayetteville will be better served by allowing the use of revenues from the existing Parks HMR not only for development of our many parks, but also for their maintenance.

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 Section 2 (a) of Ordinance No. 3900 by repealing §2(a) and enacting the following in its stead:

“(a) The revenues collected from the Parks Hotel, Motel and Restaurant Tax shall be used by the Fayetteville Parks and Recreation Department for development, construction and maintenance of City parks.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends Section 5 (c) of Ordinance No. 3900 by repealing §5(c) in its entirety and enacting the following in its stead:

“(c) The following question shall be placed upon the ballot for the special election to be held during the Preferential Primary and Nonpartisan General Election on May 18, 2010:

“**FOR** proposed Ordinance No. _____ amending Ordinance No. 3900 by authorizing and dedicating the revenue from the existing Parks Hotel, Motel and Restaurant tax to be used for the development, construction and maintenance of city parks.

“**AGAINST** proposed Ordinance No. _____ amending Ordinance No. 3900 by authorizing and dedicating the revenue from the existing Parks Hotel, Motel and Restaurant tax to be used for the development, construction and maintenance of city parks.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby determines that the Ballot Title shall be: “An Ordinance To Authorize Use Of The Revenue From The Existing Parks Hotel, Motel And Restaurant Tax For Development, Construction and Maintenance of City Parks.”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby refers this proposed ordinance allowing the usage of revenue from the existing Parks HMR tax for maintenance of city parks to the qualified electors of the City of Fayetteville, Arkansas, for a special election to be held during the Preferential Primary and Nonpartisan General Election on May 18, 2010. This ordinance shall only take effect if approved and ratified by the Fayetteville voters in the special election during the Preferential Primary and Nonpartisan General Election on May 18, 2010. If not approved and ratified by the Fayetteville voters, this ordinance shall be null and void and have no effect upon the existing Ordinance No. 3900, nor the existing Parks Hotel, Motel and Restaurant tax.

PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 3900 TO DEDICATE AND AUTHORIZE THE USE OF THE PARKS HMR TAX REVENUES FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS, AND TO REFER SUCH ORDINANCE TO THE ELECTORS OF FAYETTEVILLE AT A SPECIAL ELECTION TO BE HELD ON MARCH 9, 2010

WHEREAS, this proposed ordinance will not raise the current Parks Hotel, Motel and Restaurant tax nor have any effect other than to establish a special city fund in which Parks HMR revenue could be used for the development, construction and maintenance of city parks; and

WHEREAS, the voters of Fayetteville approved Ordinance No. 3900 in 1995 which authorized the use of the Parks Hotel, Motel and Restaurant tax for promotion and development of City parks; and

WHEREAS, Arkansas statutes would also allow the use of revenues from this existing Park HMR for maintenance of city parks if approved by Fayetteville voters; and

WHEREAS, the citizens of Fayetteville will be better served by allowing the use of revenues from the existing Parks HMR not only for development of our many parks, but also for their maintenance.

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 Section 2 (a) of Ordinance No. 3900 by repealing it and enacting the following in its stead:

“(a) The revenues collected from the Parks Hotel, Motel and Restaurant Tax shall be used by the Fayetteville Parks and Recreation Department for development, construction and maintenance of City parks.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends Section 5 (c) of Ordinance No. 3900 by repealing it in its entirety and enacting the following in its stead:

“(c) The following question shall be placed upon the ballot for the special election to be held on March 9, 2010:

“**FOR** proposed Ordinance No. _____ amending Ordinance No. 3900 by authorizing and dedicating the revenue from the existing Parks Hotel, Motel and Restaurant tax to be used for the development, construction and maintenance of city parks.

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PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Aldermen

Mayor Lioneld Jordan
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 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 19, 2010**

A meeting of the Fayetteville City Council will be held on January 19, 2010 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:

- ✓ Proposed alternative for restoring the stream bank through Red Oak Park located at 4600 West New Bridge Road: Chris Brown, City Engineer and Carole Jones, Park Planner.

✓ **Mayor's Announcements, Proclamations and Recognitions:**

✓ **Presentations, Reports and Discussion Items:**

1. State of the City Address – Mayor Lioneld Jordan

2. Matthew Petty - Discussion on Bikes, Bikes & Bling?? - Matthew will email us on how he wants this title to read. Diss.

Agenda Additions:

A. Consent:

1. ~~Approval of the January 5, 2010 City Council meeting minutes.~~

Removed from final

2. **Fayetteville MSA Partnership D/B/A Verizon Wireless:** A resolution approving the first amendment to the lease agreement between the City and Fayetteville MSA Partnership D/B/A Verizon Wireless (formerly Alltel Communications) for transmission tower space on the Gulley Water Tank.
3. **Overlay/Sidewalk Projects For 2010:** A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2010.
4. **Bid #10-01 Time Striping, Inc.:** A resolution awarding Bid #10-01 and approving the purchase of thermal striping from Time Striping, Inc. in the amount of \$74,900.00.
5. **Bid #10-02 Asphalt Striping Service:** A resolution awarding Bid #10-02 and approving the purchase of reflectorized paint markings from Asphalt Striping Service in the amount of \$55,518.00.
6. **Bid #10-03 Sweetser Construction, Inc.:** A resolution awarding Bid #10-03 and approving the purchase of curb and gutter from Sweetser Construction, Inc. in the amount of \$196,050.00.
7. **Bid #10-04 Les Rogers, Inc.:** A resolution awarding Bid #10-04 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of \$23,625.00.
8. **Bid #10-05 Les Rogers, Inc. & SSK Investments, LLC:** A resolution awarding Bid #10-05 and approving the purchase of hillside gravel from Les Rogers, Inc. for material picked up by city staff in the amount of \$20,850.00 and from SSK Investments, LLC for delivered material in the amount of \$30,000.00.
9. **Bid #10-06 Beaver Lake Concrete, Inc.:** A resolution awarding Bid #10-06 and approving the purchase of concrete from Beaver Lake Concrete, Inc. in the amount of \$446,025.00 and authorizing the use of APAC-Central, Inc. as a secondary supplier.
10. **Bid #10-07 Stone Gardens, LLC:** A resolution awarding Bid #10-07 and approving the purchase of bricks from Stone Gardens, LLC in the amount of \$14,750.00.
11. **Bid #10-08 Mackey Trucking, LLC:** A resolution awarding Bid #10-08 and approving the purchase of truck hauling services from Mackey Trucking, LLC in the amount of \$53,000.00 and authorizing the optional use of other bidders based on price and availability.
12. **Bid #10-09 Northwest Arkansas Quarries, LLC:** A resolution awarding Bid #10-09 and approving the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of \$207,775.00.
13. **Bid #10-14:** A resolution awarding Bid #10-14 and approving the purchase of crushed rock salt from _____ in the amount of \$ _____.

NB#
1

B. Unfinished Business:

1. **R-PZD 09-3439 (Oakbrooke Phase III):** An ordinance establishing a residential planned zoning district titled R-PZD 09-3439, Oakbrooke Phase III, located within Oakbrooke Phase I and Oakbrooke Phase II; containing approximately 29 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the December 15, 2009 City Council meeting. This ordinance was left on the Second Reading at the January 5, 2010 City Council meeting.*

Left on the Second Reading.

2. **Amend Chapters 151 & 172:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 172: Parking and Loading in order to establish further parking standards in districts utilized for single family homes. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting.*

Left on the First Reading.

3. **Parks HMR Tax Revenues Special Election:** An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on March 9, 2010. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting.*

Left on the First Reading.

C. New Business: None

Announcements:

1. **City Council Tour: January 18, 2010** — Oakbrooke — 4:30 p.m.
Phase III

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



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11. **Bid #10-08 Mackey Trucking, LLC:** A resolution awarding Bid #10-08 and approving the purchase of truck hauling services from Mackey Trucking, LLC in the amount of \$53,000.00 and authorizing the optional use of other bidders based on price and availability.
12. **Bid #10-09 Northwest Arkansas Quarries, LLC:** A resolution awarding Bid #10-09 and approving the purchase of aggregate from Northwest Arkansas Quarries, LLC in the amount of \$207,775.00.
13. **Bid #10-14:** A resolution awarding Bid #10-14 and approving the purchase of crushed rock salt from _____ in the amount of \$_____.

B. Unfinished Business:

- 1. R-PZD 09-3439 (Oakbrooke Phase III):** An ordinance establishing a residential planned zoning district titled R-PZD 09-3439, Oakbrooke Phase III, located within Oakbrooke Phase I and Oakbrooke Phase II; containing approximately 29 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the December 15, 2009 City Council meeting. This ordinance was left on the Second Reading at the January 5, 2010 City Council meeting.*

Left on the Second Reading.

- 2. Amend Chapters 151 & 172:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 172: Parking and Loading in order to establish further parking standards in districts utilized for single family homes. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting.*

Left on the First Reading.

- 3. Parks HMR Tax Revenues Special Election:** An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on March 9, 2010. *This ordinance was left on the First Reading at the January 5, 2010 City Council Meeting.*

Left on the First Reading.

C. New Business:

Announcements:

- 1. City Council Tour: January 18, 2010**

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.



State of the City

Mayor Lioneld Jordan

January 19, 2010



Ladies and gentlemen of the City Council and my fellow citizens of Fayetteville, as I report to you on the State of the City, I am reminded of that famous Charles Dickens line from *A Tale of Two Cities*, "It was the best of times, it was the worst of times."

Yet, it is also a time that demands a fully informed public, a realistic understanding of what can and must be done, honesty about the serious challenges we face in City government, an unwavering commitment to continue our progress as a community, a bold imagination about our future, a determination to effectively manage limited resources, and a firm faith that, working together, we can do what the times require. And we will.

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This can be seen as “the best of times,” because the people of our city have a commitment to community. Nowhere was that more evident than when we came together to agree upon our goals, chart our future, and move “Fayetteville Forward” by developing and implementing a strategic community and economic development plan that is already paying dividends for our city.



This can be seen as “the best of times,” because we were able to accomplish our goal of securing the establishment of a Satellite Campus of the UAMS medical school in Fayetteville. This success was the result of close cooperation of public and private groups and individuals working together to improve educational opportunities for the health professions, improve the quality of life for our citizens, and contribute to the economic health of our community.

This can be seen as “the best of times,” because we have a similar collaborative process for meeting our primary goal for 2010 – to secure funding for establishing a Green Jobs Training Center of Excellence in Fayetteville. We have an active working group comprised of the City administration, the City Council, the University of Arkansas, Northwest Arkansas Community College, the Northwest Arkansas Labor Council, and the Fayetteville Chamber of Commerce. We have been working with Governor Beebe, the Arkansas Economic Development Commission, and the U.S. Department of Labor to secure funding for a training program to put people back to work in green jobs that pay a living wage. That is my top priority for 2010.

This can be seen as “the best of times,” because we have made significant strides to improving open government, expanding public information, empowering citizen input, and providing for transparency and accountability. We made major improvements to the City website (accessfayetteville.com) that include enhanced division pages, informational videos, answers to frequently asked questions, and a directory of all city departments and individuals. We have conducted four Town Hall meetings to bring government to the people and listen to their concerns, and we have added social media to reach a wider audience through Facebook and Twitter. The Government Channel’s informational programming is vastly improved.

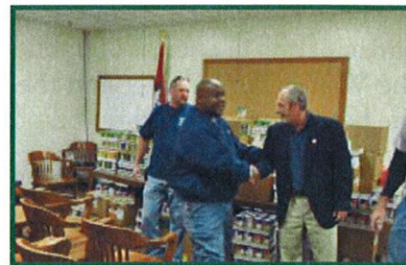
This can be seen as “the best of times,” because we have continued to expand our infrastructure – streets, sidewalks, trails, water, sewer – and we completed the new LEED District Court building on time and on budget. We have made major investments in our technology infrastructure to make government more efficient and to save taxpayers money. The Planning Division implemented a digital submission process for private development review, and the Police Department added online crime reporting and warrant information. We will continue to expand such services to make your government more accessible and responsive.

This can be seen as “the best of times,” because our people make Fayetteville a unique community and a special place—the outstanding response of volunteers who donated thousands of hours to improving our parks and caring for the animals at our shelter, the generosity of spirit reflected in our food drive and help for the less fortunate, and other consistent acts of kindness that go unacknowledged but not unappreciated. The people of Fayetteville are the ones who have made our great city a 2009 Volunteer City of the Year in the State of Arkansas.



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This spirit of giving and sharing is reflected in the thousands of dollars donated for projects that range from movies in the park to rock walkways, to construction of a new dog park, as well as the fundraising events that provide financial support for nonprofit organizations in our community. It is also evident in our new partnership with the University of Arkansas to involve student organizations in community service projects and to utilize interns in various city departments.



This can be seen as “the best of times,” because we have been able to continue and expand our demonstrated commitment to sustainability and environmental concerns. From conversion of city lighting to LED to the light bulb exchange that provided CFL bulbs in community housing, we have been conserving energy, cutting carbon emissions, and saving money. We are dedicated to improving watershed protection and water quality, and we are working regionally to reduce pollution and meet national standards. From stream bank restoration projects and public information campaigns to the ongoing work on ordinances for low impact development, streamside protection, hillside development, a storm water utility, we are serious about protecting our environment. In addition, we have expanded our trail system, established a community garden project, begun planting native grasses in some of our parks, and planted trees and offered free trees to residents.

This can also be seen as “the best of times,” because we have faced and dealt with the financial effects of the national economic recession, “the worst of times” since the Great Depression. Last January, I said, “We are not immune from the problems of a faltering national economy, and we must anticipate and be prepared for the consequences of any revenue shortfall. We must be responsible stewards of our tax dollars, and we must maintain essential city services for our citizens.”

With the active participation of our City Council and the support of our dedicated city staff and employees, we developed and implemented a plan to address the revenue shortfall and its financial impact. We worked diligently to promote economy, effectiveness, and efficiency in the City by using sound management principles and by maintaining a high level of public trust and confidence in the City’s staff and public officials to deliver desired and needed services.

We will get through this together. We will continue to pursue those practices and search for additional measures that reduce expenses yet maintain essential public services. In that spirit, Alderman Ferrell and the Council have proposed a correction in the distribution of city funds to assure park maintenance without a tax increase; I fully support this measure and urge you to do so at the May 18 election.

Finally, this can also be seen as “the best of times,” because we have a shared vision for our future, and we will not let the dreams of our people and our community perish. I have said many times, “Buy American. Buy local. Keep Fayetteville working.” The city hosted a reverse vendor workshop to increase the number of local businesses bidding on city projects, materials, and services. Please do your part by shopping with local merchants, businesses, and providers of professional services.



We have made great strides in promoting the creative economy of the visual and performing arts, and we are participating in a series of public hearings to involve citizens in a long-term solution for parking problems for the Walton Arts Center and the Dickson Street entertainment district . We will pursue our dreams in both the best of times and the worst of times.

I cannot close without offering a personal note of thanks. We are blessed to have such dedicated city employees who work hard for you every day, and it is a privilege for me to work with them. I am grateful, too, for the hundreds of citizens who have contacted me this year to offer support or suggestions on how I can be doing a better job serving the people. I love this city, and I love this job. Thank you from the bottom of my heart for the opportunity to serve you and all the residents of our community. That makes it the best of times for me.



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