

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – 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
May 19, 2009**

A meeting of the Fayetteville City Council will be held on May 19, 2009 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:

A. Consent:

1. Approval of the May 5, 2009 City Council meeting minutes.
2. **Bid # 09-33 Wayest Safety Inc.:** A resolution to approve the lowest responsible bid from Wayest Safety, Inc. for the purchase of 44 complete, self-contained breathing apparatus' (SCBA), and extra cylinders for \$261,998.35 plus a contingency of \$28,001.65 to purchase additional masks, amplifiers and clamps.
3. **Doc Mashburn Park Grant:** A resolution to accept an Arkansas Parks and Tourism matching grant in the amount of \$50,000.00 for development of Doc Mashburn Park and to approve a budget adjustment to recognize this revenue.
4. **High Intensity Drug Trafficking Area Grant:** A resolution authorizing the Fayetteville Police Department to accept additional funding through the 2007 Gulf Coast High Intensity Drug Trafficking Area Grant in the amount of \$20,000.00 to support investigations; and approving a budget adjustment recognizing the grant revenue.

5. **Community Development Block Grant Program:** A resolution to approve a budget adjustment to recognize \$28,233 from the Community Development Block Grant Program for the Yvonne Richardson Community Center.
6. **Identity Theft Prevention Program:** A resolution approving and adopting Policy and Procedure No. BC-04 "Identity Theft Prevention Program" to comply with provisions of the Fair and Accurate Credit Transactions (FACT) Act.
7. **Sweetser Construction, Inc.:** A resolution to approve a construction contract with Sweetser Construction, Inc. in the amount of \$3,773,418.22 for widening and improvements to Mount Comfort Road and to approve a contingency in the amount of \$377,340.00.
8. **2009 Recreational Trails Grant:** A resolution expressing the willingness of the City of Fayetteville, Arkansas to utilize Federal-Aid Recreational Funds.

B. Unfinished Business:

1. **Social Media Communication:** A resolution to include social media in citizen communications.

This resolution was tabled at the April 21, 2009 City Council meeting to the May 19, 2009 City Council meeting.

2. **Runway Safety Area Improvement Project Grants:** A resolution authorizing the Fayetteville Executive Airport staff to apply for and accept grants from the Federal Aviation Administration and the Arkansas Department of Aeronautics to fund the Runway 16 Runway Safety Area Improvement Project; and approving a budget adjustment recognizing the grant revenue.

This resolution was tabled at the May 5, 2009 City Council meeting to the May 19, 2009 City Council meeting.

3. **Bid # 09-34 Runway Safety Area Improvement Project:** A resolution awarding Bid # 09-34 and approving a contract with Sweetser Construction, Inc. in the amount of \$969,325.65 for construction of the Runway 16 Runway Safety Area Improvement Project.

This resolution was tabled at the May 5, 2009 City Council meeting to the May 19, 2009 City Council meeting.

C. New Business:

1. **McClelland Consulting Engineers, Inc.:** A resolution to approve Task Order No. 1 for engineering services by McClelland Consulting Engineers for Runway 16 Safety Improvements in the amount of \$231,100.00 and to approve a budget adjustment of \$231,096.00.

2. **ADM 09-3263 (Abshier Heights Modification):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-1883, Abshier Heights, located at the northwest corner of Abshier Drive and Hillcrest Avenue, containing approximately 4.11 acres, to reflect revised conditions of approval as described herein.
3. **VAC 09-3255 (Harvey/3570 Jasper Lane):** An ordinance approving VAC 09-3255 submitted by Alan Reid for property located at 3570 Jasper Lane, Lot 9 of the Copper Creek Subdivision to vacate a 34 square foot portion of the drainage easement in the rear of the property.
4. **R-PZD 09-3253 (Park Hill at Mountain Ranch):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 09-3253, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.
5. **RZN 09-3217 (Winkler):** An ordinance rezoning that property described in rezoning petition RZN 09-3217, for approximately 0.25 acres, located at 300 South College Avenue and 145 East South Street from NC, Neighborhood Conservation, to DG, Downtown General.
6. **Marijuana Policy Review Panel:** An ordinance to establish a Marijuana Policy Review Panel

Agenda Additions:

Announcements:

1. **City Council Tour: May 18, 2009 – 4:30 p.m.**
Winkler Rezoning and Abshier Heights

Adjournment:

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**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
May 19, 2009**

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Roll Call

Pledge of Allegiance

Agenda Session Presentations:

1. OMI Wastewater Operations Annual Report - Billy Ammons, OMI Regional Business Manager
2. James Lee Witt Associates discussion with the City Council
3. Fayetteville Forward Economic Summit Report – Don Marr, Chief of Staff

Mayor's Announcements, Proclamations and Recognitions:

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City of Fayetteville Staff Review Form

A. 2
 Bid # 09-33 Wayest Safety Inc.
 Page 1 of 20

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

May 19, 2009

**City Council Meeting Date
 Agenda Items Only**

TONY JOHNSON

FIRE

FIRE

Submitted By

Division

Department

Action Required:

A resolution to award bid 09-33 to Wayest Safety Inc. with a not to exceed purchase amount of \$290,500 for the purchase of SCBA and related equipment.

\$ 290,500.00

Cost of this request

\$ 290,500.00

Category / Project Budget

SCBA Replacements

Program Category / Project Name

4470.9470.5801.00

Account Number

\$ -

Funds Used to Date

Fixed Assets

Program / Project Category Name

09005.1

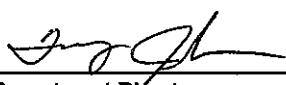
Project Number

\$ 290,500.00

Remaining Balance

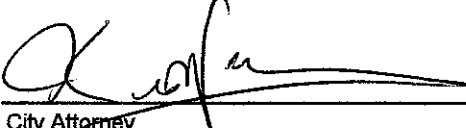
Sales Tax Improvement

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

 Department Director

 5-1-09
 Date

Previous Ordinance or Resolution #


 City Attorney

 5-1-09
 Date

Original Contract Date:

Original Contract Number:

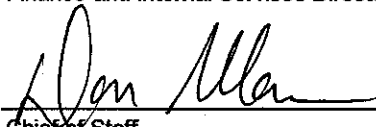

 Finance and Internal Services Director

 5-1-09
 Date

 Received in City
 Clerk's Office

ENTERED

4/30/09

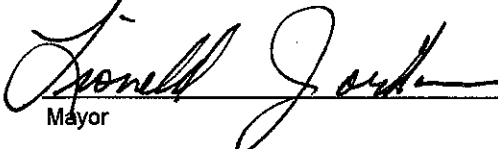

 Chief of Staff

 5/1/09
 Date

 Received in
 Mayor's Office

ENTERED

5/1/09


 Mayor

 5/1/09
 Date

Comments:



The City of Fayetteville Fire Department

303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365 Fax (479) 575-0471
www.accessfayetteville.org

April 29, 2009

To: Mayor Jordan, and
The Fayetteville City Council

From: Tony Johnson, Fire Chief *T.J.*

Subject: Recommendation for Awarding Bid 09-33; Self-Contained Breathing Apparatus

Recommendation:

I recommend that you accept and approve the bid submitted by Wayest Safety Inc., for 35 (complete) self-contained breathing apparatus (SCBA) and extra cylinders in the amount of \$230,620.25, plus \$31,378.10 for nine additional complete units. In addition, to their bid amount and the extra units, I am also requesting that you approve \$28,001.65 for a project contingency that will include ancillary equipment (Masks, Amplifiers and Clamps). This will bring the grand total of the project to \$290,000.00. Wayest Safety Inc. was the most responsive and responsible of the three competitive submitted bids after Pro Fire Equipment, LLC withdrew their bid for consideration.

Background:

The fire department has been in need of standardizing and updating its protective breathing equipment to assure for the safety of our personnel. A large portion of the current equipment in use is unreliable and there have been many reported failures in emergency and training situations. The primary function of the protective breathing equipment is to provide our fire fighting personnel with compressed breathing air when they enter oxygen deficient and contaminated atmospheres.

Justification:

The new breathing equipment will provide for near standardization and bring the department into compliance with OSHA and NFPA standards for SCBA.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE LOWEST RESPONSIBLE BID FROM WAYEST SAFETY, INC. FOR THE PURCHASE OF 44 COMPLETE, SELF-CONTAINED BREATHING APPARATUS' (SCBA), AND EXTRA CYLINDERS FOR \$261,998.35 PLUS A CONTINGENCY OF \$28,001.65 TO PURCHASE ADDITIONAL MASKS, AMPLIFIERS AND CLAMPS

WHEREAS, the Fayetteville Fire Department needs to standardize and upgrade SCBA equipment to ensure breathing safety for its firefighters whose current SCBA equipment has become somewhat unreliable; and

WHEREAS, Wayest Safety, Inc. was the lowest responsible bidder to supply this SCBA equipment which will bring the Fayetteville Fire Department into compliance with OSHA and NFPA standards for SCBA equipment.

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 bid from Wayest Safety, Inc. for the purchase of 44 complete, self-contained breathing apparatus' (SCBA), and extra cylinders for \$261,998.35 plus a contingency of \$28,001.65 to purchase additional masks, amplifiers and clamps.

PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville
Bid 09-33, Self Contained Breathing Apparatus
Technical Information

To identify the best option for acquiring SCBA equipment for the City of Fayetteville Fire Department, the bid has been broken into three (3) sections. Each section shall include a breakdown for each item making up the unit and a total for a complete unit. The bid must also provide for the option to purchase individual parts of the unit on an as needed base. The third section is a renewable contract.

1. **SCBA:** This bid shall include a breakdown for each item making up the unit. The unit consists of SCBA, Bottle, and Spare Bottle. The bid shall be based on the purchase of a minimum of **thirty-five (35) units**.
2. **Mask:** This bid shall include a breakdown for each item making up the unit. The unit consists of Mask or Face piece, Amplifier, and Communication Clamp. The bid shall be based on the purchase of a minimum of **ninety (90) units** with or without amplifier.
3. **Parts:** The City of Fayetteville Fire Department is a Scott In-House repair center. Parts shall be on an as needed basis and sold on a cost plus percent.
 - The first term of the agreement shall be from award of contract through December 31, 2009. This contract will automatically renew based on approval of budget appropriations for three consecutive one-year terms. Either party may terminate the contract with a written notice of cancellation. Cancellation will be effective 30 days after receipt of notice.

General Requirements:

All sections in the bid/contract shall meet National Fire Protection Association (NFPA) 2007 edition, including but not limited to sections 1500, 1782, 1852, and 1981; NIOSH certified to meet the CBRN, and meets the Code of Federal Regulations, 42 CFR 84.

Successful bidder agrees to provide, at their own expense, a factory-trained instructor for 3 consecutive days of onsite training in the operation and maintenance of the complete apparatus within one week of the final delivery of all apparatus.

Any exceptions to these specifications must be detailed in a separate attachment, failure to do so will automatically disqualify the bidder.

Successful bidder must be a factory-authorized distributor to sell the equipment specified.

Section 1

- Air-Pak 75/4.5 with a pressure reducer regulator with back-up reducer mounted on the back-frame. A dual EBSS shall be provided in lieu of optional airline supply with manifold with one each of a female socket and male plug, both with check valves, 2 low pressure hose with a minimum of 40" hose, a containment system, storing device for the hose and dust cap for the female socket and male plug, The SCBA shall incorporate a RIC/UAC fitting that is compliant with NFPA 2007 edition of 1981. The RIC/UAC shall have a check valve to prevent the loss of air when the hose is disconnected. The SCBA positive

EXECUTION OF BID -

Bidders are requested to indicate by check mark or "Yes/No" on each line of the Technical Specifications the compliance of the item bid. Actual specification of any deficient item must be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation must be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: Wayest Safety, Inc.
Purchase Order/Payments shall be issued to this name

*BUSINESS ADDRESS: P.O. Box 12740

*CITY: Oklahoma City *STATE: OK *ZIP: 73157

*PHONE: 800-256-1003 FAX: 405-942-5289

*E-MAIL: clay.carter@wayest.com

*BY: (PRINTED NAME) Clay Carter

*AUTHORIZED SIGNATURE: Clay Carter

*TITLE: Account Representative

Distress Alarm Integrated with SCBA (Optional PASS Device)

General Specifications

The distress alarm shall be capable of integration with a NIOSH certified self-contained breathing apparatus, and this integrated SCBA and distress alarm system shall retain NIOSH certification. The system shall meet all requirements of NFPA-1982 Standard on Personal Alert Safety Systems (PASS), 2007 Edition. Operation of this distress alarm shall be initiated with the opening of the valve of an SCBA charged cylinder. A visual indication of automatic mode activation shall consist of a green flashing LED on the system's control module.

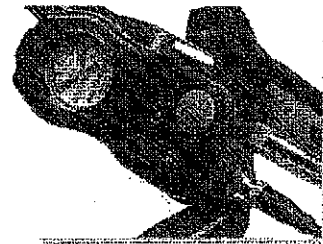
Dual Alarms

The system shall incorporate dual visual and audible alarms, which shall be activated in a pre-alarm mode when the system remains motionless for approximately 20 seconds. A full alarm shall be activated in the event the system remains motionless for approximately 30 seconds along with a 500 Hz audible signal. Visual signals shall consist of a green flashing LED when the system is in operation and red flashing LEDs to indicate pre-alarm mode, full alarm mode and a low battery condition. The system's LED signals shall be located on a control console assembly mounted on the user's right shoulder strap. The system shall have a visual LED indicator to check the battery condition while the system is not in use.

The Alarm signal shall be in a frequency range of 1 kHz to 4 kHz and consist of three primary frequencies. Sound pressure level shall be >95 dBA. The Pre-alarm signal shall be in a frequency range of 1 kHz to 2 kHz and consist of two primary frequencies, the sound pressure level shall ramp up in two distinct steps from 60 to >100 dBA.

Control Console

The pressure gauge shall be an integral part of the control console assembly. The control console shall come with a mechanical (analog) pressure gauge that is angled at 30°. The control console assembly shall contain push buttons for manual operation of the distress alarm. A yellow color-coded push button shall permit system re-set; a red color-coded push button shall permit manual activation of the full alarm mode. Both push buttons shall be designed to minimize accidental activation. The system shall feature a "hands-free" re-set capability that may be activated by means of a slight movement of the SCBA when the system is in a pre-alert mode.



The control console shall contain a edge lit pressure gauge that requires no action by the user to turn on except open the cylinder valve. It shall also contain a photo sensing diode to dim and brighten the HUD as the environment changes.

Sensor Module

The system shall include a sensor module mounted to the SCBA backframe and located in an area between the cylinder and backframe in a manner designed to protect the assembly from damage. The sensor module shall contain dual sound emitters for the audible alarm and dual visual "buddy" indicators. The sensor module shall operate on six "AA" batteries that are located in the control console assembly. The battery life of the SCBA with PASS only shall be no less than 200 hours.

The visual indicators shall flash as follows; 1) when the device is in pre-alert as defined by NFPA 1982, 2007 Edition; 2) when the device is in full-alert as defined by NFPA 1982, 2007 Edition; and 3) when the SCBA has reached ¼-bottle pressure as defined by 42 CFR.

Intrinsically Safe

The distress alarm system shall be listed as intrinsically safe in accordance with ANSI/ UL 913 Class I, Groups C and D, Class II, Groups E, F, and G, Hazardous locations.

Distress Alarm Integrated with SCBA (Optional Pak-Tracker™ Device)
Refer to Bid Specification document H/S 6558.

mounting spaces suitable for installation of a distress alarm integrated with the SCBA. These mounting spaces shall permit installation of an alarm sensor module in an area between the cylinder hanger locking mechanism and the backframe.

One-Piece Aluminum Version

A lightweight, lumbar support style backframe and harness assembly shall be used to carry the cylinder and valve assembly and the pressure reducing regulator assembly. The backframe shall be a solid, one-piece black powder-coated aluminum frame that is contoured to follow the shape of the user's back. The backframe shall include a mounting for the pressure reducer. This mounting shall contain a slide-type bracket permitting positioning of the pressure reducer to accommodate connection to either an angled or straight-type cylinder valve.

The backframe shall include an over-the-center, adjustable tri-slide fixture, a para-aramid strap and a double-locking latch assembly to secure 30, 45 or 60 minute cylinders. The harness assembly shall consist of a one size black para-aramid strap with a yellow stripe. This harness shall include box-stitched construction with no screws or bolts. The harness assembly shall incorporate parachute-type, quick-release buckles and shall include shoulder and hip pads. The harness shall include a seat-belt type waist attachment. The shoulder strap shall be fitted with a Drag Rescue Loop (DRL) capable of being deployed in an emergency situation to drag a downed firefighter to safety. The one-piece aluminum backframe should include integrated donning/carry handles. The handles shall allow the user to easily don the SCBA in the "over-head" style and also allow the user to carry the SCBA. The backframe shall include accommodation and mounting spaces suitable for installation of a distress alarm integrated with the SCBA. These mounting spaces shall permit installation of an alarm sensor module in an area between the cylinder hanger locking mechanism and the backframe.

EPIC™ Voice Amplifier (Optional)

The respirator shall have a facepiece-mounted voice amplification device to electronically project the user's voice. The device shall weigh no more than 5.6 ounces 161 (grams) and its size shall not exceed the following dimensions: Length: 3.50 in.; (8.89 cm); width: 2.0 in. (5.08 cm); depth (extension from voicemitter): 1.75 inches (4.44 cm).

The voice amplification device shall be mounted to the facepiece by means of a bracket that is secured around the voicemitter of the facepiece. The device shall contain a bayonet-style mounting adapter that enables the user to insert the voice amplifier into the bracket and secure it with a quarter-turn counterclockwise when it shall lock into place. The device shall contain a thumb latch to permit removal when it is pressed and the device is rotated a quarter-turn clockwise.



The device shall contain a momentary on/off switch with a tactile indication and audible click when depressed. The switch shall be covered with a sheath made of a silicone material. The device shall contain an LED which illuminates green when the device is activated and flashes once per second when a low battery condition (approximately 2 hours of battery life remaining) is present. The LED shall be visible to the user while wearing a facepiece.

The device shall contain an automatic shut down mechanism that deactivates the voice amplifier approximately 20 minutes after last use. Designed to conserve battery life when a user forgets to turn off the voice amplifier, the voice amplifier shall be reactivated after shut down by pressing the on/off switch.

The device shall be powered by three AAA alkaline batteries, which shall permit up to 20 hours of continuous operation (based on 25% transmit; 75% non-transmit) with a fully-charged battery. The batteries shall be contained in a gasketed compartment secured in place by means of a fastener. The door of the battery compartment shall be user-replaceable.

The microphone shall be located on the surface of the bayonet mounting adapter and voice projection shall be facilitated by means of a circular gasket that seals the device to the communications mounting bracket.

ating surface of the facepiece. The regulator cover shall be fabricated of a flame resistant, high impact plastic. The breathing regulator shall also have an integral low-pressure alarm device that shall combine an audible alarm with simultaneous vibration of the facepiece. This alarm device shall indicate either low cylinder pressure or primary first stage regulator failure. The breathing regulator shall have a demand valve to deliver air to the user, activated by a diaphragm responsive to respiration. The demand valve shall use an extended temperature range dynamic O-ring seal composed of a fluorosilicone elastomer. This diaphragm shall include the system exhalation valve and shall be constructed from a high strength butyl elastomer.

A purge valve shall be situated at the inlet of the breathing regulator and shall be capable of delivering airflow of between 125 and 175 standard liters per minute. The breathing regulator shall be arranged to direct the incoming air over the inner surface of the facepiece for defogging purposes. The components of the breathing regulator shall be constructed of materials that are not vulnerable to corrosion. The flame resistant cover shall contain an air saver switch and pressure demand bias mechanism. It shall reactivate and supply air only in the positive pressure mode when the wearer affects a face seal and inhales. This device shall not affect the breathing flow through the system while in operation.

End-Of-Service Indicators

The SCBA shall have two end-of-service (EOS) indicators. The primary EOS shall be the integral low-pressure alarm device that shall combine an audible alarm with simultaneous vibration of the facepiece. The primary EOS shall be located in the Facepiece-Mounted Positive Pressure Regulator.

The HUD shall serve as the secondary EOS indicator. It shall be mounted in the user's field of vision on the second stage regulator. It shall display one-quarter bottle increments including full bottle pressure and continuing to 25% of maximum bottle pressure. The display shall not have a numerical representation of bottle pressure. At one-half bottle pressure, one "yellow" LED shall be illuminated and flash at a rate not to exceed one (1x) time per second. At one-quarter bottle pressure, one "red" LED shall be illuminated and flash at a rate not to exceed ten (10x) times per second. The HUD shall have a low battery indication that is distinct and distinguishable from the bottle pressure indications.

Control Console with Heads-up Display (HUD)

The pressure gauge shall be an integral part of the control console assembly. The control console shall come with a mechanical (analog) pressure gauge that is angled at 30°. The control console shall contain a photo sensing diode to dim and brighten the HUD as the light environment changes. The HUD shall operate on two "AA" batteries that are located in the control console assembly. The battery life of the SCBA with HUD only shall be no less than 200 hours.

The HUD shall be intrinsically safe per ANSI/ UL 913 Class I, Groups C and D, Class II, Groups E, F, and G, Hazardous Locations and certified to CAN/CSA Std C22.2 No. 57-92 when operated on two AA alkaline batteries.

Harness and Backframe Assembly

Wireform Version

A lightweight, adjustable, lumbar support style harness and backframe assembly shall be used to carry the cylinder and valve assembly and the pressure reducing regulator assembly. The backframe shall be a corrosion resistant wire form structure. The backframe shall include an over-the-center, adjustable tri-slide fixture, a para-aramid strap and a double-locking latch assembly to secure 30, 45 or 60 minute cylinders. The cylinder and valve assembly shall be positioned on the backframe by the combination of a guarded hook on the backframe and a hanger bracket on the cylinder and valve assembly.

The harness assembly shall be arranged so the majority of the weight is carried on the hips and be attached to the backframe by use of threaded fasteners for ease of replacement. All load-carrying portions of the harness shall be constructed of para-aramid fiber. It shall have a flexible, waist belt and two shoulder straps. The waist belt shall have a quick release metal structural buckle for easy connection and separation and two web adjusters, one on each side. Adjustment of the waist belt shall be accomplished by simultaneously pulling forward on the free end of the web at each hip-located adjuster. Each shoulder strap shall connect to the rear section of the waist belt at one end and to the rigid section of the backframe at the other end. Each shoulder strap shall have a web adjuster for quick adjustment and release of the shoulder straps. The shoulder strap shall be fitted with a Drag Rescue Loop (DRL) capable of being deployed in an emergency situation to drag a downed firefighter to safety. The backframe shall include accommodation and



supply for egress. The airline supply hose length shall be up to 300 feet and require an inlet pressure range of 60 to 115 psig, depending on the length of supply hose used. A check valve within the outlet manifold shall prevent the external release of cylinder air in the event the airline supply is either not used or disconnected. Switching from airline supply to cylinder supply shall be accomplished manually by the user, by opening the cylinder valve to prevent inadvertent use of the cylinder supply without the user's knowledge. The outlet manifold shall also contain a second outlet port capable of being fitted with an auxiliary supply hose to support a second breathing regulator for the purpose of rescue only. The auxiliary hose shall be located on the primary wearer's right shoulder and be terminated with a female quick connect fitting which can be easily connected and disconnected by trained individuals with a gloved hand and/or in low light conditions. The coupling shall also be guarded against inadvertent disconnect during use of the equipment. When operated in this mode, supplying two breathing regulators, the primary wearer's pressure reducer shall be capable of simultaneously supplying each regulator with a flow of at least 200 liters per minute while maintaining positive pressure in the respective facepieces.

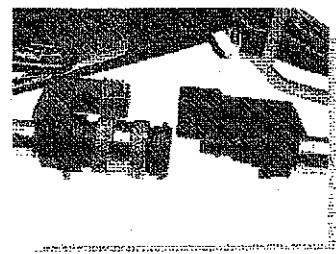
An optional Dual EBSS shall be available in-lieu of the optional airline supply and shall have one of each of the following requirements; (1) a manifold with one each of a female socket and male plug, both of which have check valves, (2) 40" minimum low-pressure hose, (3) a containment system with means of attaching the manifold to the waist belt with a ¼-turn action, (4) a pouch for storing the hose, and (5) a dust cap for the female socket and male plug. The Dual EBSS system shall be on the wearer's left side and shall be capable of allowing for six (6) feet of hose between like systems.

The manifold shall be made of aluminum and be anodized black. The female socket and male plug shall have spacing, no less than 15" off-center. The female socket shall have a double action to disengage, noted as a "push-in/pull-back". The female socket shall have an internal check valve. The male plug shall have an external check valve. The hose shall be made of high temperature rubber capable of sustaining a maximum 250 psig of pressure.

The containment system shall include a pouch and shall be made of para-aramid materials and shall be capable of storing 36" of hose. The pouch shall be attached to the SCBA by pull-the-dot fasteners.

Rapid Intervention Crew/Universal Air Connection (RIC/UAC)

The SCBA shall incorporate a RIC/UAC fitting to be compliant with the 2007 edition of the NFPA 1981 Self-Contained Breathing Apparatus standard. The RIC/UAC shall be an integral part of the high-pressure hose that attaches the cylinder valve to the first stage pressure reducer. The RIC/UAC inlet connection shall be within 4" (4-inches) of the tip of the CGA threads of the cylinder valve. The RIC/UAC shall consist of a connection for attaching a high-pressure air source and a self-resetting relief valve allowing a higher pressure than that of the SCBA to be attached to the SCBA. The RIC/UAC shall have a check valve to prevent the loss of air when the high-pressure air source has been disconnected.



Facepiece-Mounted Positive Pressure Regulator

The facepiece-mounted positive pressure-breathing regulator shall supply and maintain air to the facepiece to satisfy the needs of the user at a pressure greater than atmospheric by no more than 1.5 inches of water pressure static. The breathing regulator shall maintain this positive pressure during flows of up to 500 standard liters per minute. The regulator shall also meet or exceed a dynamic flow requirement of remaining positive while supplying a minute volume of 160 liters.

The breathing regulator shall have attached a low pressure hose which shall be threaded through the left shoulder strap to couple to the pressure reducing regulator mounted on the backframe. An optional regulator shall be available with a quick connect coupling in line for use with the optional outlet manifold and accessory hose to allow the breathing regulator to be disconnected from the unit and reconnected to the auxiliary hose of a second unit in the event rescue is required. The quick connect coupling shall be easily connected and disconnected by trained individuals with a gloved hand and/or in low light conditions. The coupling shall also be guarded against inadvertent disconnect during use of the equipment. The low-pressure hose shall be equipped with a swivel attachments at the facepiece mounted regulator.

The breathing regulator outlet port shall be configured as the male half of a quarter (1/4) turn coupling which mates with the facepiece and shall be equipped with a doughnut-shaped gasket which provides the seal against the

The facepiece shall have a large diameter inlet serving as the female half of a quarter (1/4) turn coupling which mates with the positive pressure breathing regulator. Multi-directional voicemitters shall be lens mounted on both sides of the facepiece lens and ducted directly to an integral silicone nosecup to enhance voice transmission and minimize fogging of the lens. The voicemitter ducts and nosecup shall be easily removable without the use of tools.

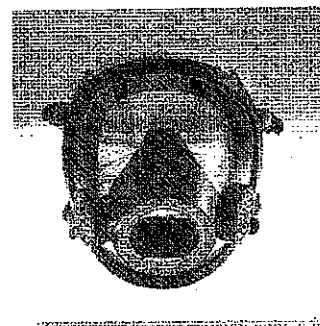


The head harness shall be a four-point suspension made in the fashion of a net hood to minimize interference between securing of the facepiece and the wearing of head protection and be constructed of a para-aramid material. Two flame resistant elastic straps, attached to the lens in four locations, shall provide adjustment for proper face sealing. A four-point attachment rubber head harness shall also be available.

AV-3000™ Facepiece

The full facepiece assembly shall fit persons of varying facial shapes and sizes with minimal visual interference. It shall be available in three color-coded sizes and maintain NIOSH certification of the respirator regardless of the size used. The face seal shall be constructed of a blend of proprietary material and be secured to the lens by a U-shaped channel frame that is retained to the lens using two fasteners. A detachable bayonet-style mounting adapter for the voice amplifier shall be installed at the factory.

The lens shall be a single, replaceable, modified cone configuration constructed of a non-shatter type polycarbonate material and shall meet the impact and penetration requirements of a faceshield as specified in ANSI Z87.1 paragraphs 5.2.8.1 and 5.2.8.2, it shall have a silica based coating to resist abrasion and chemical attack and meet the requirements of NFPA-1981, for lens abrasion. The lens shall have an anti-fog coating to reduce fogging of the lens.



The facepiece shall have a large diameter inlet serving as the female half of a quarter (1/4) turn coupling which mates with the positive pressure breathing regulator. Multi-directional voicemitters shall be lens mounted on both sides of the facepiece lens and ducted directly to an integral silicone nosecup to enhance voice transmission. The voicemitters, ducts, and nosecup shall be easily removable without the use of tools. The facepiece shall have a minimum of three sizes of nose cups.

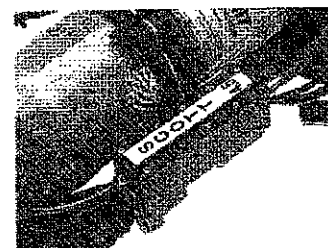
The head harness shall be a six-point quad suspension made in the fashion of a net hood to minimize interference between securing of the facepiece and the wearing of head protection and be constructed of a para-aramid material. Two flame resistant elastic straps, attached to the face seal in four locations, shall provide adjustment for proper face sealing.

Pressure Reducer

The pressure-reducing regulator shall be mounted on the backframe and be coupled to the cylinder valve through a short length of internally armored high pressure hose with a hand coupling for engagement and sealing within the cylinder valve outlet. In lieu of a manual by-pass, the pressure-reducing regulator shall include a back-up pressure-reducing valve connected in parallel with the primary pressure reducing valve and an automatic transfer valve for redundant control. The back-up pressure reducing valve shall also be the means of activating the low-pressure alarm devices in the facepiece-mounted breathing regulator. This warning shall denote a switch from the primary reducing valve to the back-up reducing valve whether from a malfunction of the primary reducing valve or from low cylinder supply pressure.

A press-to-test valve shall be included to allow bench testing of the back-up reducing valve. The pressure-reducing regulator shall have extended temperature range dynamic O-ring seals composed of fluorosilicone elastomer. The pressure reducing regulator shall have incorporated a reseatable over-pressurization relief valve which shall prevent the attached low pressure hose and facepiece-mounted breathing regulator from being subjected to high pressure.

A standard dual-outlet manifold shall also have provision for connection of an optional airline supply for extended duration use while reserving the cylinder



The SCBA shall maintain all NIOSH and NFPA standards with any of the following types of cylinders listed as provided by the SCBA manufacturer.

Aluminum, hoop-wrap & full-wrap cylinders

The cylinder shall be manufactured in accordance with DOT specifications and have a working pressure of 2216 psig. The cylinder shall be an aluminum type; a lightweight composite consisting of an aluminum inner shell and hoop wrapped with resin impregnated glass filament; or a lightweight composite type with an aluminum inner shell and fully-wrapped with resin impregnated glass filament.

Carbon cylinders

The cylinder shall be manufactured in accordance with DOT specifications and have a working pressure of 2216, 3000, or 4500 psig. The cylinder shall be lightweight, composite type cylinder consisting of an aluminum alloy inner shell, with a total overwrap of carbon fiber, fiberglass and an epoxy resin.

Kevlar cylinders

The cylinder shall be manufactured in accordance with DOT specifications and have a working pressure of 3000 or 4500 psig. The cylinder shall be lightweight, composite type cylinder consisting of an aluminum alloy inner shell, totally overwrapped with resin impregnated Kevlar and glass filament.

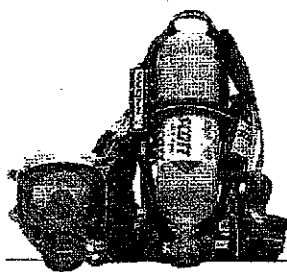
Type	Pressure (psig)	Duration (minutes)	H ₂ O Capacity (in ³)	Free Gas Capacity (SCF)
Aluminum	2216	30	523	45
Hoop-wrap	2216	30	523	45
Full-wrap	2216	30	523	45
Carbon	2216	30	523	45
Kevlar	3000	30	514	59.1
Carbon	3000	30	515	59
Kevlar	4500	30	285	45
	4500	45	412	66
	4500	60	547	87
Carbon	4500	30	283	45
	4500	45	418	66
	4500	60	550	87

Facepiece Assembly

AV-2000® Facepiece

The full facepiece assembly shall fit persons of varying facial shapes and sizes with minimal visual interference. It shall be available in three color-coded sizes and maintain NIOSH certification of the apparatus regardless of the size used. The color coded face seal shall be constructed of a blend of proprietary material and be secured to the lens by a U-shaped channel frame that is retained to the lens using five fastener assemblies, four of which also serve as attachments points for the head harness. A detachable bayonet-style mounting adapter for the voice amplifier can be installed at the factory.

The lens shall be a single, replaceable, modified cone configuration constructed of a non-shatter type polycarbonate material and be designed to meet the impact and penetration requirements of a faceshield as specified in ANSI Z87.1 paragraphs 5.2.8.1 and 5.2.8.2, shall have a silica based coating to resist abrasion, chemical attack and meet the requirements of NFPA-1981 for lens abrasion. The lens shall have an anti-fog coating to reduce fogging in stand-by mode.



AIR-PAK® 75™ /2.2/3.0/4.5

SELF CONTAINED BREATHING APPARATUS - BID SPECIFICATIONS

NFPA 1981, 2007 Edition

NOTE: To select Air-Pak 2.2/3.0/4.5, refer to harness & backframe "wireform" section; for Air-Pak 75, refer to "one-piece aluminum version" backframe section.

General Requirements

One (or more) open circuit, self-contained breathing apparatus consisting of the following major sub-assemblies: 1) cylinder and valve assembly for storing breathing air under pressure; 2) full facepiece assembly; 3) an automatic dual path redundant pressure reducing regulator; 4) a removable, facepiece-mounted, positive pressure breathing regulator with air-saver switch, low-pressure alarm and purge valve; 5) a harness and backframe assembly for supporting the equipment on the body of the wearer; 6) a shoulder strap mounted, remote gauge indicating cylinder pressure; 7) a heads-up display (HUD) redundant low-pressure alarm; 8) a rapid Intervention crew/universal air connection (RIC/UAC); and 9) certified to the NIOSH Chemical, Biological, Radiological and Nuclear (CBRN) standard.

The unit shall be covered by a warranty providing protection against defects in materials or workmanship. This warranty shall be for a period of 10 years on the SCBA, except for the pressure reducer, which shall be covered for 15 years. Electronic components shall be warranted for three years. The SCBA shall be certified by NIOSH as conforming to the Code of Federal Regulations, 42 CFR 84. This apparatus, without modification, shall be NIOSH certified. The apparatus shall meet all requirements of NFPA-1981 Standard on Open-Circuit Self-Contained Breathing Apparatus, 2007 Edition.

Successful bidder agrees to provide, at his own expense, a factory-trained instructor for such time as the department head shall require for complete instruction in the operation and maintenance of the apparatus. Any exceptions to these specifications must be detailed in a separate attachment, and failure to do so will automatically disqualify the bidder. Successful bidder must be a factory-authorized distributor to sell the equipment specified herein.

Cylinder & Valve Assembly Type and Requirements

The cylinder threads shall be straight with an O-ring or quad-ring gasket type seal. The cylinder valve shall be a "fail open" type, constructed of forged aluminum and designed such that no stem packing or packing gland nuts are required. It shall contain an upper and lower seat such that the pressure will seal the stem on the upperseat, thus preventing leakage past the stem. No adjustment shall be necessary during the life of the valve. The cylinder valve outlet shall be a modification of the Compressed Gas Association (CGA) standard threaded connection number 346 for breathing air (Proposed CGA connection No. 347) with a tri-lobe ergonomically designed hand-wheel.

The valve shall be constructed such that damage will not occur if the coupling is over-torqued by hand. Each cylinder valve shall consist of the following: 1) a hand activated valve mechanism with a spring-loaded, positive action, ratchet type safety lock and lock-out release for selecting "lock open service" or "non-lock open service"; 2) an upstream connected frangible disc safety relief device; 3) a dual reading pressure gauge indicating cylinder pressure at all times; 4) an elastomeric bumper; 5) an angled outlet. Each cylinder and valve assembly shall be equipped with a hanger bracket for positive locking attachment of the assembly to the backframe.

City of Fayetteville
 Bid 09-33, Self Contained Breathing Apparatus
REVISED Bid Form – ADDENDUM 1

REVISED BID FORM – ADDENDUM 1

Scott 75, 45 minute, 4500 psi SCBA, accessories and parts

DATE REQUIRED AS A COMPLETE UNIT: 45 days from Date of Order

*GUARANTEED DELIVERY DATE: 45 Business Days ARO to Manufacturer
 F.O.B. Fire Station 1, Fayetteville, AR 72701

***NOTE: "Complete Unit Price" shall be equal to the sum of all individual prices listed in the line item. Example: Line Item 1 "Complete Unit Price" shall equal the sum of 1A, 1B, and 1C.**

SECTION:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE:
1.	COMPLETE UNIT PRICE	35	\$ <u>5367.20</u>	\$ <u>187,852.00</u>

Individual Price Details:

A. SCBA	AP2140204200202	\$ <u>3,747.20</u>
B. Bottle	804722-01	\$ <u>810.00</u>
C. Spare Bottle	804722-01	\$ <u>810.00</u>

2.	COMPLETE UNIT PRICE	90	\$ <u>464.65</u>	\$ <u>41,818.25</u>
----	---------------------	----	------------------	---------------------

Individual Price Details:

A. Mask	805773-72	\$ <u>166.20</u>
B. Amplifier	200260-01	\$ <u>281.25</u>
C. Clamp	200715-01	\$ <u>17.20</u>

3.	Parts	(DISCOUNT) %	Estimated	LIST
	(Cost Plus %)	Mark <u>0</u> %	Material <u>Cost</u>	Estimated <u>Cost</u>
	(LIST LESS %)		LIST	with Mark <u>Up</u> DOWN
		<u>-5</u> %	\$1,000	\$ <u>950.00</u>

This price shall be \$1000 XXXXXX percentage
 -Percentage

Total base bid price: \$ 230,620.25
 Sum of Items 1, 2, and 3

THIS FORM CONTINUES ON THE

~~229,700~~
229,700

EXECUTION OF BID -

Bidders are requested to indicate by check mark or "Yes/No" on each line of the Technical Specifications the compliance of the item bid. Actual specification of any deficient item must be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation must be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: Wayest Safety, Inc.
Purchase Order/Payments shall be issued to this name

*BUSINESS ADDRESS: P.O. Box 12740

*CITY: Oklahoma City *STATE: OK *ZIP: 73157

*PHONE: 800-256-1003 FAX: 405-942-5289

*E-MAIL: clay.carter@wayest.com

*BY: (PRINTED NAME) Clay Carter

*AUTHORIZED SIGNATURE: Clay Carter

*TITLE: Account Representative

City of Fayetteville
 Bid 09-33, Self Contained Breathing Apparatus
REVISED Bid Form – ADDENDUM 1

REVISED BID FORM – ADDENDUM 1

Scott 75, 45 minute, 4500 psi SCBA, accessories and parts

DATE REQUIRED AS A COMPLETE UNIT: 45 days from Date of Order

*GUARANTEED DELIVERY DATE: 45 Business Days ARO to Manufacturer
 F.O.B. Fire Station 1, Fayetteville, AR 72701

*NOTE: "Complete Unit Price" shall be equal to the sum of all individual prices listed in the line item. Example: Line Item 1 "Complete Unit Price" shall equal the sum of 1A, 1B, and 1C.

SECTION:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE:
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1.	COMPLETE UNIT PRICE	35	\$ <u>5367.20</u>	\$ <u>187,852.00</u>
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Individual Price Details:

A.	SCBA AP2140204200202	\$ <u>3,747.20</u>	
B.	Bottle 804722-01	\$ <u>810.00</u>	
C.	Spare Bottle 804722-01	\$ <u>810.00</u>	

2.	COMPLETE UNIT PRICE	90	\$ <u>464.65</u>	\$ <u>41,818.25</u>
----	---------------------	----	------------------	---------------------

Individual Price Details:

A.	Mask 805773-72	\$ <u>166.20</u>	
B.	Amplifier 200260-01	\$ <u>281.25</u>	
C.	Clamp 200715-01	\$ <u>17.20</u>	

3.	Parts (DISCOUNT) % (Cost Plus %) (LIST LESS %)	Mark 10 % -5 %	Estimated Material Cost LIST \$1,000	LIST Estimated Cost with Mark UP DOWN \$ <u>950.00</u>
----	--	------------------------------	---	--

This price shall be \$1000 ~~XXXXXX~~ %
 -Percentage

Total base bid price: \$ 230,620.25
 Sum of Items 1, 2, and 3

THIS FORM CONTINUES ON THE

~~\$229,700~~
 \$229,700

EXECUTION OF BID -

Bidders are requested to indicate by check mark or "Yes/No" on each line of the Technical Specifications the compliance of the item bid. Actual specification of any deficient item must be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation must be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: Wayest Safety, Inc.

Purchase Order/Payments shall be issued to this name

*BUSINESS ADDRESS: P.O. Box 12740

*CITY: Oklahoma City *STATE: OK *ZIP: 73157

*PHONE: 800-256-1003 FAX: 405-942-5289

*E-MAIL: clay.carter@wayest.com

*BY: (PRINTED NAME) Clay Carter

*AUTHORIZED SIGNATURE: Clay Carter

*TITLE: Account Representative

City of Fayetteville
Bid 09-33, Self Contained Breathing Apparatus
Technical Information

To identify the best option for acquiring SCBA equipment for the City of Fayetteville Fire Department, the bid has been broken into three (3) sections. Each section shall include a breakdown for each item making up the unit and a total for a complete unit. The bid must also provide for the option to purchase individual parts of the unit on an as needed base. The third section is a renewable contract.

- ✓ 1. **SCBA:** This bid shall include a breakdown for each item making up the unit. The unit consists of SCBA, Bottle, and Spare Bottle. The bid shall be based on the purchase of a minimum of **thirty-five (35) units**.
- ✓ 2. **Mask:** This bid shall include a breakdown for each item making up the unit. The unit consists of Mask or Face piece, Amplifier, and Communication Clamp. The bid shall be based on the purchase of a minimum of **ninety (90) units** with or without amplifier.
- 3. **Parts:** The City of Fayetteville Fire Department is a Scott In-House repair center. Parts shall be on an as needed basis and sold on a cost plus percent.
 - The first term of the agreement shall be from award of contract through December 31, 2009. This contract will automatically renew based on approval of budget appropriations for three consecutive one-year terms. Either party may terminate the contract with a written notice of cancellation. Cancellation will be effective 30 days after receipt of notice.

General Requirements:

All sections in the bid/contract shall meet National Fire Protection Association (NFPA) 2007 edition, including but not limited to sections 1500, 1782, 1852, and 1981; NIOSH certified to meet the CBRN, and meets the Code of Federal Regulations, 42 CFR 84.

Successful bidder agrees to provide, at their own expense, a factory-trained instructor for 3 consecutive days of onsite training in the operation and maintenance of the complete apparatus within one week of the final delivery of all apparatus.

Any exceptions to these specifications must be detailed in a separate attachment, failure to do so will automatically disqualify the bidder.

Successful bidder must be a factory-authorized distributor to sell the equipment specified.

Section 1 ** YES **

- Air-Pak 75/4.5 with a pressure reducer regulator with back-up reducer mounted on the back-frame. A dual EBSS shall be provided in lieu of optional airline supply with manifold with one each of a female socket and male plug, both with check valves, 2 low pressure hose with a minimum of 40' hose, a containment system, storing device for the hose and dust cap for the female socket and male plug, The SCBA shall incorporate a RIC/UAC fitting that is compliant with NFPA 2007 edition of 1981. The RIC/UAC shall have a check valve to prevent the loss of air when the hose is disconnected. The SCBA positive

pressure regulator shall supply and maintain air to the face piece to satisfy the needs of the user at a pressure greater than atmospheric by no more than 1.5 inches of water pressure static. The regulator shall come with a quick disconnect in-line on the low pressure hose. The regulator shall be impact resistant. The regulator shall have a low-pressure alarm device that shall combine an audible alarm with simultaneous vibration of the face piece. The breathing regulator shall come with a demand valve to deliver air to the user along with a purge valve. The SCBA shall come with a minimum of 2 end of service indicators (EOS), one being a low pressure alarm device combined with an audible alarm coupled with the vibration in the mask and second being a HUD's display in view of the user while using a mask with ¼ bottle increments. The control console with HUD shall have a mechanical gauge and shall be intrinsically safe. Harness and back frame assembly should be lightweight, adjustable with lumbar support style harness. Back frame shall be corrosion resistant with adjustable double locking latch assembly to secure 30, 45 or 60 minute bottles. SCBA shall come with an integrated PASS device that shall incorporate dual visual and audible alarms along with a sensor module mounted to the back frame.

- The cylinder shall be carbon cylinder 4500 psi of lightweight composite type consisting of an aluminum alloy inner shell, with a total overwrap of carbon fiber, fiberglass and an epoxy resin. The valve assembly shall be a "fail open" type. The cylinder valve outlet shall be a modification of the Compressed Gas Association (CGA) standard threaded connection number 346 for breathing air (Proposed CGA connection 347) with a tri-lobe ergonomically designed hand wheel. Each cylinder valve shall consist of the following: 1. a hand activated valve mechanism with a spring loaded, positive "non-lock open service"; 2. an upstream connected frangible disc safety relief device; 3. a dual reading pressure gauge indicating cylinder pressure at all times; 4. a bumper; 5. an angled outlet with each cylinder and valve assembly shall be equipped with a hanger bracket for positive locking attachment of the assembly to the back frame.
- The spare cylinder shall meet all requirements as the above stated cylinder.

Section 2 ** YES **

- The full face piece assembly shall fit persons of varying facial shapes and sizes with minimal visual interference and shall consist of a 6 point quad suspension. Each mask shall come with a protective pouch or case. It shall be the successful bidder's reasonability to provide each size of mask and any parts necessary so that the City of Fayetteville Fire Department can fit test each employee using the OHD 3000 Fit Tester. The mask shall be able to have voice amplification device attached with a clamp.

Section 3 ** NO ** Please See Revised Bid Form Addendum 1, Section 3

- The City of Fayetteville Fire Department is a Scott certified In-House repair center. The successful bidder must be able to provide all parts necessary to make repairs to each unit in sections 1 and 2. The successful bidder must provide a factory cost sheet of all parts after the award of bid and at the beginning of each year their after as long as the bid is in place. Parts will be paid by the City of Fayetteville on a cost plus percentage, as bid in these documents.

H/S 6637A 9/07

Monroe Corporate Center • P. O. Box 569 • Monroe, NC 28110
Telephone: 800.247.7257 • Facsimile: 704.291.8330
www.scotthealthsafety.com • sh-sale@tycoint.com

SCOTT®
HEALTH & SAFETY

City of Fayetteville Staff Review Form

A. 3
Doc Mashburn Park Grant
Page 1 of 10

City Council Agenda Items
and
Contracts, Leases or Agreements

5/19/2009

City Council Meeting Date
Agenda Items Only

Carole Jones

Submitted By

Park Planning

Division

Parks and Recreation

Department

Action Required:

A resolution approving the acceptance of an Arkansas Parks and Tourism Outdoor Recreation 50/50 Matching Grant in the amount of \$50,000 and approving a budget adjustment to recognize the revenue for the development of Doc Mashburn Park.

\$ 50,000.00

Cost of this request

\$ 100,000.00

Category / Project Budget

Neighborhood Park Dev.

Program Category / Project Name

2250.9255.5806.00

Account Number

\$ -

Funds Used to Date

Doc Mashburn Park (Grant Match)

Program / Project Category Name

02013.0901

Project Number

\$ 100,000.00

Remaining Balance

Parks Development

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒

Department Director

Date

Previous Ordinance or Resolution #

149-08

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
Clerk's Office

ENTERED
5-1-09

Chief of Staff

Date

Received in
Mayor's Office

ENTERED
5/1/09

Mayor

Date

Comments:

City Council Meeting of May 19, 2009

Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council
Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *C.E.*
From: Carole Jones, Park Planner *C.J.*
Date: April 30, 2009
RE: **Acceptance of Arkansas Parks and Tourism Outdoor Recreation
Grant for Doc Mashburn Park (formerly called Fairlane Park Land)**

RECOMMENDATION

Parks and Recreation requests City Council approval of a resolution to authorize the City to accept \$50,000 from the Arkansas Parks and Tourism Outdoor Recreation Grant Program and approval a budget adjustment to recognize the revenue for the development of Doc Mashburn Park (see attached conceptual plan).

BACKGROUND

The Land and Water Conservation Fund (LWCF) is a federal program with funds derived from the sale of federal surplus real estate property, federal motor boat fuel tax, and Outer Continental Shelf mineral receipts. The Natural and Cultural Resources Grant and Trust Fund (NCRGTF) is a state program with funds collected from a tax on the transfer of certain real estate in the State of Arkansas. LWCF and NCRGTF funds are included in the Department of Parks and Tourism's Outdoor Recreation Grants Program for funding outdoor recreation facilities. This is a 50/50 reimbursable matching grant with a \$250,000 maximum request on matching funds. This year the City of Fayetteville has been awarded \$50,000 for the development of Doc Mashburn Park (see attached letter from the office of Governor Beebe).

Doc Mashburn Park contains 1.34 acres and is located at 1582 Fairlane Street east of Fairlane Apartments. The park land is situated in the southeast quadrant of town south of Huntsville Road and west of Happy Hollow Road. The park serves residents within a ½-mile radius. Two public meeting were conducted to involve the neighborhood and assess the community's needs and desires for amenities within the park. Based on the findings, a park master plan that included a walking trail around the park perimeter, a pavilion, a playground and a basketball court was designed by Park Staff and presented to the neighborhood. PRAB approved the application request on July 7, 2008. The plan was approved by the neighborhood and PRAB on August 4, 2008 (see attached PRAB minutes).

On August 5, 2008, City Council passed Resolution Number 149-08 authorizing Parks and Recreation to apply for a grant from Arkansas Department of Parks and Tourism (see attached resolution).

City Council Meeting of May 19, 2009

Agenda Item Number

DISCUSSION

The Outdoor Recreation Grant is a 50/50 Matching Grant that is reimbursed to the City. The State of Arkansas awarded the Parks and Recreation Department \$50,000. Parks and Recreation Staff plans to complete the project as planned in the grant. The project will start after a Project Management meeting is held with Arkansas State Parks Officials. After this meeting, the Outdoor Recreation and Grants Program will issue the City of Fayetteville a Notice to Proceed. Work on the project should begin in late spring.

BUDGET IMPACT

Arkansas State Parks Outdoor Recreation Program awarded the City of Fayetteville a total of \$50,000 to complete the project. This grant is a 50/50 matching grant, meaning the Outdoor Recreation Grant Program will pay half of the expenses, up to \$50,000. The City's match is accounted for in project number 02013.0901, Neighborhood Park Development.

This project is funded with Neighborhood Park Development Funds (\$100,000). The annual maintenance cost for the developed park (1.34 acres) is anticipated to be \$2,700.

Attachments:

Doc Mashburn Park (formerly called Fairlane Park Land) Conceptual Plan
Letter of Award Notification from the Office of Governor Beebe
PRAB Minutes July 7, 2008
PRAB Minutes August 4, 2008
Resolution No. 149-08
Budget Adjustment

RESOLUTION NO. _____

**A RESOLUTION TO ACCEPT AN ARKANSAS PARKS AND
TOURISM MATCHING GRANT IN THE AMOUNT OF
\$50,000.00 FOR DEVELOPMENT OF DOC MASHBURN
PARK AND TO APPROVE A BUDGET ADJUSTMENT TO
RECOGNIZE THIS REVENUE**

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts an Arkansas Parks and Tourism Matching Grant in the amount of \$50,000.00 for development of Doc Mashburn Park and approves the attached budget adjustment to recognize this revenue.

PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

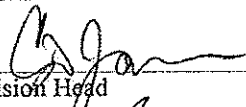
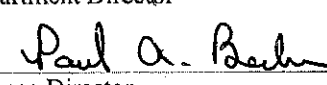
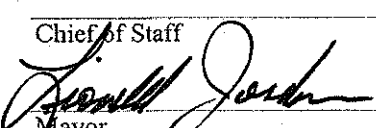
A. 3
Doc Mashburn Park Grant
Page 5 of 10

Budget Year 2009	Department: Operations Division: Parks & Recreation Program: Parks Development Capital	Date Requested 5/19/2009	Adjustment Number
-------------------------	--	---------------------------------	-------------------

Project or Item Added/Increased: \$50,000 is requested in the Park Improvements Account for Doc Mashburn Park Development in the Neighborhood Park Development Project 02013.0901	Project or Item Deleted/Reduced: To recognize a \$50,000 grant awarded on April 3, 2009 from the Arkansas Parks and Tourism in the State Grants Capital fund.
Justification of this Increase: The additional funding is needed for the development of this neighborhood park.	Justification of this Decrease: To recognize grant funds from the Arkansas Parks and Tourism Outdoor Recreation 50/50 Matching Grant in the amount of \$50,000 for the development of Doc Mashburn Park.

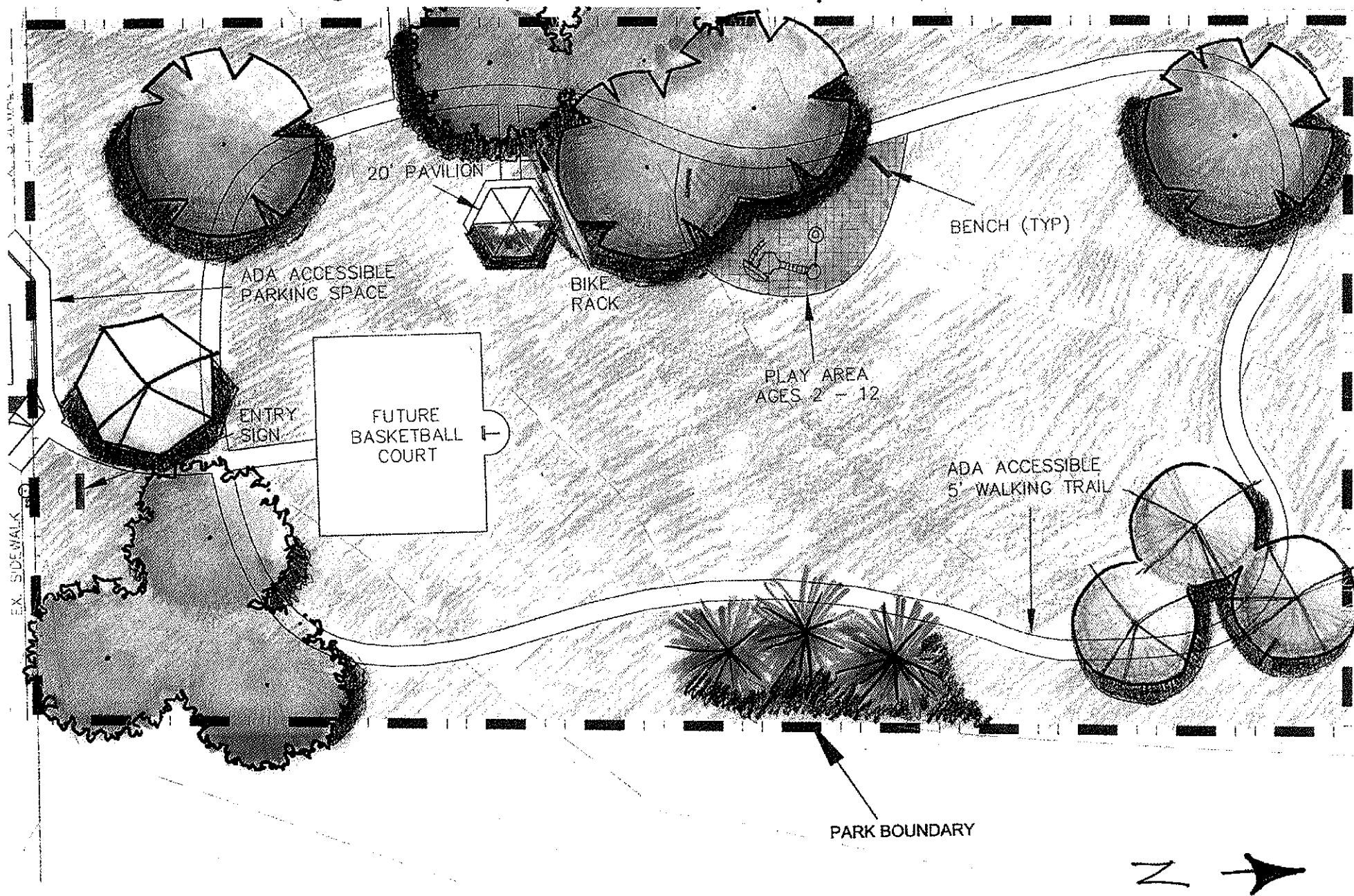
Increase Budget							
Account Name	Account Number				Amount	Project Number	
Park Improvements	2250	9255	5806	00	50,000	02013	0901

Decrease Budget							
Account Name	Account Number				Amount	Project Number	
State Grants - Capital	2250	0925	4302	00	50,000	02013	0901

 Division Head  Budget Director  Department Director  Finance Director  Chief of Staff  Mayor	4/30/09 Date 5-4-09 Date 4-30-09 Date 5-4-09 Date 5/4/09 Date	V.090403 Budget & Research Use Only Type: ☐ B ☐ C ☒ D ☐ E SIGN HERE Requested By _____ General Ledger Date _____ Posted to General Ledger _____ Posted to Project Accounting _____
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DOC MASHBURN PARK CONCEPTUAL PLAN

A. 3
Doc Mashburn Park Grant
Page 6 of 10





RECEIVED

APR 15 2009

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

STATE OF ARKANSAS
MIKE BEEBE
GOVERNOR

April 3, 2009

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Jordan:

It is my pleasure to inform you that the Outdoor Recreation Grants Advisory Committee of the Department of Parks and Tourism has recommended that the City of Fayetteville be awarded a grant based on its FY 2009 application for matching-grant funds.

I am pleased to award the City of Fayetteville a matching grant in the amount of \$50,000.00 to assist in construction of a playground with impact surface, pavilion with picnic tables, half-court basketball court, ADA-compliant walkways and parking, entrance sign, benches, and trees at Fairlane Park.

The Department of Parks and Tourism will be contacting you in the near future to explain the procedure for the awards. Best wishes for much success with your endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Beebe".

Mike Beebe

MB:jb

cc: Senator Sue Madison
Representative Jim House
Richard W. Davies, Executive Director
Department of Parks and Tourism

**FAYETTEVILLE
PARKS AND RECREATION ADVISORY BOARD**

Meeting Minutes July 7, 2008

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order by Chairman Wade Colwell at 5:31 p.m. on July 7, 2008 in room 326 of the City Administration Building located at 113 West Mountain Street in Fayetteville, Arkansas.

Present:

Park and Recreation Advisory Board members Colwell, Biendara, P Jones, Waite, Mauritson, and Bitler were present for the first vote. Davidson and Hatfield came in immediately after that vote. Park Staff Edmonston, Humphry, Wright, Jumper, C Jones, Thomas, and the audience were in attendance.

7. Request to apply for 2009 Arkansas Parks and Tourism 50/50 Outdoor Recreation Grant for the development of Fairlane subdivision park land:

Parks staff hosted a Public Meeting at the 1.34 acre park land located at 1582 Fairlane Street to discuss priorities and needs for the 2009 Arkansas Parks & Tourism 50/50 Outdoor Recreation Grant. Citizens voted to apply for the grant to develop the park at Fairlane. The top three requested amenities were a walking trail around the park perimeter, a pavilion and a playground.

C Jones reported a public meeting has been held at the potential parkland on Fairlane. The majority attending wanted that piece of property for the future park. The number one request was a walking trail around the perimeter of the park. Staff is asking PRAB to approve the park area and grant.

Mauritson asked if the board was asking to approve the land and also the grant. Edmonston said yes, it would be both.

Bitler wanted to know what was located east of the land. Jumper said it was private land. Parks and Recreation talked to the owner a few years ago, and he was not interested in selling.

Bitler asked if any trees would be planted on the property. C Jones said yes, trees would be included in the design of the park.

Mauritson asked what would happen if the grant isn't awarded to Fayetteville Parks and Recreation, or some other problem develops. Edmonston said that we have met all regulations, so that shouldn't happen.

Colwell asked if the socioeconomic impact was considered. Wright said yes. The points are awarded to municipalities when they are applying for a project in a low income area of the community.

Staff Recommendation: Approval to apply for 2009 Arkansas Parks and Tourism 50/50 Outdoor Recreation Grant for the development of Fairlane subdivision park land.

PRAB Motion: Mauritson motioned to accept Staff recommendation. Waite seconded it. Motioned passed 8-0-0 by voice vote.

FAYETTEVILLE PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes August 4, 2008

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order by Chairman Wade Colwell at 5:39 p.m. on August 4, 2008 in room 326 of the City Administration Building located at 113 West Mountain Street in Fayetteville, Arkansas.

Present:

Parks and Recreation Advisory Board members Colwell, Biendara, Waite, Mauritson, and Hatfield were present. P Jones and Davidson were absent. Wright, C Jones, Jumper, Thomas and the audience were in attendance.

AGENDA:

3. Fairlane Park Land Master Plan: Carole Jones, Park Planner

Parks & Recreation Staff Recommendation: Approval of the Fairlane Park Land Conceptual Master Plan for development in 2009.

C Jones reminded the board that they have already approved this land to be a future park. This vote will be for approval of the Fairlane Parkland Conceptual Master Plan for development in 2009.

Colwell said that the conceptual plan needed to be approved. The name of the park will be decided at a later date.

Mauritson asked if any names had been suggested.

Wright replied that Staff has suggested Fairlane Park, or Jefferson Park. Jefferson is the school that closed nearby. More suggestions are welcomed.

PRAB Motion: Mauritson motioned to accept the conceptual plan. Biendara seconded it. Motion passed by voice vote 5-0-0.

RESOLUTION NO. 149-08

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

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

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

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

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

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

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

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

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville Staff Review Form

A. 4
High Intensity Drug
Trafficking Area Grant
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

5/19/2009

City Council Meeting Date
Agenda Items Only

J Cohea
Submitted By

Support Services
Division

Police
Department

Action Required:

Acceptance of additional funding through the 2007 High Intensity Drug Trafficking Area (HIDTA) grant to support investigations and approval of a budget adjustment in the amount of \$20,000.00.

\$ 20,000.00

Cost of this request

\$ 14,000.00

Category / Project Budget

HIDTA - PE/PI

Program Category / Project Name

2930-2960-5379.07

Account Number

\$ -

Funds Used to Date

Grant

Program / Project Category Name

08070-0701

Project Number

\$ 14,000.00

Remaining Balance

Drug Enforcement

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
Clerk's Office

ENTERED
4-23-09
WJH

Chief of Staff

Date

Received in
Mayor's Office

ENTERED
5/4/09
PH

Mayor

Date

Comments:

Departmental Correspondence

TO: Mayor Lioneld Jordan and Members of the City Council

FROM: Greg Tabor, Chief of Police

DATE: April 24, 2009

SUBJECT: Additional Funding from 2007 High Intensity Drug Trafficking Area Grant

Recommendation: The City Council accepts additional non-matching funds from the 2007 Gulf Coast High Intensity Drug Trafficking Area (HIDTA) grant in the amount of \$20,000.00 and approval of a budget adjustment to increase federal grant revenue and confidential expenses.

Discussion: The Gulf Coast HIDTA director has redistributed unspent 2007 grant funds to more effectively manage and expend available funding. These funds are dedicated to providing additional monies for undercover drug purchases. Performing undercover drug purchases is the first step in infiltrating a drug trafficking organization (DTO). This funding will allow our 4th Judicial District Drug Task Force (4th DTF) to develop confidential informants. These informants will be used jointly by the 4th DTF and the Northwest Arkansas HIDTA Task Force to identify and dismantle previously unknown DTO's in our area.

Background: Sheriff Helder along with local Chiefs of Police requested our area be included in the Gulf Coast HIDTA to help law enforcement combat the increase of illegal drugs being moved across our local, state and interstate highways. Becoming part of this organization we receive both funding for overtime and information is passed on to our area from other agencies within this organization.

Budget Impact: A budget adjustment in the amount of \$20,000.00 is attached to recognize both the expense and revenue.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE POLICE DEPARTMENT TO ACCEPT ADDITIONAL FUNDING THROUGH THE 2007 GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA GRANT IN THE AMOUNT OF \$20,000.00 TO SUPPORT INVESTIGATIONS; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE .

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Police Department to accept additional funding through the 2007 Gulf Coast High Intensity Drug Trafficking Area Grant in the amount of \$20,000.00 to support investigations.

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

PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Wayne Blankenship

From: James Hawkins [hawkinj@gchidta.org]
Sent: Monday, February 23, 2009 11:21 AM
To: Wayne Blankenship
Cc: Emma French; Tony Soto; Kim Vasquez; Tom Barbee; Bill Bryant
Subject: I7PGCP616Z REPROGRAMMING

Wayne,

The Northwest Arkansas Major Investigations Team supervisor has asked that we request a reprogramming of HIDTA 2007 funds so that the grant can be more efficiently managed and get the 2007 funds spent before the deadline of December 31, 2009.

If you will please forward this email to Mr. Soto at sotot@gchidta.org and to Ms Vasquez at vasquek@gchidta.org that should satisfy the request.

In grant no. I7PGCP616Z please move:

\$10,000 from NWA-MIT Arkansas State Police Overtime
\$10,000 from NWA-MIT Arkansas Highway Police Overtime
\$20,000 to NWA-MIT Fayetteville PD Other (PE/PI)

This reprogramming will put funds in the proper location to insure that the funds are expended in a timely manner.

With this reprogramming the Arkansas State Police still has a total of \$182,872 and the Arkansas Highway Police \$61,000 in interdiction overtime as well as \$127,608 in 2008 and \$17,500 in 2009 supplemental DHE funds available for highway interdiction operations.

If you have any questions please contact me at 601-933-9438 or email at this address.

Thank you,

Jim Hawkins

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

A. 4
High Intensity Drug
Trafficking Area Grant
Page 5 of 6

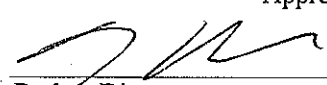
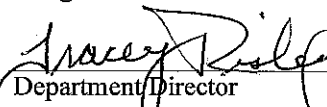
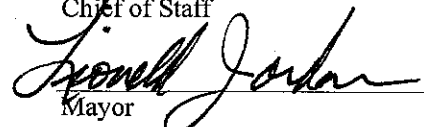
Budget Year 2009	Department: Police Division: Police Program: Drug Enforcement	Date Requested 5/19/2009	Adjustment Number
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Project or Item Added/Increased: Confidential - HIDTA	Project or Item Deleted/Reduced: None - we are requesting an increase in revenue and expense.
--	--

Justification of this Increase: Redistribution of available funds from the HIDTA Director to provide additional monies for undercover drug purchases.	Justification of this Decrease:
--	---------------------------------

Increase Budget							
Account Name		Account Number				Amount	Project Number
		2930	2960	5379	07	20,000	08070 0701

Decrease Budget							
Account Name		Account Number				Amount	Project Number
Federal Grants - Operational		2930	0993	4309	01	20,000	08070 0701

Approval Signatures		Budget & Research Use Only			
	<u>4-23</u> Date	Type:	A	B	C
	<u>4-23-09</u> Date	Requested By	<u>D</u>		E
	<u>5-4-2009</u> Date	General Ledger Date			
	<u>5/5/09</u> Date	Posted to General Ledger			
	<u>5/5/09</u> Date	Posted to Project Accounting			

City of Fayetteville Staff Review Form

A. 5
Community Development Block
Grant Program
Page 1 of 10

City Council Agenda Items
and
Contracts, Leases or Agreements

5/19/2009

City Council Meeting Date
Agenda Items Only

Chase Gipson

Submitted By

Recreation Programs

Division

Parks and Recreation

Department

Action Required:

Resolution to accept grants awarded from the Community Development Block Grant fund in the amount of \$28,233 for FUN4KIDS program at the Yvonne Richardson Community Center. Approval of a budget adjustment for funds for programs and cost associated with programs at the Yvonne Richardson Community Center.

\$ 28,233.00

Cost of this request

\$ -

Category / Project Budget

Yvonne Richardson Comm Center

Program Category / Project Name

1010.5280.5342.00

Account Number

\$ -

Funds Used to Date

Services and Charges

Program / Project Category Name

08054.0901

Project Number

\$ -

Remaining Balance

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Connie Edmonston
Department Director

5-1-09
Date

Previous Ordinance or Resolution # 71-09

Original Contract Date:

Original Contract Number:

D. J. Whit
City Attorney

5/4/09
Date

Paul a. Behn
Finance and Internal Services Director

5-5-2009
Date

Received in City
Clerk's Office

ENTERED

5/1/09

Don Mann
Chief of Staff

5-5-09
Date

Received in
Mayor's Office

ENTERED

5/4/09

Lionel Jordan
Mayor

5/5/09
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director

From: Tracie A. Martin, Financial Coordinator

Date: April 30, 2009

Subject: Budget adjustment to recognize grant awards from Community
Development Block Grant fund

RECOMMENDATION

Approval of a resolution to accept grant funds from the Community Development Block Grant and a budget adjustment in the amount of \$28,233 for the Yvonne Richardson Community Center Program for the FUN4KIDS program.

BACKGROUND

Parks and Recreation was awarded \$28,233 from the Community Development Block Grant for the operation of recreation programs for the Yvonne Richardson Community Center (YRCC). These funds will allow for funding of the FUN4KIDS program that includes field trips, game equipment, transportation, mentoring / tutoring program and special events. Special events will include back-to school and holiday parties. These events assist financially challenged families with the opportunity to receive free school supplies and Christmas gifts for their children.

DISCUSSION

The Community Block Grant funds will provide a comprehensive recreation program for the children and families of the YRCC. Most YRCC participants come from low income families and need inviting places where they learn positive life skills and participate in healthy activities. YRCC has developed a program to assist youth with homework and studying for schoolwork in which field trips and prizes are offered for participation. YRCC Staff is partnering with Big Brothers and Big Sisters of Northwest Arkansas to provide positive role models for each of these children in need.

BUDGET IMPACT

By approving this resolution, the overall budget for the YRCC fund will increase. The YRCC fund will increase \$28,233 to reflect the cost of these program expenses. This adjustment is for Community Development Block Grant funds which are administered by the Community Resources Division. The Grant expenses are in their operation budget. The budget adjustment for the YRCC budget is necessary because the expenses will reflect from this program. After the expenses occur and receipts are provided to Community Resources, a reimbursement payment will be received by the City of Fayetteville for the expenses in this program.

YRCC was also awarded \$21,848 from Community Development Block Grant funds for a storage building and to purchase Kidtrax Program. These transactions will be directly paid by the Community Resource Division.

Attachments:

Budget Adjustment
YRCC Schedule

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT TO
RECOGNIZE \$28,233 FROM THE COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAM FOR THE YVONNE RICHARDSON COMMUNITY
CENTER.

**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 attached Budget Adjustment to recognize \$28,233 from the Community Development Block
Grant program for the Yvonne Richardson Community Center.

PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. 71-09

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT
FOR 2009 IN THE ESTIMATED AMOUNT OF \$635,930.00.

**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
authorizes the Mayor to execute the Community Development Block Grant (CDBG)
Agreement in the estimated amount of \$635,930.00.00 for 2009, with allocation proposed as
follows:

➤ Administration	\$121,359
➤ Housing Rehabilitation	\$279,998
➤ Fayetteville Public Library	\$3,000
➤ LifeSource	\$11,248
➤ NWAEDD	\$7,604
➤ Ozark Guidance	\$5,000
➤ Peace at Home	\$14,915
➤ YRCC (Services)	\$28,233
➤ Taxi Program	\$11,000
➤ Transportation Program	\$9,000
➤ Code Compliance	\$44,573
➤ YouCan!	\$15,501
➤ Youth Bridge	\$62,651
➤ YRCC (Facilities)	\$21,848

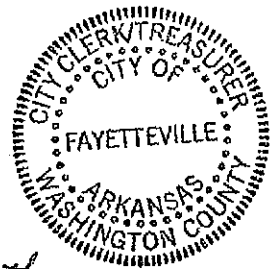
PASSED and APPROVED this 7th day of April, 2009.

APPROVED:

ATTEST:

By: *Lionel Jordan*
LIONEL JORDAN, Mayor

By: *Sondra E. Smith*
SONDRA E. SMITH, City Clerk/Treasurer



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

A. 5
Community Development Block

Budget Year 2009	Department: Operations Division: Parks & Recreation Program: Yvonne Richardson Community Center	Date Requested 5/19/2009	Grant Program Adjustment Number Page 6 of 10
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Project or Item Added/Increased: Increase various accounts for grant awarded from the Community Development Block Grant fund in the amount of \$28,233 for FUN4KIDS program at the Yvonne Richardson Community Center.	Project or Item Deleted/Reduced: Recognize grant amounts into the budget.
--	---

Justification of this Increase: These funds were received by grant for programs and cost associated with programs at the Yvonne Richardson Community Center for 2009.	Justification of this Decrease: Adequate funds are available for these programs
---	---

Increase Budget			
Account Name	Account Number	Amount	Project Number
		see attached	

Decrease Budget			
Account Name	Account Number	Amount	Project Number
		see attached	

Division Head Budget Director Department Director Finance Director Chief of Staff Mayor Date 5-4-09 Date 5-4-09 Date 5-5-09 Date 5/5/09 Date 5/5/09		V.090403 Budget & Research Use Only Type: A B C <u>D</u> E Requested By _____ General Ledger Date _____ Posted to General Ledger Initial Date Posted to Project Accounting Initial Date
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Budget Adjustment Detail Backup

A. 5
Community Development Block
Grant Program
Page 7 of 10

Account Name	Account Number	Increase Budget	Decrease Budget	Project#	Sub#	Project Description
Salaries & Wages	1010.5280.5100.00	1,920		08054	0901	YRCC-CDBG Program Funding
FICA Taxes	1010.5280.5105.00	150		08054	0901	YRCC-CDBG Program Funding
Promotional Activities	1010.5280.5342.00	18,663		08054	0901	YRCC-CDBG Program Funding
Equipment Rental	1010.5280.5308.03	5,500		08054	0901	YRCC-CDBG Program Funding
Fuel	1010.5280.5213.04	214		08054	0901	YRCC-CDBG Program Funding
Shop Overhead Insurance	1010.5280.5331.03	548		08054	0901	YRCC-CDBG Program Funding
Shop Overhead Charges	1010.5280.5331.02	408		08054	0901	YRCC-CDBG Program Funding
Motor Pool Charges	1010.5280.5331.00	830		08054	0901	YRCC-CDBG Program Funding
Federal Grants - Operational	1010.0001.4309.01		28,233	08054	0901	YRCC-CDBG Program Funding
		28,233	28,233			



community resources
CITY OF FAYETTEVILLE

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

ATTACHMENT B

10. **Project Budget.** Provide a precise and descriptive line-item budget of requested CDBG funds.

Expenses

Transportation Cost

Yearly Bus/Van Rental	\$7,500
-----------------------	---------

Spring Programs

Field Trip	\$1,000	
Movies/Walton Arts	\$ 700	
Spring Break Program	\$1,200	
Making the Grade		
Tutors (2 @ 120 hours)	\$ 960	
College Prep/ACT/SAT	\$ 533	
Total Spring Programs		\$4,393

Summer Program ("Summer Fun4Kids")

Summer Recreation Assistants (1 x 20hrs x \$8/hr x 12 wks)	\$ 1,920	
Field Trip/Programs	\$ 5,000	
Back to School Bash	\$ 2,000	
Total Summer Cost		\$8,920

Fall Programs

Field Trips	\$1,000	
Movies/Walton Arts	\$ 700	
Make the Grade in Life		
School Supplies /Computer programs/etc.	\$ 550	
Tutors (2 @ 120 hours x \$8/hr)	\$ 960	
Art Supplies	\$ 500	
Total Fall Program		\$3,710

Winter Programs

Field Trips	\$1,000	
Movies/Walton Arts	\$ 700	
Make the Grade in Life		
School Supplies /Computer programs/etc.	\$ 550	
Tutors (2 @ 120 hours x \$8/hr)	\$ 960	
Art Supplies	\$ 500	
Total Fall Program		\$3,710

Total Expenses

\$28,233

City of Fayetteville Staff Review Form

A. 6
Identity Theft Prevention Program
Page 1 of 6

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

5/19/2009

City Council Meeting Date
Agenda Items Only

Rainy Laycox

Billing & Collections

Finance

Submitted By

Division

Department

Action Required:

Council approval for Mayor to sign Policy and Procedure establishing an Identity Theft Prevention Program. This program was mandated by the Federal Trade Commission which requires every utility, including public electric, water and systems, such as the City of Fayetteville to implement an Identity Theft Program. The FTC requirements and regulations are necessary because of § 114 of the Fair and Accurate Credit Transactions Act (FACTA).

\$ N/A -
Cost of this request

\$ -
Category / Project Budget

\$ -
Program Category / Project Name

N/A
Account Number

N/A
Funds Used to Date

N/A
Program / Project Category Name

N/A
Project Number

\$ -
Remaining Balance

N/A
Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

Paul A. Bach
Department Director

4-23-2009
Date

Previous Ordinance or Resolution # _____

D. J. White
City Attorney

5/4/2009
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bach
Finance and Internal Services Director

5-4-2009
Date

Received in City
Clerk's Office



Jim Mc
Chief of Staff

5/5/09
Date

Received in
Mayor's Office



Leah Jordan
Mayor

5/5/09
Date

Comments: The FTC Red Flag Rules are to be adopted and in place by May 1, 2009



THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Lioneld Jordan and Fayetteville City Council

From: Paul Becker, Finance Director

Date: April 24, 2009

Subject: Identity Theft Prevention Program

Recommendation

Staff recommends approval of a resolution requesting the council to approve a Identity Theft Prevention Program. A copy of the policy is attached.

Discussion

The Federal Trade Commission has mandated that utility systems that extend credit in any way to customers implement an Identity Theft Program. This includes the City of Fayetteville's water & sewer system. The mandate was necessary to meet the requirements embodied in the Fair and Accurate Transactions Act. The Billings and Collections Division drafted the policy using suggested guidelines.

Budget

The implementation of this policy will have no budget impact at this time.

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ADOPTING POLICY AND PROCEDURE No. BC-04 "IDENTITY THEFT PREVENTION PROGRAM" TO COMPLY WITH PROVISIONS OF THE FAIR AND ACCURATE CREDIT TRANSACTIONS (FACT) ACT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby approves and adopts Policy and Procedure No. BC-04 "Identity Theft Prevention Program" to comply with provisions of the Fair and Accurate Credit Transactions (FACT) Act. A copy of the Policy and Procedure, marked Exhibit "A," is attached hereto and made a part hereof.

PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CITY OF FAYETTEVILLE, ARKANSAS

POLICY AND PROCEDURE

Subject:	Identity Theft Prevention Program
Policy Number:	BC-04
Original Policy Date:	May 1, 2009
Effective Date of New/Revised Policy:	May 1, 2009
Revision Dates:	
Custodian: (Division)	Billing and Collections
Mayor's Signature and Date	

BC-04.0 PURPOSE:

To comply with the Federal Trade Commission (FTC) Red Flag Rules which was developed pursuant to the Fair and Accurate Credit Transactions (FACT) Act of 2003 and which requires every utility, including public utilities such as the City of Fayetteville to implement an Identity Theft Prevention Program (ITPP). The City of Fayetteville adopts this sensitive information policy to help protect employees, customers, and the municipality from damages related to the loss or misuse of sensitive information.

BC-04.1 PROCEDURE:

COMPLIANCE OFFICER

The Compliance Officer for this ITPP and Policy and Procedure shall be the Billing and Collections Manager or his/her designee. The Compliance Officer shall conduct training of all City utility employees that transact business with customers of the City's utilities. The Compliance Officer shall periodically review this program and recommend any necessary updates to the City Council.

RED FLAGS

The FTC regulations identify numerous red flags that must be considered in adopting an ITPP. The FTC has defined a red flag as a pattern, practice, or specific activity that indicates the possible existence of identity theft. The City identifies the following red flags from the examples provided in the regulations of the FTC:

- a. Suspicious documents - Possible red flags include:
 - i. presentation of documents appearing to be altered or forged;
 - ii. presentation of photographs or physical descriptions that are not consistent with the appearance of the applicant or customer;
 - iii. presentation of other documentation that is not consistent with the information provided when the account was opened or existing customer information;
 - iv. presentation of information that is not consistent with the account application; or
 - v. presentation of an application that appears to have been altered, forged, destroyed, or reassembled.

- b. Suspicious personal identifying information - Possible red flags include:
- i. personal identifying information is being provided by the customer that is not consistent with other personal identifying information provided by the customer or is not consistent with the customer's account application;
 - ii. personal identifying information is associated with known fraudulent activity;
 - iii. the social security number (if required or obtained) is the same as that submitted by another customer;
 - i. the telephone number or address is the same as that submitted by another customer;
 - iv. the applicant's failure to provide all personal identifying information requested on the application; or
 - v. the applicant or customer's inability to provide authenticating information beyond that which generally would be available to a consumer.
- c. Unusual use of or suspicious activity related to an account - possible red flags include:
- i. a change of address for an account followed by a request to change the account holder's name;
 - ii. a change of address for an account followed by a request to add new or additional authorized users or representatives;
 - iii. an account is not being used in a way that is consistent with prior use (such as late or no payments when the account has been timely in the past);
 - iv. a new account is used in a manner commonly associated with known patterns of fraudulent activity (such as customer fails to make the first payment or makes the first payment but no subsequent payments);
 - v. mail sent to the account holder is repeatedly returned as undeliverable;
 - vi. the City receives notice that a customer is not receiving his paper statements; or
 - vii. the City receives notice of unauthorized activity on the account.
- d. Notice regarding possible identity theft - Possible red flags includes:
- i. notice from a customer, an identity theft victim, law enforcement personnel or other reliable sources regarding possible identity theft or phishing related to utility accounts.

RED PROOF OF IDENTITY

Any person or entity opening a utility account shall provide a complete application and provide satisfactory evidence of their identity and/or address. Said proof may include but not be limited to: a valid driver's license; passport; state or federal identification card; or military identification card. The required application must be completed in its entirety and must be signed in order to establish a utility account.

RED CONFIDENTIALITY OF APPLICATIONS AND ACCOUNT INFORMATION

All personal information, personal identifying information, account applications and account information collected and maintained by the City shall be a confidential record of the City and shall not be subject to disclosure unless otherwise required by State or Federal Law. Additionally, any employee with access to utility customers' personal information, account applications or account information shall be required to keep such information in confidence and protect the privacy of Customers. Please see

the section titled Confidential Information (34.1) in Policy and Procedure HR-34, Ethics and Conflict of Interest Statement.

RED ACCESS TO UTILITY ACCOUNT INFORMATION

Access to utility account information shall be limited to approved City employees with a verified need as determined by the Compliance Officer for the policy. Any computer that has access to utility customer account or personal identifying information shall be password protected and all computer screens shall be locked when the employee leaves the work station. All paper and non-electronic based utility account or customer personal identifying information shall be stored and maintained in a locked room or cabinet and access shall only be granted by the Compliance Officer or his/her designee, or in the alternative shall be scanned for secure, password protected, digital storage, and then shredded

RED CREDIT CARD TRANSACTIONS

Credit card transactions shall only be processed by a third party processor that complies with all appropriate credit card processing requirements of the card issuer. Credit card payments made to the City shall comply with the merchant agreement and/or card holders agreement.

RED SUSPICIOUS TRANSACTIONS

Suspicious transactions include but are not limited to the presentation of incomplete applications; unsigned applications; payment by someone other than the person named on the utility account; presentation of inconsistent signatures, addresses or identification. Suspicious transactions shall not be processed and shall be immediately referred to the Compliance Officer.

NOTIFICATION OF LAW ENFORCEMENT

The Compliance Officer shall use his/her discretion on whether to report suspicious transactions to the police department or other appropriate law enforcement.

ANNUAL REPORT

An annual report, as required by FTC regulations, shall be provided by the Billing and Collections division to the Mayor's Chief of Staff. The contents of the annual report shall address and/or evaluate at least the following:

- a) the effectiveness of the policies and procedures of the City in addressing the risk of identity theft in connection with the opening of utility accounts and with respect to access to existing utility accounts; and
- b) software, credit-card processing, and service provider arrangements; and
- c) any incidents involving identity theft, or suspected identity theft, with utility accounts and the City's remedial response; and
- d) any changes, or proposed changes, in methods to identify identity theft and/or to prevent identity theft; and
- e) any recommendations for changes or modifications to the City's ITPP.

City of Fayetteville Staff Review Form

A. 7
Sweetser Construction, Inc.
Page 1 of 14

City Council Agenda Items
and
Contracts, Leases or Agreements

5/19/2009

City Council Meeting Date
Agenda Items Only

Chris Brown

Submitted By

Engineering Division

Division

Development Services

Department

Action Required:

A resolution to award a contract to Sweetser Construction, Inc. in the amount of \$3,773,418.22 for construction of improvements to Mount Comfort Road, Alpine Avenue to Ruppel Road, and approve a project contingency of 10% in the amount of \$377,340

\$ 3,773,418.22

Cost of this request

\$ 19,343,175.00

Category / Project Budget

Mt. Comfort (Alpine to Ruppel Rd)

Program Category / Project Name

4520.9520.5809.00

Account Number

\$ 5,789,687.40

Funds Used to Date

Street Improvements

Program / Project Category Name

06035.1500

Project Number

\$ 13,553,487.60

Remaining Balance

2006A Sales Tax Construction

Fund Name

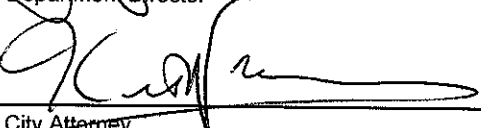
Budgeted Item

Budget Adjustment Attached


Department Director

 05.05.09
Date

Previous Ordinance or Resolution #


City Attorney

 5-1-09
Date

Original Contract Date:

Original Contract Number:

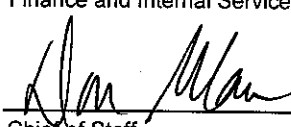
 Paul A. Babin
Finance and Internal Services Director

 5-4-2009
Date

 Received in City
Clerk's Office

ENTERED

4:30 PM

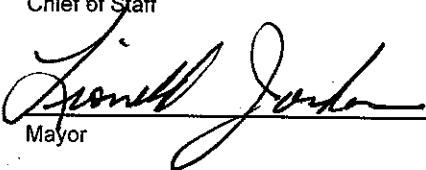

Chief of Staff

 5/4/09
Date

 Received in
Mayor's Office

ENTERED

5/11/09


Mayor

 5/4/09
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

From: Chris Brown, City Engineer *CB*

Date: April 30, 2009

Subject: A resolution to award a contract to Sweetser Construction, Inc. in the amount of \$3,773,418.22 for construction of improvements to Mount Comfort Road, Alpine Avenue to Ruppel Road, and approve a project contingency of 10% in the amount of \$377,340

RECOMMENDATION:

Staff recommends approval of a resolution awarding a contract to Sweetser Construction, Inc. in the amount of \$3,773,418.22 for construction of improvements to Mount Comfort Road Contract 2, Alpine Avenue to Ruppel Road, and approval of a project contingency of 10% in the amount of \$377,340.

BACKGROUND:

Mount Comfort Road Improvements are a part of the Transportation Improvement Bond Program. The project includes major intersection improvements at the I540/Shiloh Drive Intersection, relocation of Shiloh Drive to the west, signalization of 4 intersections along Mount Comfort, and widening of Mount Comfort to 4 lanes from I-540 to Ruppel Road.

The improvements have been designed by Garver Engineers.

DISCUSSION:

Bids were received on April 28, 2009 for Contract 2 of the improvements. Contract 2 includes widening Mount Comfort Road to 4 lanes from Alpine Avenue to Ruppel Road, with an additional turn lane and signalization at Salem Road and Ruppel Road. The project also includes relocation of water and sewer lines to allow for the improvements.

Nine bids were received, ranging from a high of \$4,955,513.01 to the low bid of \$3,773,418.22. The low bid was submitted by Sweetser Construction, Inc. of Fayetteville. Sweetser Construction is a well-known local contractor that has demonstrated their ability to complete a contract of this size and type.

BUDGET IMPACT:

This Contract will be funded with a portion of the 2006 Transportation Bond Issue proceeds. The contract amount plus contingency is within the original project estimate of \$4,432,020 for construction of this portion of the project.

BID: 09-32
4/28/2009
2:00 PM, Local Time
CITY OF FAYETTEVILLE



**Bid 09-32, Mount Comfort Road Improvements
Contract 2, Ruppel Road to Alpine Avenue**

BIDDER		TOTAL BASE BID
1	APAC-Arkansas, Inc.	\$4,240,263.30
2	Dean Crowder Construction, Inc.	* \$4,121,874.87
3	Decco Contractors-Paving	\$4,471,121.30
4	Ground Zero Construction, Inc.	* \$4,286,036.55
5	Jimmy Jones Excavation, Inc.	\$4,206,709.60
6	Mobley Contractors, Inc.	* \$4,955,513.01
7	N.E.C., Inc.	\$3,778,978.77
8	Sweetser Construction, Inc.	* \$3,773,418.22
9	Tomlinson Asphalt Co., Inc.	* \$4,064,404.78

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

* indicates adjustment in bid price for calculation error

CERTIFIED:

Andrew Foren
A. FOREN - PURCH AGENT

Joanna Main
WITNESS

4/28/09
DATE

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$3,773,418.22 FOR WIDENING AND IMPROVEMENTS TO MOUNT COMFORT ROAD AND TO APPROVE A CONTINGENCY IN THE AMOUNT OF \$377,340.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a construction contract (attached as Exhibit A) with Sweetser Construction, Inc. in the amount of \$3,773,418.22 for widening and improvements to Mount Comfort Road and to approve a contingency in the amount of \$377,340.00.

PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: **MOUNT COMFORT ROAD IMPROVEMENTS CONTRACT 2 –
RUPPLE ROAD TO ALPINE AVENUE.**

Contract No.: _____

THIS AGREEMENT is dated as of the _____ day of _____ in the year 20__ by and
between The City of Fayetteville, Arkansas and _____.(hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract
Documents. The work under this Contract includes, but is not limited to:

11,500 Tons of Asphalt Concrete Hot Mix, 39,300 SY of aggregate base (six to eight inches
thick), 11,600 LF of Curb and Gutter; 5,200 SY of concrete sidewalk, 5,700 LF of 18" – 51x-31"
Reinforced Concrete Pipe, 2,600 LF of 12" PVC water line, 720 LF of 8" PVC water line, 5,000
LF of 8" PVC gravity sewer, and miscellaneous related items.

Refer to Section 00400-Bid Form for quantities:

ARTICLE 2 - ENGINEER

2.01 The Contract Documents have been prepared by GARVER ENGINEERS, LLC.
GARVER ENGINEERS, LLC assumes all duties and responsibilities, and has the
rights and authority assigned to GARVER ENGINEERS LLC in the Contract
Documents in connection with completion of the Work in accordance with the
Contract Documents.

ARTICLE 3 - CONTRACT TIME

3.01 **TIME OF THE ESSENCE:**

- A. All time limits for milestones, if any, Substantial Completion, and
completion and readiness for final payment as stated in the Contract
Documents are of the essence of the Contract.

DOCUMENT 00500 – AGREEMENT (continued)

3.02 **DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:**

- A. The Work will be Substantially Completed within 60 calendar days for Clearing and Grubbing, and within 120 calendar days for the Traffic Signal at Salem and Mt. Comfort.
- B. The Work will be Substantially Completed within 330 calendar days for the remaining Roadway and Drainage construction, after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and completed and ready for final payment in accordance with the GENERAL CONDITIONS within 360 calendar days after the date when the Contract Times commence to run.

3.03 **LIQUIDATED DAMAGES:**

- A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 4 - CONTRACT PRICE

- 4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the prices bid in the Proposal (BID FORM) which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.
- 4.02 As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.
- 4.03 Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees

ARTICLE 5 - PAYMENT PROCEDURES

- 5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:
- A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.
- 5.02 PROGRESS PAYMENTS, RETAINAGE:
- A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

DOCUMENT 00500 – AGREEMENT (continued)

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.
 - a. 90% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and
 - b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.
2. Upon Substantial Completion, The City of Fayetteville shall pay an amount sufficient to increase total payments to Contractor to 95% of the Contract Price (with the balance being retainage), less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

5.03 **FINAL PAYMENT:**

- A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder

DOCUMENT 00500 – AGREEMENT (continued)

of the Contract Price as recommended by Engineer and as provided in the
GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.
- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Contractor has carefully studied all:
 - (1) Reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and
 - (2) Reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.
- E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations,

DOCUMENT 00500 – AGREEMENT (continued)

investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.

- F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:

1. This Agreement.
2. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed – Right of Way and Easement Preparation, Traffic Signalization at Salem and Mt. Comfort, and Roadway and Drainage Construction.
 - b. Contractor's Bid.
 - c. Documentation submitted by Contractor prior to Notice of Award.
3. Performance, Payment, and other Bonds.
4. General Conditions.
5. Supplementary Conditions.
6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.
7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title:

**MOUNT COMFORT ROAD IMPROVEMENTS CONTRACT 2 –
RUPPLE ROAD TO ALPINE AVENUE**

DOCUMENT 00500 – AGREEMENT (continued)

8. Addenda numbers one (1) to _____(____), inclusive.
9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

- A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 ASSIGNMENT OF CONTRACT:

- A. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by Law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.03 SUCCESSORS AND ASSIGNS:

- A. The City of Fayetteville and Contractor each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

8.04 **SEVERABILITY:**

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.05 **FREEDOM OF INFORMATION ACT:**

- A. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor and Engineer. Two counterparts each has been delivered to The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor or identified by Engineer on their behalf.

DOCUMENT 00500 – AGREEMENT (continued)

This Agreement will be effective on _____, 20__, which is the
Effective Date of the Agreement.

SWEETSER CONSTRUCTION, INC.

CITY OF FAYETTEVILLE _____

590 W. Poplar, Fayetteville, AR 72703

By: _____

By: _____

Title: _____

Title: _____

(SEAL)

(SEAL)

Attest _____

Attest _____

Address for giving notices

Address for giving notices

License No. _____

(attach evidence of authority to
sign and resolution or other documents
authorizing execution of Agreement)

Agent for Service of process

(If Contractor is a corporation,
attach evidence of authority to
sign.)

Approved As to Form:

By: _____

Attorney For: _____

END OF DOCUMENT 00500

City of Fayetteville Staff Review Form

A. 8
2009 Recreational Trails Grant
Page 1 of 10

City Council Agenda Items
and
Contracts, Leases or Agreements

May 19, 2009
City Council Meeting Date
Agenda Items Only

Matt Mihalevich *mm*
Submitted By

Engineering
Division

Development Services
Department

Action Required:

Staff requests approval of a resolution with the Arkansas Highway and Transportation Department for the Engineering Division to submit an application for consideration of an 80/20 matching grant through the Arkansas Recreational Trails Program for an award of up to \$185,000.00 to be used for the construction of the Oak Ridge Trail connecting Frisco Trail west to the University of Arkansas Campus.

\$ 37,000.00
Cost of this request

\$ 1,434,381.00
Category / Project Budget

Trail Development
Program Category / Project Name

4470-9470-5814.05
Account Number

\$ 191,920.36
Funds Used to Date

Transportation Improvements
Program / Project Category Name

02016 / 1
Project Number

\$ 1,242,460.64
Remaining Balance

Sales Tax Capital Improvements
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

James C. Patton
Department Director

04-28-09
Date

Previous Ordinance or Resolution #

D. J. White
City Attorney

5/6/09
Date

Original Contract Date:

Original Contract Number:

Paul A. Bush
Finance and Internal Services Director

5-6-2009
Date

Received in City
Clerk's Office

Sharon A. Man
Chief of Staff

5/6/09
Date

Received in
Mayor's Office

Frank Jordan
Mayor

5/6/09
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, Interim City Engineer *CB*

From: Matt Mihalevich, Trails Coordinator *mm*

Date: April 28, 2009

Subject: 2009 Recreational Trails Grant Application

RECOMMENDATION:

Staff requests approval of a resolution with the Arkansas Highway and Transportation Department for the Engineering Division to submit an application for consideration of an 80/20 matching grant through the Arkansas Recreational Trails Program for an award of up to \$185,000.00 to be used for the construction of the Oak Ridge Trail connecting Frisco Trail west to the University of Arkansas Campus.

BACKGROUND:

The University of Arkansas has a trail master plan that identifies the Oak Ridge Trail to be constructed along the southern edge of campus connecting Frisco Trail west to Razorback Stadium. In 2008 the University of Arkansas applied for a portion of this trail through the Recreational Trails Grant Program, but was unsuccessful. This year, based on feedback from the Arkansas Highway and Transportation Department, the University of Arkansas has agreed to partner with the City of Fayetteville and apply for the 2009 Recreational Trails Grant together.

The Oak Ridge Trail is proposed to begin at the intersection of Center Street and Frisco Trail where it will head west along the north side of Center Street within the existing 50 foot right of way. In order to accommodate the 10' wide concrete trail and avoid numerous obstacles including the historic stone retaining wall of the Evergreen Cemetery, the existing 30 foot lanes will need to be narrowed to 24 feet for two 12 foot lanes. From Hill Avenue to Duncan Avenue, the trail will join a section of newly completed trail built by the University of Arkansas as part of the Duncan Avenue Apartments. From the intersection of Center and Duncan, the trail will continue along the north side of Center Street to Harmon Avenue, where an unused right of way of Center Street is an ideal location for the trail to continue around the hill to end at a sidewalk near Garland Ave, just south of Yocum Hall. The unused right of way is not planned for a road and is not identified on the Master Street Plan.

DISCUSSION:

The University of Arkansas has agreed to partner with the City for the 2009 Recreational Trails Grant funding and has offered to provide half of the required 20% matching funds and 50% of the additional cost if the project exceeds the amount funded by the grant. The University will also provide any necessary easements for the trail on property they own.

The grant requires there only be one applicant so the City will be the primary sponsor and will be responsible for the 20% match. The University will then provide their 10% of matching funds directly to the City. The grant allows in-kind services to count toward the matching funds so the work from City in-house transportation crews and the University physical plant workers can be credited toward the 20% match.

Although this trail is not specifically shown on the Fayetteville Alternative Transportation and Trails (FATT) Master Plan, it does meet the objectives of the plan and will make a great alternative transportation connection from Frisco Trail to the University of Arkansas and Fayetteville High School. The original FATT Master Plan approved in 2003 did not incorporate trails within the University of Arkansas Campus. An update of the FATT plan is underway and the University trail master plan is proposed to be included in the updated FATT plan.

BUDGET IMPACT:

If approved by City Council, the grant application will be submitted for a total amount of \$185,000.00. The terms of this grant require a local sponsor or municipality to provide funding for 20% of the total project cost, or \$37,000.00. Upon receipt of an official Notice to Proceed from the Arkansas Highway and Transportation Department, the project would be reimbursable at a rate of 80%, which for this project would be a total reimbursement of \$148,000.00, if fully funded by the grant. Sufficient funding not to exceed \$37,000.00 for the City's portion of this project will need to be budgeted for 2010 in the Trail Development Project, within the Sales Tax Capital Improvement Fund. The University of Arkansas will then provide \$18,500.00 to the City as their 10% matching funds.

Summary of the Recreational Trails Grant awards to the City of Fayetteville:

- 1997 Recreational Trails Grant (040271) - **\$20,000** - Three trailhead kiosks at Lake Fayetteville Status: Complete
- 2002 Recreational Trails Grant (040401)- **\$51,247** - Used for the Lake Fayetteville Spillway Bridge Status: Complete
- 2003 Recreational Trails Grant (040425) - **\$20,000** - Was combined with the 2002 funds into one project and used for the Lake Fayetteville Spillway Bridge Status: Complete
- 2007 Recreational Trails Grant (040507) - **\$33,600** - Project underway to replace and existing narrow trail bridge on Mud Creek Trail and bring the trail into compliance with ADA. Status: Near Completion
- 2008 Recreational Trails Grant (040530) - **\$60,000** - Project to extend Mud Creek Trail under and across the Old Missouri Road to connect to Sweetbriar Drive. Status: Final Design.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF FAYETTEVILLE, ARKANSAS TO UTILIZE FEDERAL-AID RECREATIONAL FUNDS.

WHEREAS, the City of Fayetteville understands Federal-Aid Recreational Trails Funds are available at 80% federal participation and 20% local match to develop or improve the Oak Ridge Trail; and,

WHEREAS, the City of Fayetteville understands that Federal-Aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement; and,

WHEREAS, the City of Fayetteville understands that there will be no reimbursement for any work accomplished prior to the issuance by the Arkansas State Highway and Transportation Department of an official Notice to Proceed; and,

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant.

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

Section 1. That the City of Fayetteville, Arkansas, will participate in accordance with its designated responsibility, including maintenance of this project.

Section 2. That the Mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

Section 3. That the City Council of the City of Fayetteville, Arkansas, pledges its full support and hereby authorizes the City of Fayetteville to cooperate with the Arkansas State Highway and Transportation Department to initiate action to implement this project.

PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Office of the Chancellor

425 Administration Building
Fayetteville, Arkansas 72701
(479) 575-4148
FAX (479) 575-2361

May 4, 2009

The Honorable Lioneld Jordan
Mayor
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Dear Mayor:

The University of Arkansas agrees to partner with the City for the 2009 Recreational Trails Grant funding and will provide half of the required 20% matching funds required to receive the grant. The University will also provide any necessary easements for the trail on property we own.

The grant requires there only be one applicant so the City will be the primary sponsor and will be responsible for the 20% match from the local sponsor or municipality. We also understand that the terms of this grant require a local sponsor or municipality to provide funding for 20% of the \$185,000 total project cost, or \$37,000.00. The University will then provide our 10% of matching funds directly to the City. The grant allows in-kind services to count toward the matching funds so the work from City in-house transportation crews and the University Facilities Management workers can be credited toward the 20% match.

The Oak Ridge Trail will provide a safe, alternative transportation connection from Frisco Trail to the University of Arkansas and Fayetteville High School.

Thank you for your thoughtful consideration of this project. The University of Arkansas very much appreciates your leadership and support.

Sincerely,



G. David Gearhart
Chancellor

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF

insert sponsor's name

TO UTILIZE FEDERAL-AID RECREATIONALS FUNDS

WHEREAS *(insert sponsor's name)* understands Federal-aid Recreational Trails Funds are available at 80% federal participation and 20% local match to develop or improve **(insert project name)**, and

WHEREAS *(insert sponsor's name)* understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS *(insert sponsor's name)* understands that there will be no reimbursement for any work accomplished prior to the issuance by the Arkansas State Highway and Transportation Department of an official Notice to Proceed, and

WHEREAS this project, using federal funding, will be open and available for use by the general public and maintained by the applicant.

NOW, THEREFORE, BE IT RESOLVED BY *(insert sponsor's governing body)* THAT:

SECTION I: *(insert sponsor's name)* will participate in accordance with its designated responsibility, including maintenance of this project.

SECTION II: *(insert title of sponsor's CEO/CAO)* is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

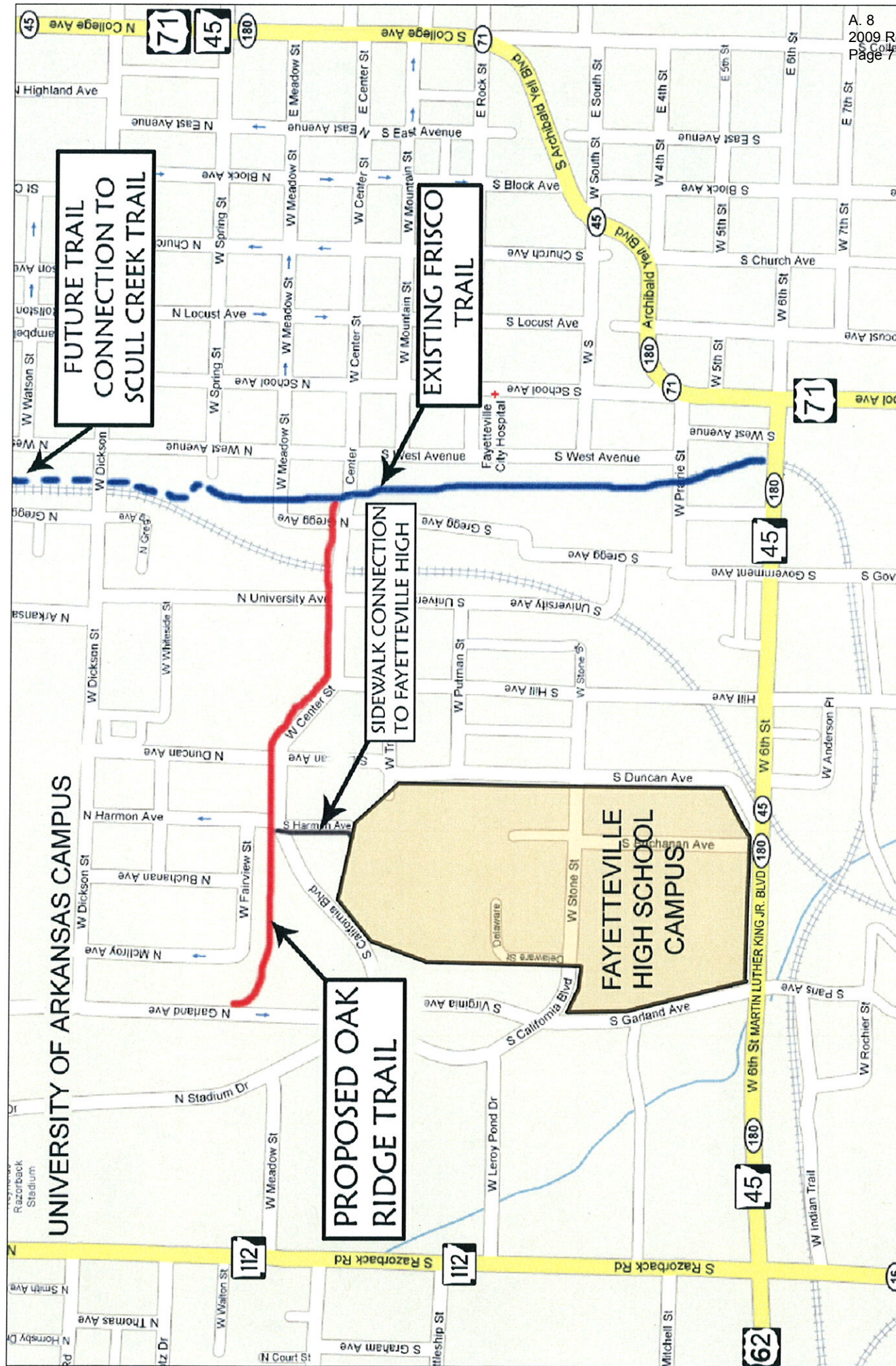
SECTION III: *(insert sponsor's governing body)* pledges its full support and hereby authorizes the *(insert sponsor's name)* to cooperate with the Arkansas State Highway and Transportation Department to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2009.

Signed: _____
(Insert sponsor's CEO/CAO)

ATTEST: _____

(SEAL)



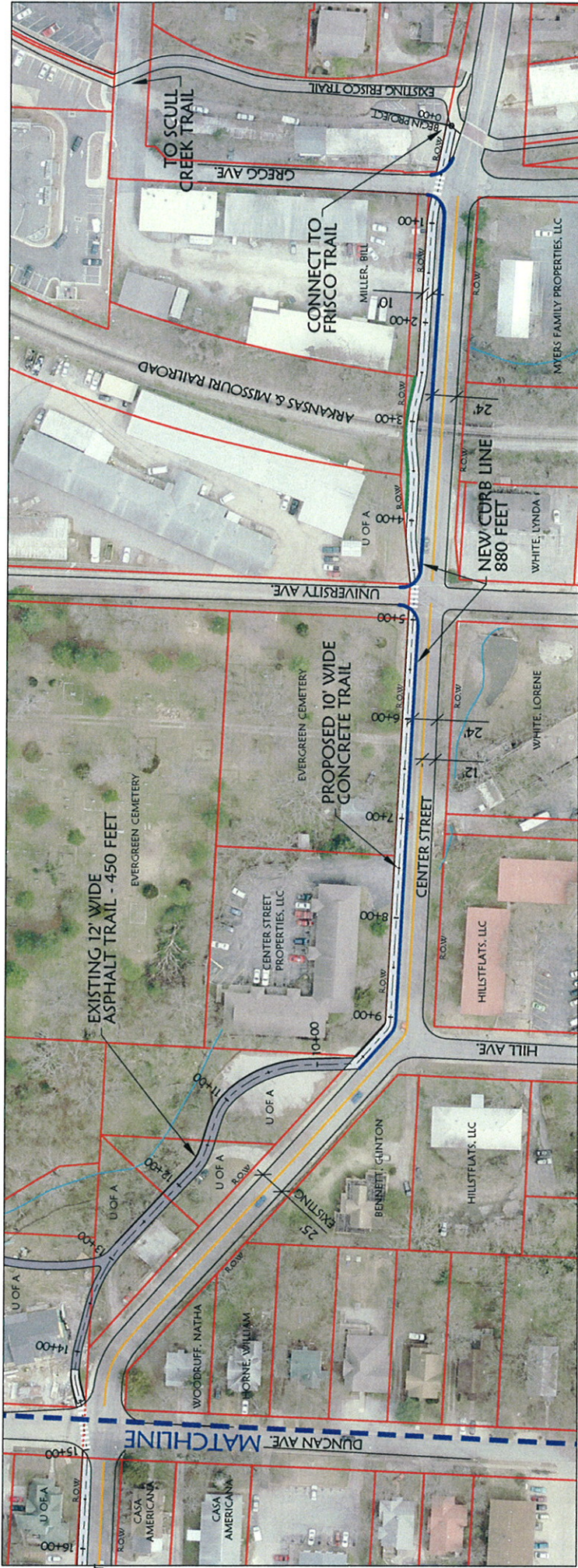
Engineering Division
 113 W. Mountain
 Fayetteville, AR 72701
 479-575-8206
 May 2009

Oak Ridge Trail

VICINITY MAP
 Recreational Trails Grant



UNIVERSITY OF
 ARKANSAS



Oak Ridge Trail

Recreational Trails Grant
Total Trail Length - 0.5 Miles

May 2009

A-8
2009 Recreational Trails Grant
Page 8 of 10

Fayetteville
Arkansas

Engineering Division
113 W. Mountain
Fayetteville, AR 72701
479-575-8206

LEGEND

- CONCRETE TRAIL
- RELOCATED CURB
- RETAINING WALL

Oak Ridge Trail
Cost Estimate
Frisco Trail west to the University of Arkansas
4/27/2009

Item No.	TRAIL IMPROVEMENT	UNIT	ESTIMATED QUANTITY	COST	
				UNIT PRICE	ESTIMATED PRICE
1	CONCRETE TRAIL (INCLUDES SUBGRADE PREPARATION)	L.F.	2,531	\$54.50	\$137,939.50
2	CURB AND GUTTER	L.F.	897	\$24.00	\$21,528.00
3	UTILITY RELOCATION	E.A.	3	\$2,000.00	\$6,000.00
4	STORM DRAIN INLET REPLACEMENT	E.A.	2	\$5,000.00	\$10,000.00
5	RETAINING WALL	L.F.	350	\$16.00	\$5,600.00
6	CROSSWALK STRIPE (8' X 2' THERMOPLASTIC)	E.A.	20	\$80.00	\$1,600.00
7	CENTER LINE STRIPE (INCLUDES CENTER STREET DOUBLE LINE)	L.F.	5,405	\$0.10	\$540.50
8	TRAIL SIGNS	E.A.	25	\$71.68	\$1,792.00
TOTAL ESTIMATED COST					\$185,000.00
20% MATCH					\$37,000.00
TOTAL RECREATIONAL TRAILS GRANT FUNDS					\$148,000.00

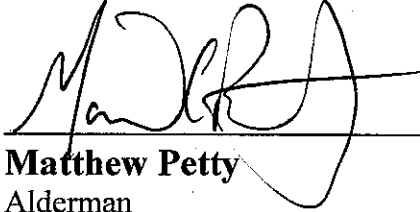
FOR: COUNCIL MEETING OF APRIL 21, 2009

FROM:
ALDERMAN MATTHEW PETTY

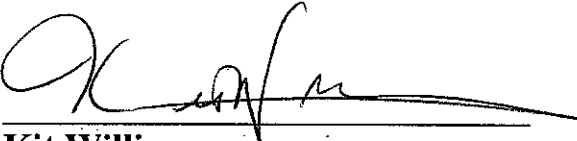
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Include Social Media In Citizen Communications

APPROVED FOR AGENDA:


Matthew Petty
Alderman

4-14-2009
Date


Kit Williams
City Attorney (as to form)

4-8-09
Date

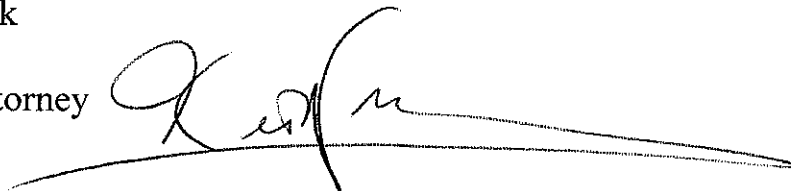
Tabbed to May 19, 2009 Council mtg 4/21/09

TO: **Matthew Petty**, Alderman

CC: **Lioneld Jordan**, Mayor
Don Marr, Chief of Staff
Sondra Smith, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **April 8, 2009**



RE: **Resolution To Include Social Media In Citizen Communications**

Attached is your Resolution exactly as you drafted it as well as the Agenda Request which I have signed as to form (not substance). My primary concern is with Section 1 where you state that: "the City will make a good faith effort to include public comment and discussion received via social media in the record."

Not only might this be viewed as an attempted encroachment of the legislative branch into the administration's realm of responsibility, but such a mandate would place additional burdens upon the administration or City Clerk's Office in terms of personnel costs with no corresponding budgetary allocation to cover these new costs.

All of the rest of your Resolution only places burdens upon the City Council itself which the City Council can legally do. However, I am not sure how you plan to have the City Council perform these additional duties.

RESOLUTION NO. _____

**A RESOLUTION TO INCLUDE SOCIAL MEDIA IN
CITIZEN COMMUNICATIONS**

WHEREAS, social media is used by a substantial portion of the Fayetteville citizens for receiving news and collaborating; and

WHEREAS, trends in media and technology indicate that the use of social media will increase proportionately to print and broadcast media; and

WHEREAS, the Mayoral Transition Team and participants in the Fayetteville Forward Summit identified social media as a way to increase civic engagement; and

WHEREAS, communication and collaboration with social media is cost-effective; and

WHEREAS, the public nature of social media reduces time spent on FOIA compliance.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas requests that the City provide notices, summaries, and links to additional resources via social media tools such as Facebook and Twitter, and the City will make a good faith effort to include public comment and discussion received via social media in the record.

Section 2: That the City Council of the City of Fayetteville, Arkansas requests that the City make known a communications strategy that incorporates all media formats in use by a substantial number of citizens.

Section 3: That the City Council of the City of Fayetteville, Arkansas requests that the City update its communications strategy annually, to adapt to changing communications trends and take advantage of new cost-saving opportunities.

PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. _____

**A RESOLUTION TO INCLUDE SOCIAL MEDIA IN
CITIZEN COMMUNICATIONS**

WHEREAS, social media is used by a substantial portion of the Fayetteville citizens for receiving news and collaborating; and

WHEREAS, trends in media and technology indicate that the use of social media will increase proportionately to print and broadcast media; and

WHEREAS, the Mayoral Transition Team and participants in the Fayetteville Forward Summit identified social media as a way to increase civic engagement; and

WHEREAS, communication and collaboration with social media is cost-effective; and

WHEREAS, the public nature of social media reduces time spent on FOIA compliance.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas will provide notices, summaries, and links to additional resources via social media tools such as Facebook and Twitter, and the City will make a good faith effort to include public comment and discussion received via social media in the record.

Section 2: That the City Council of the City of Fayetteville, Arkansas will make known a communications strategy that incorporates all media formats in use by a substantial number of citizens.

Section 3: That the City Council of the City of Fayetteville, Arkansas will update its communications strategy annually, to adapt to changing communications trends and take advantage of new cost-saving opportunities.

PASSED and APPROVED this 21st day of April, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

B. 2
Runway Safety Area
Improvement Project Grants
Page 1 of 16

City Council Agenda Items
and
Contracts, Leases or Agreements

5/5/2009

City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux

Aviation

Transportation

Submitted By

Division

Department

Action Required:

1) A Resolution to apply for and accept grants from the DOT/FAA and Arkansas Department of Aeronautics for the Runway 16 RSA Improvement project.

2) Approval of a Budget Adjustment.

ESTIMATED REVENUE

\$ 3,857,000.00
Cost of this request
5550.0955.6803.00
5550.0955.6820.38
Account Number
07039 3
Project Number

\$ -
Category / Project Budget
\$ -
Funds Used to Date
\$ -
Remaining Balance

Correct Runway 16 RSA
Program Category / Project Name
Avi/ED Imp
Program / Project Category Name
Airport Fund
Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐ **

**Submitted when Grant received

Ray M. Boudreaux
Department Director

4-16-09
Date

Previous Ordinance or Resolution #

204-07

182-08

227-08

Original Contract Date:

Original Contract Number:

City Attorney

Date

4/17/09
Date

Paul A. Beck
Finance and Internal Services Director

4-20-2009
Date

Received in City
Clerk's Office

ENTERED
4-14-09
UDG

Chief of Staff

Date

4/20/09
Date

Received in
Mayor's Office

Mayor

Date

4/21/09
Date

Comments: Budget adjustment recognizing the grant funding will be submitted to Budget when total \$ amount of grants are available.

Removed from Consent & Tabled to 5/19/09 meeting 5/5/09

Revised January 15, 2009



AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan

THRU: Chief of Staff

THRU: Staff/Contract Review Committee

THRU: Terry Gulley, Transportation Director *TJ*

FROM: Ray M. Boudreaux, Aviation Director *[Signature]* *for RB*

DATE: April 9, 2009

SUBJECT: Approve application and acceptance of FAA/AIP and Arkansas Aeronautics Grants to fund the Runway 16 Safety Area Improvement project. Approve a Budget Adjustment.

RECOMMENDATION: Approve application for and accept grants from the FAA (95%) and the Arkansas Department of Aeronautics (5%) to fund the Runway 16 Runway Safety Area Improvements project. Approve a budget adjustment. Signatures of the Mayor and City Clerk requested.

BACKGROUND: The Runway 16 RSA Improvement Project has been under planning and design since December 2007. The Invitation for Bids for construction was advertised April 10th and 12th and bids will be received April 28th. The FAA issues a grant award based on the actual bid price received.

DISCUSSION: Since the FAA's funding is based on the bid price, the application to the FAA for the grant must necessarily coincide with the receipt of bids. Additionally, the turn around time for the City to submit the completed grant documents to the agency is short, usually within 2-3 days. Time is of the essence and therefore in order to expedite this process, the application and acceptance of the grants is requested.

The award of the construction contract is submitted as a separate Council item. Contract award and acceptance of the grant funding should allow the project to begin construction quickly. Grant funding for the project is 95% FAA and 5% Arkansas Department of Aeronautics.

Attachments: Staff Review
Draft AIP Grant
Draft State Grant to be submitted at the end of the work

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE EXECUTIVE AIRPORT STAFF TO APPLY FOR AND ACCEPT GRANTS FROM THE FEDERAL AVIATION ADMINISTRATION AND THE ARKANSAS DEPARTMENT OF AERONAUTICS TO FUND THE RUNWAY 16 RUNWAY SAFETY AREA IMPROVEMENT PROJECT; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Executive Airport staff to apply for and accept grants from the Federal Aviation Administration and the Arkansas Department of Aeronautics to fund the Runway 16 Runway Safety Area Improvement Project.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the grant revenues, said approval being contingent upon receipt of the federal and state grant funds.

PASSED and APPROVED this 5th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION:		2. DATE SUBMITTED May 2009	Applicant Identifier FY082153
Application ☒ Construction ☐ Non-Construction	Preapplication ☐ Construction ☐ Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier 3-05-0020-038-2009
5. APPLICANT INFORMATION			
Legal Name: City of Fayetteville		Organizational Unit: Department: Airport Department	
Organizational DUNS: 134398903		Division:	
Address: Street: 4500 S. School, Suite F		Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: Mr. First Name: Ray	
City: Fayetteville		Middle Name:	
County: Washington		Last Name: Boudreaux	
State: Arkansas	Zip Code: 72701	Suffix: Director of Aviation	
Country: United States		Email: rboudreaux@ci.fayetteville.ar.us	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 7 1 - 6 0 1 8 4 6 2		Phone number (give area code): 476-718-7642	FAX number (give area code): 479-718-7646
8. TYPE OF APPLICATION: ☐ New ☒ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es): (See back of form for description of letters) Other (specify)		7. TYPE OF APPLICANT: (See back of form for Application Types) C Other (specify)	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 2 0 - 1 0 6 TITLE: AIP		9. NAME OF FEDERAL AGENCY FAA SW Region	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): Washington County, Arkansas		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Design Services, Land Acquisition and Construction for the Runway 16 Safety Area to including the relocation of US HWY 71 and Lancaster Drive.	
13. PROPOSED PROJECT Start Date: June 2009 Ending Date: December 2010		14. CONGRESSIONAL DISTRICTS OF a. Applicant: Third b. Project: Third	
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS	
a. Federal	\$ 3,857,000.	a. Yes. ☐ THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON	
b. Applicant	\$	DATE:	
c. State	\$ 203,000.	b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372	
d. Local	\$	☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
e. Other	\$	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
f. Program income	\$	☐ Yes If "Yes" attach an explanation ☒ No	
g. TOTAL	\$ 4,060,000.00		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Authorized Representative			
Prefix Mr.	First Name Lionel		
Last Name Jordan	Suffix		
b. Title Mayor	c. Telephone number (give area code) 479-575-8330		
d. Signature of Authorized Representative	e. Date Signed		

Previous Editions Not Usable
Authorized for Local Reproduction

Standard Form 424 (Rev.9-2003)
Prescribed by OMB Circular A-102

DRAFT

PART II

PROJECT APPROVAL INFORMATION
SECTION AItem 1.

Does this assistance request require State, local, regional, or other priority rating?

Yes ☒ No ☐Name of Governing Body _____
Primary Rating _____Item 2.

Does this assistance request require State, or local advisory, educational or health clearances?

No ☐ Yes ☒

Name of Agency or Board _____

(Attach Documentation)

Item 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?

☒ Yes ☐ No

(Attach Comments)

Item 4.

Does this assistance request require State, local, regional or other planning approval?

☐ Yes ☒ No

Name of Approving Agency _____

Date _____

Item 5.

Is the proposal project covered by an approved comprehensive plan?

☐ Yes ☒ NoCheck one: State ☐
Local ☐
Regional ☐

Location of Plan _____

Item 6.

Will the assistance requested serve a Federal installation?

☐ Yes ☒ No

Name of Federal Installation _____

Federal Population benefiting from Project _____

Item 7.

Will the assistance requested be on Federal land or installation?

☐ Yes ☒ No

Name of Federal Installation _____

Location of Federal Land _____

Percent of Project _____

Item 8.

Will the assistance requested have an impact or effect on the environment?

☐ Yes ☒ No

See instruction for additional information to be provided

Item 9.

Will the assistance requested cause the displacement of individuals families, businesses, or farms?

☐ Yes ☒ NoNumber of:
Individuals. _____
Families. _____
Businesses. _____
Farms. _____Item 10.

Is there other related Federal assistance on this project previous, pending, or anticipated?

☐ Yes ☒ No

See instructions for additional information to be provided.

PART II - SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use. - The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

The Sponsor has adopted Drake Field Ordinance 2607, which regulates and restricts all land use activities in the vicinity of Fayetteville Municipal Airport, Drake Field. This ordinance was adopted January 20, 1980 and as amended.

2. Defaults. - The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

3. Possible Disabilities. - There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of Part V of this Application, either by limiting its legal or financial ability or otherwise, except as follows:

4. Land. - (a) The Sponsor holds the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport, subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

The Sponsor holds fee simple title to Tract A and easements shown in Tract B of the attached property map, Exhibit "A". Title for Tracts A and B were approved under previous projects. Status has not changed since approval.

Land and easements acquired under AIP 3-0020-05-11 & 15 include easements, Tracts C, D, F, J, G, and K; Fee Simple Tract D, E, and H.

State character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

PART II - SECTION C (Continued)

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land* on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

None.

(C) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

None.

5. Exclusive Rights. - There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

None.

State character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

PART III - BUDGET INFORMATION - CONSTRUCTION

SECTION A - GENERAL

1. Federal Domestic Assistance Catalog No..... 20.106
2. Functional or Other Breakout

SECTION B -CALCULATION OF FEDERAL GRANT

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense	\$	\$	\$ 2,500.00
2. Preliminary expense			
3. Land, structures, right-of-way			380,000.00
4. Architectural engineering basic fees Final Design			56,500.00
5. Other Architectural engineering fees Const Admin.			25,000.00
6. Project inspection fees			156,000.00
7. Land development			
8. Relocation Expenses			40,000.00
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			3,400,000.00
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			4,060,000.00
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			4,060,000.00
20. Federal Share requested of Line 19			
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (lines 20 & 21)			3,857,000.00
23. Grantee share			0.00
24. Other shares (Ark Dept of Aeronautics)			203,000.00
25. Total Project (Lines 22, 23 & 24)	\$	\$	\$ 4,060,000.00

U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

SECTION C - EXCLUSIONS

Classification	Ineligible for Participation (1)	Excluded From Contingency Provision (2)
a.	\$	\$
b.		
c.		
d.		
e.		
f.		
g. Totals	\$	\$

SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

27. Grantee Share	\$ 0.00
a. Securities	
b. Mortgages	
c. Appropriations (By Applicant)	\$ 0.00
d. Bonds	
e. Tax Levies	
f. Non Cash	
g. Other (Explain)	
h. TOTAL - Grantee share	\$ 0.00
28. Other Shares	
a. State (Ark Dept of Aeronautics)	\$ 203,000.00
b. Other	\$0.00
c. Total Other Shares	
29. TOTAL	\$ 203,000.00

SECTION E - REMARKS

Standard DOT Part V Assurances:

Title IV Assurances, Dated: July 2005

Exhibit A, Dated: June 1991

PART IV PROGRAM NARRATIVE (Attach - See Instructions)

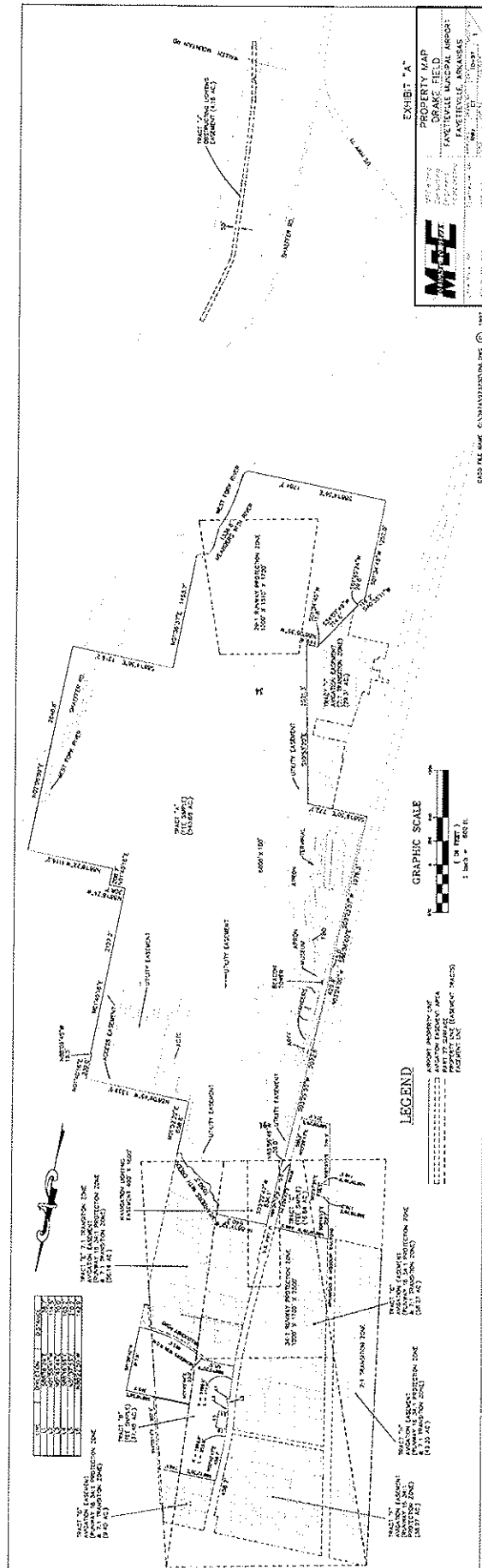
PART IV

PROGRAM NARRATIVE STATEMENT CONSTRUCTION PHASE, RUNWAY 16 SAFETY AREA IMPROVEMENTS

FAYETTEVILLE EXECUTIVE AIRPORT FAYETTEVILLE, ARKANSAS

The proposed project is located at Fayetteville Executive Airport, Drake Field, Fayetteville, Arkansas. The objective of the project is to provide a clear extended Runway Safety Area for Runway 16, in accordance with the recently completed Master Plan Update (2008).

1. This Construction Phase of the project includes the Final Design Services for the preparation of the Plans and Specifications for the relocation of US HWY 71 and Lancaster Drive from within the Runway 16 Safety Area, including; property acquisition, relocation costs, Construction of the Road Realignment and Utility Relocations, Construction Inspection, Material Testing, and related costs.



DRAFT

State Airport Aid Application – Page 1

The City/County of Fayetteville, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing a project for the development of a municipal airport located in the city of Fayetteville Arkansas, Washington county.

Date of Request: @ completion of project Per AR Dept. Aeronautics

Name of Airport: Fayetteville Executive Airport, Drake Field

Name and address of City/County Commission sponsoring request:

City of Fayetteville, Arkansas
113 West Mountain St
Fayetteville, AR 72701

Phone Number: 479-575-8330
Fax Number: 479-575-8257

Person to Contact about project:

Ray M. Boudreaux, Director
Fayetteville Executive Airport
4500 S School Ave, Suite F

Phone Number: 479-718-7642
Cell Number: 479-601-3520
Fax Number: 479-718-7646

Name and address of Engineering Firm (if applicable):

McClelland Consulting Engineers Inc
PO Box 1229
Fayetteville AR 72702-1229

Contact Person: Wayne Jones, P.E.

Phone/Fax Number: 479-443-2377

Describe the work to be accomplished:

Phase I Construction: move a portion HWY 71 out of the Runway 16 Safety Area; includes land acquisition, grading and drainage, roadway re-alignment of approximately 2500 ln ft of HWY 71 and Ernest Lancaster Rd., noise mitigation/resolution of receptor #5, re-route 400ft segment of the Airport Branch channel.

State and Local Project Costs:
Please indicate:

50-50% Match
80-20% Match
90-10% Match
100%

Federal AIP Projects:

AIP Number: 3-05-0020-038-2009
95-5% Match ☒
90-10% Match

ESTIMATED

Total Cost of Project _____
Local Share/Funds _____
Local Share/In-Kind _____
State Share _____

Total Cost of Project: \$4,060,000
Federal Share: 3,857,000
State Share: 203,000
Local Share: _____

State Airport Aid Application – Page 2

Provide the information listed below as it applies to your project:

Funding:

Source of Funds: Federal AIP Grant, AR Dept Aeronautics Grant

Source of In-Kind Services: _____

Estimated starting date of project: June 2009

Estimated completion date of project: December 2010

Project will be for: New Airport ☒ Existing Airport

Is land to be leased or purchased? Yes

Description of land and cost per acre: See attachment - description map of property

Estimated land cost is \$30,000 / acre

Provide the Federal AIP Grant Number (if applicable): 3-05-0020-038-2009

State Legislators for your area:

State Senator: Sue Madison

State Representative: Lindsley Smith

State Airport Aid Application – Page 3

The sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480-1, *Notice of Landing Area Proposal*, must be approved by the FAA before review for grant can be made by the State. Applications for hangar construction or renovation funds must include a signed lease agreement. This agreement must be in compliance with all FAA grant assurances. The application must be based on bids and include a calculated return on investment.

No land, hangars, or buildings purchased with State Grant funds may be sold or disposed of without State Aeronautics Commission prior approval. All requests for sale or disposal of property will be considered on an individual case basis. No hangar (funded by a grant from the Department of Aeronautics) shall be used for non-aviation purposes without State Aeronautics Commission prior approval. All requests for non-aviation use will be considered on a case-by-case basis. Failure to receive prior approval from A.D.A. concerning land and/or building use could result in the commission requesting grant refund from the Sponsor.

No airport accepting State Grant funding may issue an Exclusive Rights lease.

All applications for navigational aids (such as NDB or ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA grant agreement with grant number assigned.

If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc. shall have a base and a thickness that will accommodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County, and City laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued.

It is understood and agreed that should the sponsor fail to start this project within three (3) months of the Arkansas Department of Aeronautics' date of acceptance, that this grant is null and void. It is also agreed that this project shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur.

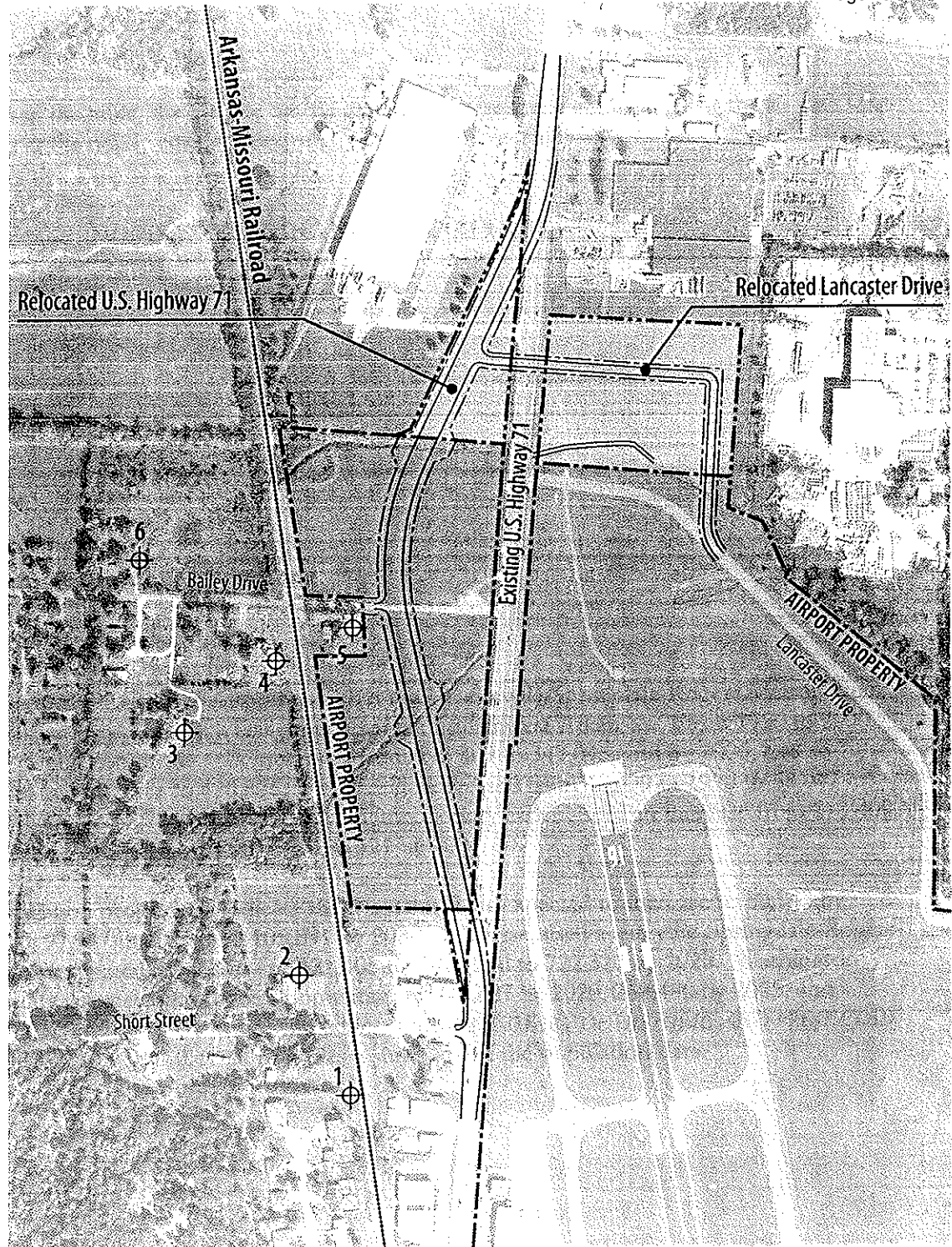
Funds will be disbursed according to Department procedures and final inspection of completed project (See payment instruction page). *Payment of grant funds are contingent upon the Department's biennium appropriation.*

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this _____ day of _____, 20__.

Name of Sponsor

Authorized Signature

Title



Approximate Scale 1" = 500'

- Potential Noise Receptor Site
- Land Acquisition

Figure C10 Potential Highway Noise Receptors

City of Fayetteville Staff Review Form

B. 3
 Bid # 09-34 Runway Safety
 Area Improvement Project
 Page 1 of 12

City Council Agenda Items
 and
 Contracts, Leases or Agreements

5/5/2009

City Council Meeting Date
 Agenda Items Only

Ray M. Boudreaux

Aviation

Transportation

Submitted By

Division

Department

Action Required:

A Resolution to award a construction Contract to _____. Receipt of Bid 09-034, 4/28/2009, 11:05 am;
 HWY 71 Relocation (Runway 16 RSA Improvement project).

ESTIMATED

\$ 3,857,000.00

Cost of this request

\$ 223,467.00

Category / Project Budget

Correct Runway 16 RSA

Program Category / Project Name

5550.3960.7820.38

Account Number

\$ 197,667.00

Funds Used to Date

Avi/ED Imp

Program / Project Category Name

07039 3

Project Number

\$ 25,800.00

Remaining Balance

Airport Fund

Fund Name

Budgeted Item

Budget Adjustment Attached

204-07

182-08

227-08

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
 Clerk's Office

Chief of Staff

Date

Received in
 Mayor's Office

Mayor

Date

Comments:

Removed from Consent - Tabled to 5/19/09 meeting 5/5/09

Revised January 15, 2009



AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan

THRU: Chief of Staff

THRU: Staff/Contract Review Committee

THRU: Terry Gulley, Transportation Director

FROM: Ray M. Boudreaux, Aviation Director

DATE: April 9, 2009

SUBJECT: Approve Award of a construction Contract to Improve Runway 16 Runway Safety Area (RSA).

RECOMMENDATION: Approve Award of a contract to the lowest responsible bidder to complete construction of the Runway 16 RSA Improvement Project. Signatures of the Mayor and City Clerk requested.

BACKGROUND: The Runway 16 RSA Improvement Project is finally ready to award. Over the last three years, beginning with the Master Plan Update, airport staff has been pursuing the funding and the completion of this project. The first step was to conduct a study of all aeronautical obstructions to the airport. The runway was connected to the GPS land system and new benchmarks were established. This project provided the accuracy necessary to plan the project designed to bring the north end RSA up to FAA standards. The second step was to study a realignment of the road outside the RSA and to conduct an Environmental Study to determine the impact of the project. We expect a Finding of No Significant Impact (FONSI) April 13, 2009. The last project was to design the project and to produce plans and specifications. The Project was advertised for bids April 10th and 12th and bids will be received April 28th. The AIP grant paperwork will be sent to us over-night when we have the bid amount for the forms. All should be in the packet for the May 5th Council meeting.

DISCUSSION: This project is essential to comply with FAA Regulations concerning standard Runway Safety Areas. The acceptable dimensions are 500 feet wide and 1000 feet long. Currently, the 16 RSA is asymmetrically shaped, shorter and impacted by the highway alignment. Not only does the highway reduce the effectiveness and safety of the RSA, traffic on the roadway is considered an obstacle and adversely affects the minimum

descent altitudes used by pilots during inclement weather conditions. Eliminating the highway and the associated obstacles will significantly improve the instrument approaches from the north. The Runway 16 RSA Improvement Project at Drake Field has received a high priority rating from the FAA.

Attachments: Staff Review
Draft Contract

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #09-34 AND APPROVING A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$969,325.65 FOR CONSTRUCTION OF THE RUNWAY 16 RUNWAY SAFETY AREA IMPROVEMENT PROJECT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards Bid #09-34 and approves a contract with Sweetser Construction, Inc. in the amount of \$969,325.65 for construction of the Runway 16 Runway Safety Area Improvement Project, said approval being contingent upon receipt of federal and state grant funds.

PASSED and APPROVED this 5th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CONTRACT

THIS AGREEMENT, made and entered into on the ____ day of _____ 2009, by and between _____, herein called the Contractor, and the **City of Fayetteville**:

WITNESSETH:

That _____, for the consideration hereinafter fully set out, hereby agrees with the **City of Fayetteville** as follows:

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

Drake Field Runway 16 Safety Area Improvements, Fayetteville Municipal Airport, AIP Project 3-05-0020-038-2009

Advertisement for Bids
Instructions to Bidders
Bid and acceptance thereof
Performance Bond

Payment Bond
General Conditions
Supplemental Conditions
Specifications
Drawings – 70 Sheets

2. That the **City of Fayetteville** hereby agrees to pay to _____ for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Bid, in lawful money of the United States, the amount of _____ **Dollars (\$_____)**.
3. The Work will be completed and ready for final payment in accordance with the General Conditions within **150** days after the date when the Contract Time commences to run, as provided in the Notice to Proceed.
4. Liquidated Damages: **City of Fayetteville** and _____, recognize that time is of the essence of this Agreement and the **City of Fayetteville** will suffer financial loss if the Work is not completed within the times specified above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by **City of Fayetteville** if the Work is not completed on time. Accordingly, instead of requiring any such proof, **City of Fayetteville** and _____, agree that as liquidated damages for delay (but not as a penalty) _____, shall pay **City of Fayetteville Four Hundred Dollars (\$400.00)** for each day that expires after the time specified in Paragraph 3 for completion and readiness for final payment.

5. That within **30 days** of receipt of an approved payment request, **the City of Fayetteville** shall make partial payments to _____, on the basis of a duly certified and approved estimate of work performed during the preceding calendar month by _____, LESS the retainage provided in the General Conditions, which is to be withheld by the **City of Fayetteville** until all work within a particular part has been performed strictly in accordance with this Agreement and until such work has been accepted by the **City of Fayetteville**.
6. That upon submission by _____, of evidence satisfactory to the **City of Fayetteville** that all payrolls, material bills, and other costs incurred by _____, in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within **60 days** after the completion by _____, of all work covered by this Agreement and the acceptance of such work by the **City of Fayetteville**.
7. It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the Surety Bond hereto attached for its faithful performance and payment, the **City of Fayetteville** shall deem the Surety or Sureties upon such bond to be unsatisfactory or if, for any reason such bond ceases to be adequate to cover the performance of the work, _____ shall, at its expense, within **5 days** after the receipt of notice from the **City of Fayetteville**, furnish an additional bond or bonds in such form and amount and with such Surety or Sureties as shall be satisfactory to the **City of Fayetteville**. In such event, no further payment to _____, shall be deemed to be due under this Agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the **City of Fayetteville**.
8. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.
9. **Freedom of Information Act.** City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Arkansas Freedom of Information Act request is presented to the City of Fayetteville, McClinton-Anchor, a Division of APAC will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. Seq.). Only legally authorized photocopying cost pursuant to the FOIA may be assessed for this compliance.

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

SEAL:

WITNESSES:

By _____

Title

ATTEST:

CITY OF FAYETTEVILLE

City Clerk

By _____

Lioneld Jordan, Mayor

Consent #4 Handed out at
Agenda Session
4/28/09

April 28, 2009

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

Re: Drake Field Runway 16 Safety Area Improvements
Fayetteville Municipal Airport,

Dear Mr. Boudreaux:

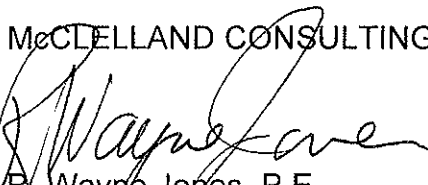
Bids were received on the above referenced project on Tuesday April 28, 2009, with six Contractors submitting a bid for this project. The low bidder for the Basis of Award for the Total Bid for Schedules I & II is Sweetser construction, Inc., of Fayetteville, Arkansas, in the amount of \$ \$ 969,325.65.00 for the Base Bid Award for Total Bid Schedules I & II. This work is for the earthwork and drainage structures and utility relocations comprising Phase I of the construction. A copy of the certified Bid Tabulation is enclosed. The Engineer's estimate of the Construction Cost is also attached and was in the amount of \$ 1,150,000.00. The Bid amount is below the estimated project construction cost.

We recommend the City accept the low bid submitted by Sweetser Construction, Inc., for the Base Bid in the amount of \$ \$ 969,325.65.00. We have worked with Sweetser on numerous occasions and have had very good results with their construction.

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

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.



R. Wayne Jones, P.E.
Vice President

Enclosures: Bid Tabulation

Runway 18 Safety Area Improvements
Fayetteville Municipal Airport
AIP Project 3-05-0020-038-2009
April 28, 2009
MCE Project No. FY082153

Item #	Description	Qty.	Unit	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
SCHEDULE I															
1	Rehabilitation and Demolition														
2	Topsoil Removal (Plan Quantity)	12,500	CY	\$11,000.00	\$11,000.00	\$1,650.00	\$1,650.00	\$20,100.00	\$20,100.00	\$24,940.00	\$24,940.00	\$10,500.00	\$10,500.00	\$38,257.00	\$38,257.00
3	Underside Extension (Plan Quantity)	2,800	CY	\$1,500.00	\$1,500.00	\$2,780.00	\$2,780.00	\$4,500.00	\$4,500.00	\$4,250.00	\$4,250.00	\$2,125.00	\$2,125.00	\$2,125.00	\$2,125.00
4	Embankment from Excavation (Plan Quantity)	4,600	CY	\$5.00	\$23,000.00	\$23,000.00	\$23,000.00	\$23,000.00	\$23,000.00	\$7.55	\$7,550.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
5	Embankment from Excavation (Plan Quantity)	14,000	CY	\$5.00	\$70,000.00	\$70,000.00	\$70,000.00	\$70,000.00	\$70,000.00	\$7.55	\$7,550.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
6	Topsoil Replacement (Plan Quantity)	2,800	CY	\$1,500.00	\$4,200.00	\$4,200.00	\$4,200.00	\$4,200.00	\$4,200.00	\$8.75	\$8,750.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
7	Underside and Embankment Baseline (Field Measured)	6,500	CY	\$8.00	\$52,000.00	\$52,000.00	\$52,000.00	\$52,000.00	\$52,000.00	\$14.20	\$93,300.00	\$12.00	\$78,000.00	\$12.00	\$78,000.00
8	Soil Stabilization Fabric	13,000	SF	\$1.35	\$17,550.00	\$17,550.00	\$17,550.00	\$17,550.00	\$17,550.00	\$2.35	\$30,550.00	\$3.70	\$10,900.00	\$3.70	\$10,900.00
9	Soil Fences	4,275	LF	\$3.00	\$12,825.00	\$12,825.00	\$12,825.00	\$12,825.00	\$12,825.00	\$1.05	\$4,496.25	\$1.18	\$5,044.50	\$1.18	\$5,044.50
10	Construction Enclosure 1' E&B	715	EA	\$1,000.00	\$715,000.00	\$715,000.00	\$715,000.00	\$715,000.00	\$715,000.00	\$1,740.00	\$1,243,500.00	\$1,200.00	\$852,000.00	\$1,200.00	\$852,000.00
11	Temporary Stock Creek Dam	3,000	LF	\$30.00	\$90,000.00	\$90,000.00	\$90,000.00	\$90,000.00	\$90,000.00	\$6,790.50	\$20,371.50	\$7.00	\$21,000.00	\$7.00	\$21,000.00
12	Excavation Control Barrier	1	EA	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$8.35	\$8.35	\$5.35	\$5.35	\$5.35	\$5.35
13	Coupler 6" x 8" Box Culvert (Complete)	1	EA	\$53,875.00	\$53,875.00	\$53,875.00	\$53,875.00	\$53,875.00	\$53,875.00	\$79,708.00	\$79,708.00	\$52,500.00	\$52,500.00	\$52,500.00	\$52,500.00
14	10' Bored or Engraved Enclosure (B&B) Drive	1	EA	\$167,235.00	\$167,235.00	\$167,235.00	\$167,235.00	\$167,235.00	\$167,235.00	\$261,176.00	\$261,176.00	\$176,400.00	\$176,400.00	\$176,400.00	\$176,400.00
15	Maintained Driveway & B&B Drive	1	EA	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$1,833.00	\$1,833.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
16	Temporary Seeding, Fertilizer and Mowing	12	AC	\$1,750.00	\$21,000.00	\$21,000.00	\$21,000.00	\$21,000.00	\$21,000.00	\$1.15	\$13.80	\$1.15	\$13.80	\$1.15	\$13.80
17	Trench & Excavation Safety System	1	EA	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$1,340.00	\$1,340.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
18	New Sanitary Sewer Mainline	7	EA	\$2,350.00	\$16,450.00	\$16,450.00	\$16,450.00	\$16,450.00	\$16,450.00	\$4,888.00	\$34,216.00	\$18,400.00	\$130,800.00	\$18,400.00	\$130,800.00
19	8" SDR 26 PVC Sewer Pipe	260	LF	\$30.00	\$7,800.00	\$7,800.00	\$7,800.00	\$7,800.00	\$7,800.00	\$21.10	\$5,486.00	\$22.30	\$5,800.00	\$22.30	\$5,800.00
20	10" SDR 26 PVC Storm Pipe	550	LF	\$32.00	\$17,600.00	\$17,600.00	\$17,600.00	\$17,600.00	\$17,600.00	\$18.80	\$10,340.00	\$18.20	\$10,000.00	\$18.20	\$10,000.00
21	Grouted Stock Trench Bridge	1	EA	\$14,000.00	\$14,000.00	\$14,000.00	\$14,000.00	\$14,000.00	\$14,000.00	\$11,880.00	\$11,880.00	\$22.30	\$24,500.00	\$22.30	\$24,500.00
22	18" Bored or Engraved Enclosure (B&B) Drive	1	EA	\$225.00	\$225.00	\$225.00	\$225.00	\$225.00	\$225.00	\$84.40	\$84.40	\$15,134.00	\$15,134.00	\$15,134.00	\$15,134.00
23	Joint Party Insurance Coverage (Rider Amount)	235	LF	\$1.00	\$235.00	\$235.00	\$235.00	\$235.00	\$235.00	\$1,308.00	\$1,308.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00
24	18" Water Line Rehabilitation in B&B Drive	1	EA	\$14,500.00	\$14,500.00	\$14,500.00	\$14,500.00	\$14,500.00	\$14,500.00	\$11,530.00	\$11,530.00	\$38,000.00	\$38,000.00	\$38,000.00	\$38,000.00
25	12" PVC Class 200 Force Main	260	LF	\$36.00	\$9,360.00	\$9,360.00	\$9,360.00	\$9,360.00	\$9,360.00	\$33.60	\$8,736.00	\$39.00	\$10,140.00	\$39.00	\$10,140.00
26	Ductile Iron Fittings (Elbow Coupled)	1,000	LB	\$12.50	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$12,500.00	\$8.45	\$8,450.00	\$7.65	\$7,650.00	\$7.65	\$7,650.00
27	24" Bored or Engraved Enclosure (Force Main)	118	EA	\$225.00	\$26,250.00	\$26,250.00	\$26,250.00	\$26,250.00	\$26,250.00	\$8,657.00	\$8,657.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
28	Connection of New 12" Force Main to Existing 12" Force Main	1	EA	\$17,200.00	\$17,200.00	\$17,200.00	\$17,200.00	\$17,200.00	\$17,200.00	\$2,400.00	\$2,400.00	\$3.06	\$2,448.00	\$3.06	\$2,448.00
29	Removal of 6" Channel Fence	600	LF	\$2.00	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00	\$10.70	\$6,420.00	\$10.70	\$6,420.00	\$10.70	\$6,420.00
30	New 6" Channel Fence	600	LF	\$10.21	\$6,126.00	\$6,126.00	\$6,126.00	\$6,126.00	\$6,126.00	\$11.00	\$6,600.00	\$11.00	\$6,600.00	\$11.00	\$6,600.00
31	Reinforced Slotted Gully and Double Gully	1	EA	\$1,375.00	\$1,375.00	\$1,375.00	\$1,375.00	\$1,375.00	\$1,375.00	\$1,440.00	\$1,440.00	\$1,020.00	\$1,020.00	\$1,020.00	\$1,020.00
32	Abandon Machine	1	EA	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$722.00	\$722.00	\$1,100.00	\$1,100.00	\$1,100.00	\$1,100.00
33	Adjust Manhole Rim Elevation to Grade	1	EA	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$524.00	\$524.00	\$1,100.00	\$1,100.00	\$1,100.00	\$1,100.00
SUB TOTAL SCHEDULE I (BID ITEMS 1 THROUGH 33)					\$768,483.40		\$768,483.40	\$1,500.00	\$1,500.00	\$405,128.70	\$405,128.70	\$777,754.00	\$777,754.00	\$777,754.00	\$777,754.00
SCHEDULE II															
1	Rehabilitation and Demolition (Railway Extension)														
2	Topsoil Removal (Plan Quantity)	3,500	CY	\$3,500.00	\$3,500.00	\$4,300.00	\$4,300.00	\$9,100.00	\$9,100.00	\$4,138.00	\$4,138.00	\$3,300.00	\$3,300.00	\$14,244.00	\$14,244.00
3	Underside Extension (Plan Quantity)	800	CY	\$1,500.00	\$1,500.00	\$2,780.00	\$2,780.00	\$4,500.00	\$4,500.00	\$7.10	\$5,680.00	\$2.15	\$1,720.00	\$2.15	\$1,720.00
4	Embankment from Excavation (Plan Quantity)	1,400	CY	\$5.00	\$7,000.00	\$7,000.00	\$7,000.00	\$7,000.00	\$7,000.00	\$10.20	\$14,280.00	\$2.35	\$3,290.00	\$2.35	\$3,290.00
5	Embankment from Excavation (Plan Quantity)	3,300	CY	\$5.00	\$16,500.00	\$16,500.00	\$16,500.00	\$16,500.00	\$16,500.00	\$11.30	\$37,290.00	\$2.34	\$7,722.00	\$2.34	\$7,722.00
SUB TOTAL SCHEDULE II (BID ITEMS 1 THROUGH 5)					\$21,450.00		\$21,450.00	\$9,000.00	\$9,000.00	\$24,915.00	\$24,915.00	\$8.28	\$27,324.00	\$8.28	\$27,324.00

Item #	Description	Qty.	Unit	Sweitzer Construction, Inc. License #007470410		Dean Crowder Construction License #0031610310		Total Site Development, LLC License #0183010310		NEC, Inc. License #0148780410		Tomlinson Asphalt Co. License #004948009		APAC-McClintock Andlar License #0071040410	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
6	Topsoil Replacement (Plan Quantity)	1,050	CY	\$1.50	\$1,575.00	\$6.50	\$6,825.00	\$3.00	\$3,150.00	\$4.95	\$5,197.50	\$3.70	\$3,885.00	\$7.45	\$7,822.50
7	Underlaid and Embankment Backfill (Field Measured)	2,000	CY	\$3.00	\$6,000.00	\$12.45	\$24,900.00	\$10.00	\$20,000.00	\$14.90	\$29,800.00	\$12.00	\$24,000.00	\$19.95	\$39,900.00
8	Soil Stabilization Fabric	5,500	SY	\$1.55	\$8,525.00	\$2.25	\$12,375.00	\$5.00	\$27,500.00	\$1.05	\$5,775.00	\$1.18	\$6,490.00	\$2.00	\$11,000.00
9	Silt Fence	2,455	LF	\$5.00	\$12,275.00	\$2.50	\$6,137.50	\$3.00	\$7,365.00	\$3.25	\$7,956.25	\$3.05	\$7,387.50	\$3.05	\$7,387.50
10	Temporary Rock Check Dams	875	LF	\$3.00	\$2,625.00	\$2.00	\$1,750.00	\$1.00	\$875.00	\$1.25	\$1,093.75	\$1.00	\$875.00	\$1.30	\$1,147.50
11	Construction Entrance / Exit	1	EA	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$800.00	\$800.00	\$622.00	\$622.00	\$1,200.00	\$1,200.00	\$2,946.00	\$2,946.00
12	Erosion Control Blanket	1,900	SY	\$5.45	\$10,355.00	\$2.50	\$4,750.00	\$2.00	\$3,800.00	\$8.60	\$16,340.00	\$5.35	\$10,165.00	\$5.15	\$9,785.00
13	Removal of Erodible Channel Fences	750	LF	\$2.00	\$1,500.00	\$2.50	\$1,875.00	\$2.00	\$1,500.00	\$2.15	\$1,612.50	\$3.05	\$2,237.50	\$2.05	\$1,537.50
14	Reinforce Erodible Channel Fences	815	LF	\$10.15	\$8,272.25	\$7.48	\$6,074.20	\$11.00	\$8,965.00	\$7.85	\$6,387.50	\$14.80	\$12,020.00	\$10.40	\$8,476.00
15	Reinforce Double Gate	1	EA	\$725.00	\$725.00	\$1,330.00	\$1,330.00	\$800.00	\$800.00	\$1,457.64	\$1,457.64	\$1,250.00	\$1,250.00	\$1,742.65	\$1,742.65
16	5 Barrel 6" x 8" Box Culvert (Complete)	1	EA	\$87,555.00	\$87,555.00	\$133,000.00	\$133,000.00	\$175,000.00	\$175,000.00	\$94,490.00	\$94,490.00	\$148,000.00	\$148,000.00	\$143,620.00	\$143,620.00
17	Temporary Seeding, Fertilizer and Mulching	5	AC	\$1,750.00	\$8,750.00	\$1,200.00	\$6,000.00	\$950.00	\$4,750.00	\$1,898.00	\$9,490.00	\$1,480.00	\$7,400.00	\$1,776.00	\$8,880.00
18	Trench & Excavation Safety System	1	LS	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,898.00	\$1,898.00	\$500.00	\$500.00	\$6,827.00	\$6,827.00
SUB TOTAL SCHEDULE II BID ITEMS 1 THROUGH 18					\$32,842.25		\$280,311.83		\$272,100.00		\$298,003.00		\$251,286.20		\$342,772.80
SCHEDULE III															
1	Installation and Demolition	1	LS	\$20,500.00	\$20,500.00	\$25,000.00	\$25,000.00	\$43,100.00	\$43,100.00	\$58,905.00	\$58,905.00	\$38,000.00	\$38,000.00	\$57,105.00	\$57,105.00
2	Maintenance of Traffic	1	LS	\$38,000.00	\$38,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$16,958.00	\$16,958.00	\$83,500.00	\$83,500.00	\$7,697.00	\$7,697.00
3	Topsoil Removal (Plan Quantity)	900	CY	\$1.50	\$1,350.00	\$2.78	\$2,502.00	\$2.00	\$1,800.00	\$1.00	\$900.00	\$7.00	\$6,300.00	\$3.60	\$3,240.00
4	Underlaid Excavation (Plan Quantity)	100	CY	\$5.00	\$500.00	\$2.78	\$278.00	\$3.00	\$300.00	\$2.00	\$200.00	\$1.00	\$100.00	\$1.85	\$185.00
5	Embankment from Excavation (Plan Quantity)	200	CY	\$5.00	\$1,000.00	\$3.26	\$652.00	\$4.00	\$800.00	\$3.60	\$720.00	\$8.00	\$1,600.00	\$8.65	\$1,730.00
6	Sheet Pile Installation (Plan Quantity)	800	CY	\$8.50	\$6,800.00	\$7.45	\$5,960.00	\$4.00	\$3,200.00	\$11.70	\$9,360.00	\$12.50	\$10,000.00	\$8.80	\$7,040.00
7	Topsoil Replacement (Plan Quantity)	450	CY	\$1.50	\$675.00	\$8.50	\$3,825.00	\$3.00	\$1,350.00	\$4.70	\$2,115.00	\$10.00	\$4,500.00	\$10.40	\$4,680.00
8	Underlaid and Embankment Backfill (Field Measured)	2,200	CY	\$8.00	\$17,600.00	\$12.45	\$27,390.00	\$10.00	\$22,000.00	\$14.00	\$30,800.00	\$18.00	\$39,600.00	\$20.30	\$44,660.00
9	Soil Stabilization Fabric	2,800	SY	\$1.55	\$4,340.00	\$2.25	\$6,300.00	\$5.00	\$14,000.00	\$1.40	\$3,920.00	\$1.71	\$4,788.00	\$9.65	\$27,200.00
10	Silt Fence Maintenance	4,275	LF	\$3.00	\$12,825.00	\$2.50	\$10,687.50	\$3.00	\$12,825.00	\$0.90	\$3,847.50	\$0.75	\$3,206.25	\$1.90	\$8,122.50
11	Construction Entrance / Exit	1	EA	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$800.00	\$800.00	\$3,192.00	\$3,192.00	\$1,300.00	\$1,300.00	\$2,811.00	\$2,811.00
12	Temporary Rock Check Dams Maintenance	1	LS	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$2,675.00	\$2,675.00	\$4,000.00	\$4,000.00	\$19,850.00	\$19,850.00
13	Erosion Control Blanket	600	SY	\$5.45	\$3,270.00	\$2.50	\$1,500.00	\$5.00	\$3,000.00	\$8.70	\$5,220.00	\$5.35	\$3,206.25	\$5.40	\$3,264.00
14	Block and Aggregate Filter	600	LF	\$9.50	\$5,700.00	\$14.00	\$8,400.00	\$11.00	\$6,600.00	\$5.50	\$3,300.00	\$10.00	\$6,000.00	\$16.65	\$10,000.00
15	Curb Inlet Sediment Barrier	15	EA	\$80.00	\$1,200.00	\$250.00	\$3,750.00	\$100.00	\$1,500.00	\$195.00	\$2,925.00	\$20.00	\$400.00	\$177.10	\$2,656.50
16	Aggregate Base Course (Class 7)	15,000	TN	\$14.00	\$210,000.00	\$15.62	\$234,300.00	\$18.00	\$270,000.00	\$13.00	\$195,000.00	\$13.50	\$202,500.00	\$14.20	\$213,000.00
17	4" Asphalt Binder (Type A) PG 70-22	5,000	TN	\$58.70	\$293,500.00	\$55.78	\$278,900.00	\$58.70	\$293,500.00	\$80.80	\$404,000.00	\$70.80	\$354,000.00	\$57.90	\$289,500.00
18	3" Asphalt Surface (Type A) PG 70-22	5,000	TN	\$78.70	\$393,500.00	\$63.33	\$316,650.00	\$79.70	\$398,500.00	\$82.60	\$413,000.00	\$82.72	\$411,100.00	\$64.15	\$320,750.00
19	Concrete Curb & Gutter (Type A)	6,170	LF	\$8.00	\$49,360.00	\$9.75	\$60,172.50	\$11.50	\$70,845.00	\$8.10	\$49,920.00	\$9.50	\$58,875.00	\$11.20	\$69,120.00
20	Concrete Curb & Gutter (Type E-1)	328	LF	\$8.00	\$2,624.00	\$9.75	\$3,198.00	\$11.50	\$3,772.00	\$12.00	\$3,960.00	\$9.50	\$3,082.50	\$11.20	\$3,654.00
21	Concrete Sidewalk	3,460	SY	\$28.00	\$96,880.00	\$33.45	\$115,737.00	\$24.00	\$83,040.00	\$22.00	\$76,320.00	\$28.00	\$97,440.00	\$22.45	\$77,670.00
22	HC Ramps AITD, Type III	65	SY	\$220.00	\$14,300.00	\$22.15	\$1,429.75	\$50.00	\$3,250.00	\$38.00	\$2,470.00	\$50.00	\$3,250.00	\$133.00	\$8,645.00
23	POC Driveways	240	TN	\$38.00	\$9,120.00	\$49.00	\$11,760.00	\$29.00	\$6,960.00	\$38.00	\$9,120.00	\$40.50	\$9,720.00	\$59.15	\$3,908.75
24	Asphalt Surface Course for Driveways	240	TN	\$55.70	\$13,368.00	\$75.00	\$18,000.00	\$18.00	\$4,320.00	\$93.00	\$22,320.00	\$100.00	\$24,000.00	\$92.70	\$22,248.00
25	Aggregate Base for Driveways	460	TN	\$14.00	\$6,440.00	\$20.00	\$9,200.00	\$18.00	\$8,100.00	\$20.00	\$9,200.00	\$26.00	\$11,760.00	\$19.00	\$8,580.00
26	10" FCB, Class III, Vial B	1,622	LF	\$29.00	\$47,238.00	\$34.50	\$55,961.00	\$34.50	\$55,961.00	\$34.00	\$55,480.00	\$34.00	\$55,480.00	\$28.50	\$46,512.00
27	24" FCB, Class III, Vial B	55	LF	\$45.50	\$2,502.50	\$40.00	\$2,200.00	\$44.00	\$2,420.00	\$47.00	\$2,585.00	\$76.00	\$4,180.00	\$45.40	\$2,497.00

Item #	Description	Qty.	Unit	Sweetser Construction, Inc. License #0027470410	Dean Crowder Construction License #0031610310	Total Site Development, LLC License #0183010310	NEC Inc. License #0148760410	Tomlinson Asphalt Co., License #0040910309	APAC-Reclamation Anchor License #0011040410
28	36" RCP, Class III, Vitr B	226	LF	\$15,594.00	\$11,300.00	\$16,950.00	\$81.00	\$13,786.00	\$18,548.00
29	42" RCP, Class III, Vitr B	535	LF	\$48,150.00	\$7,995.00	\$88.00	\$73.00	\$39,055.00	\$55,105.00
30	48" RCP, Class III, Vitr B	390	LF	\$105.00	\$37,440.00	\$102.00	\$90.00	\$35,100.00	\$55,105.00
31	18" RCP, Flared End Section	4	EA	\$500.00	\$1,200.00	\$600.00	\$751.00	\$3,004.00	\$4,800.00
32	36" RCP, Flared End Section	2	EA	\$1,395.00	\$2,790.00	\$1,300.00	\$1,644.00	\$2,928.00	\$4,800.00
33	Drop Inlet (Type C)	19	EA	\$2,075.00	\$39,425.00	\$2,100.00	\$2,182.00	\$41,458.00	\$4,700.00
34	4" Drop Inlet Extension	7	EA	\$500.00	\$3,500.00	\$750.00	\$682.00	\$4,634.00	\$3,675.00
35	Modification to Existing Drop Inlets	2	EA	\$1,000.00	\$2,000.00	\$850.00	\$1,058.00	\$2,116.00	\$3,675.00
36	Unfinished Box (Type S7)	2	EA	\$500.00	\$1,500.00	\$1,200.00	\$1,318.00	\$2,460.00	\$2,460.00
37	4" Thermoplastic Striping White	1,850	LF	\$2,375.00	\$4,500.00	\$2,000.00	\$2,018.00	\$3,954.00	\$5,700.00
38	4" Thermoplastic Striping Yellow	1,850	LF	\$2,375.00	\$4,500.00	\$2,000.00	\$2,018.00	\$3,954.00	\$5,700.00
39	4" Thermoplastic Striping Solid Yellow	6,500	LF	\$2,375.00	\$15,375.00	\$11.00	\$1.00	\$1,650.00	\$2.02
40	4" Thermoplastic Striping Solid Yellow	161	EA	\$28.25	\$4,536.25	\$28.00	\$1.00	\$6,500.00	\$2.02
41	Char Plowable Pavement Markers	48	LF	\$5.25	\$252.00	\$6.00	\$3.00	\$254.40	\$36.00
42	Yellow Plowable Pavement Markers	3	EA	\$315.00	\$945.00	\$28.00	\$4.00	\$4,186.00	\$36.00
43	Thermoplastic Striping White	1	EA	\$1,310	\$19,890.00	\$3.00	\$45,500.00	\$10.00	\$1,000.00
44	Thermoplastic Striping White	15,300	LF	\$1,310	\$19,890.00	\$3.00	\$45,500.00	\$10.00	\$1,000.00
45	Removal of Asphalt Pavement	5,500	LF	\$3.00	\$16,500.00	\$1.45	\$7,975.00	\$30.00	\$3,000.00
46	Removal of Concrete Curb & Gutter	10	EA	\$350.00	\$3,500.00	\$10.00	\$10.00	\$2,600.00	\$2,600.00
47	Removal of Drop Inlets	1	EA	\$10.00	\$10.00	\$5.00	\$5.00	\$5.00	\$5.00
48	Removal of Storm Drainage Pipe	1	EA	\$28,350.00	\$28,350.00	\$5.00	\$5.00	\$5.00	\$5.00
49	Removal of Double 6" x 8" Box Culvert & Repgrade Channel Area	1	EA	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
50	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
51	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
52	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
53	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
54	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
55	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
56	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
57	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
58	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
59	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
60	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
61	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
62	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
63	Regrade of Hwy 71	1,000	LF	\$14,250.00	\$14,250.00	\$10.00	\$10.00	\$10.00	\$10.00
SUB TOTAL SCHEDULE II BID (ITEMS 1 THROUGH 63)				\$1,682,454.50	\$1,688,178.45	\$1,582,021.00	\$1,651,305.50	\$1,909,487.21	\$1,976,395.45
SCHEDULE IV									
1	Mobilization and Demobilization	1	LS	\$4,800.00	\$5,000.00	\$10,000.00	\$28,237.00	\$28,725.00	\$16,307.00
2	Topsoil Removal (Plan Quantity)	720	CY	\$1.50	\$330.00	\$2.00	\$10.20	\$2,244.00	\$123.25
3	Unclassified Excavation (Plan Quantity)	150	CY	\$5.00	\$750.00	\$3.00	\$450.00	\$1,500.00	\$85
4	Embankment from Excavation (Plan Quantity)	100	CY	\$5.00	\$500.00	\$4.00	\$400.00	\$1,000.00	\$1,327.50
5	Gravel Backfill (Plan Quantity)	350	CY	\$6.50	\$2,275.00	\$8.00	\$2,800.00	\$2,800.00	\$17.80
6	Gravel Backfill (Plan Quantity)	850	CY	\$1.50	\$1,275.00	\$3.00	\$2,550.00	\$7,500.00	\$5,987.50
7	Underdrain and Embankment Baseline (Field Measured)	1,000	CY	\$3.00	\$3,000.00	\$12.45	\$12,450.00	\$175.00	\$3.80
8	Soil Stabilization Fabric	1,000	LF	\$1.35	\$1,350.00	\$2.25	\$2,250.00	\$55.00	\$1,732.50
9	Site Fence	500	LF	\$3.00	\$1,500.00	\$3.00	\$1,500.00	\$14.10	\$28,310.00
10	Aggregate Base Course (Class 7)	1,500	TN	\$14.00	\$21,000.00	\$18.00	\$27,000.00	\$14.80	\$16.15

Runway 16 Safety Area Improvements
Fayetteville Municipal Airport
AIP Project 3-05-0020-038-2009
April 28, 2009
MCE Project No. FY082153

Item #	Description	Qty.	Unit	Sweitzer Construction, Inc. License #0027470410	Dean Crowder Construction License #0031610310	Total Site Development, LLC License #0183010310	NEC Inc License #0148180410	Tomlinson Asphalt Co. License #004340809	APAC-If-Climon Anchor License #0011840410
				Unit Price	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
11	4" Asphalt Binder (17) PG 70-22	860	TN	\$57.60	\$49,086.40	\$57.60	\$57.376.00	\$67.74	\$58.75
12	2" Asphalt Surface (17) PG 70-22	500	TN	\$77.40	\$38,700.00	\$77.40	\$43,800.00	\$78.85	\$66.05
13	Concrete Curb & Gutter (Type A)	1,470	LF	\$9.75	\$14,332.50	\$11.50	\$16,905.00	\$10.20	\$14,004.00
14	Concrete Subbase	610	SY	\$28.00	\$17,080.00	\$28.00	\$17,080.00	\$30.25	\$18,414.00
15	MC Bitump AKTD, Type III	185	SY	\$230.00	\$42,570.00	\$230.00	\$42,570.00	\$240.00	\$44,400.00
16	18" RCP, Class III, Vial B	185	LF	\$230.00	\$42,570.00	\$230.00	\$42,570.00	\$240.00	\$44,400.00
17	36" RCP, Class III, Vial B	65	LF	\$455.00	\$29,575.00	\$455.00	\$29,575.00	\$480.00	\$31,200.00
18	36" RCP, Flared End Section	2	EA	\$1,395.00	\$2,790.00	\$1,395.00	\$2,790.00	\$1,440.00	\$2,880.00
19	Drop Inlet (Type C)	4	EA	\$2,075.00	\$8,300.00	\$2,075.00	\$8,300.00	\$2,160.00	\$8,640.00
20	Solid Siding	1,000	SY	\$3.25	\$3,250.00	\$3.25	\$3,250.00	\$3.40	\$3,400.00
21	Shedding, Fertilizer & Wash	12	AG	\$1,750.00	\$21,000.00	\$1,750.00	\$21,000.00	\$1,800.00	\$21,600.00
22	Channel Realignement	1	LS	\$36,667.50	\$36,667.50	\$36,667.50	\$36,667.50	\$38,000.00	\$38,000.00
23	Soil Fence Maintenance	2,546	LF	\$1.00	\$2,546.00	\$1.00	\$2,546.00	\$1.00	\$2,546.00
24	Construction Erosion Evt	1	EA	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
25	Block Aggregate Base	60	LF	\$6.50	\$390.00	\$6.50	\$390.00	\$7.00	\$420.00
26	Cure Inlet Sediment Basin	4	EA	\$80.00	\$320.00	\$80.00	\$320.00	\$80.00	\$320.00
27	Temporary Road Check Dam	1,505	SY	\$30.00	\$45,150.00	\$30.00	\$45,150.00	\$30.00	\$45,150.00
28	Erosion Control Barrier	5,500	SY	\$5.45	\$29,975.00	\$5.45	\$29,975.00	\$5.45	\$29,975.00
29	Trench & Erosion Safety System	1	LS	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
30	Remove Existing 6" Chain Link Fence	860	LF	\$2.00	\$1,720.00	\$2.00	\$1,720.00	\$2.00	\$1,720.00
31	New 6" Chain Link Fence with Barbed Wire	860	LF	\$18.50	\$15,910.00	\$18.50	\$15,910.00	\$18.50	\$15,910.00
32	Double End Gate 12 x 8	1	EA	\$1,942.00	\$1,942.00	\$1,942.00	\$1,942.00	\$1,942.00	\$1,942.00
33	Removal of Asphalt Pavement & Base (200 SY)	1	LS	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00
34	Asphalt Milling	160	SY	\$17.50	\$2,800.00	\$17.50	\$2,800.00	\$17.50	\$2,800.00
35	Prime Coat	1,600	Gal	\$3.80	\$6,080.00	\$3.80	\$6,080.00	\$3.80	\$6,080.00
36	Seal Coat	600	Gal	\$2.20	\$1,320.00	\$2.20	\$1,320.00	\$2.20	\$1,320.00
37	Remove and Replace Streetlights and Bases	7	EA	\$1,965.00	\$13,755.00	\$1,965.00	\$13,755.00	\$1,965.00	\$13,755.00
SUB TOTAL SCHEDULE IV BID (ITEMS I THROUGH 36)				\$386,120.00	\$374,139.90	\$373,235.50	\$405,487.80	\$476,522.70	\$466,149.90
TOTAL BID SCHEDULES I & II				\$969,326.65	\$1,079,985.43	\$1,039,841.00	\$1,165,132.70	\$979,040.20	\$1,260,484.25
TOTAL BID SCHEDULES I, II & III				\$7,631,780.15	\$2,728,773.88	\$2,991,862.00	\$2,824,441.20	\$2,938,327.41	\$2,928,890.70
TOTAL BID SCHEDULES I, II, III & IV				\$3,102,913.76	\$3,102,913.76	\$3,365,097.50	\$3,229,923.00	\$3,345,050.11	\$3,395,040.00

City of Fayetteville Staff Review Form

C. 1
McClelland Consulting Engineers, Inc.
Page 1 of 12

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

5/19/2009

City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux

Aviation

Transportation

Submitted By

Division

Department

Action Required:

1) A Resolution to approve Task Order #1 with McClelland Consulting Engineers, Inc. for Airport engineering services. Contact info: Wayne Jones, P.E., PO Box 1229, Fayetteville AR 72702-1229, 479-443-2377, Fax 479-443-9241, wjones@mcclelland-engrs.com.

\$ 231,096.00

Cost of this request

\$ 223,467.00

Category / Project Budget

Correct Runway 16 RSA

Program Category / Project Name

5550.3960.5314.00

Account Number

\$ 197,667.30

Funds Used to Date

Avi/ED Imp

Program / Project Category Name

07039 3

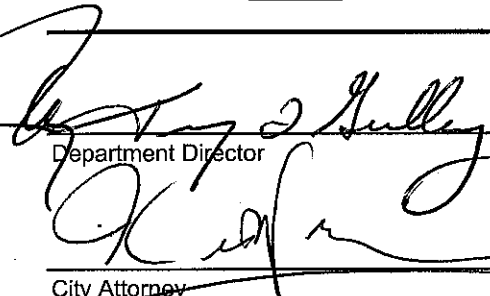
Project Number

\$ 25,799.70

Remaining Balance

Airport Fund

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒

Department Director

5-1-09

Date

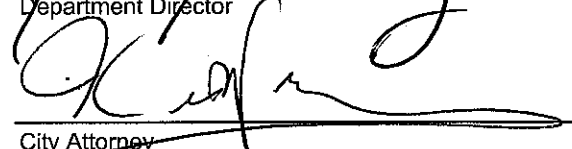
Previous Ordinance or Resolution #

204-07, 182-08

227-08

Original Contract Date:

5/5/2009

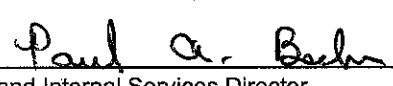

City Attorney

5-1-09

Date

Original Contract Number:

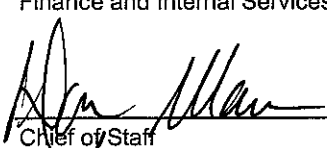
NEW


Finance and Internal Services Director

5-4-2009

Date

Received in City
Clerk's Office


Chief of Staff

5-4-09

Date

Received in
Mayor's Office


Mayor

5/4/09

Date

Comments:

Should only proceed if we receive grant funding



AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan

THRU: Chief of Staff

THRU: Staff/Contract Review Committee

THRU: Terry Gulley, Transportation Director

FROM: Ray M. Boudreaux, Aviation Director

DATE: May 1, 2009

SUBJECT: Approve Task Order #1 with McClelland Consulting Engineers for Construction Phase Services associated with the Runway 16 Safety Area Improvements. Approve Budget Adjustment. Signature of the Mayor.

RECOMMENDATION: Approve Task Order #1 with McClelland Consulting Engineers for Construction Phase Services associated with the Runway 16 Safety Area Improvement Project. Signature of the Mayor.

BACKGROUND: This Task Order to the McClelland Consulting Engineers Service Contract is for the Construction Phase Services including inspection, testing and project administration for the project. The Project is fully funded by the FAA/AIP and will improve the safety of the public transiting Highway 71 South and the safety of aircraft utilizing the airport. Upon completion of this project, the north end safety area will meet FAA Standards.

BUDGET IMPACT: This project is fully funded through the FAA/AIP and the Arkansas Department of Aeronautics.

Attachments: Staff Review
Budget Adjustment
Contract

RESOLUTION NO. _____

A RESOLUTION TO APPROVE TASK ORDER NO. 1 FOR
ENGINEERING SERVICES BY McCLELLAND CONSULTING
ENGINEERS FOR RUNWAY 16 SAFETY IMPROVEMENTS IN
THE AMOUNT OF \$231,100.00 AND TO APPROVE A BUDGET
ADJUSTMENT OF \$231,096.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves
Task Order No. 1 for engineering services by McClelland Consulting Engineers for Runway 16
safety improvements in the amount of \$231,100.00 and approves a budget adjustment in the
amount of \$231,096.00.

PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

TASK ORDER NO. 1
CONSTRUCTION PHASE SERVICES
For
DRAKE FIELD RUNWAY16 SAFETY AREA IMPROVEMENTS

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on May 5, 2009. The referenced basic agreement pertains to proposed improvements to Drake Field, Fayetteville's Municipal Airport. This Task Order entered into and executed on the date indicated below the signature block, by and between the City of Fayetteville and McClelland Consulting Engineers (MCE) sets forth the project description, project schedule, and engineering fees for construction phase services related to the Runway 16 Safety Area Improvements, Drake Field.

SECTION I - PROJECT DESCRIPTION

The project is to consist of the relocation of Highway 71 and Lancaster Drive and the regarding of the Runway 16 Safety Area. The services to be performed include: Construction Admin; Observation Services; Construction Materials Testing; and review fees for State or Federal Agencies.

SECTION II - PROJECT SCHEDULE

From the time the City of Fayetteville issues the Notice To Proceed (NTP), McClelland Consulting Engineers, Inc. will endeavor to execute the project within the following time periods:

<u>Task</u>	<u>Completion After NTP</u>
A. Work Schedules I & II	180 calendar days
B. Work Schedules III & IV	180 calendar days

SECTION III - SCOPE OF SERVICES

McClelland Consulting Engineers, Inc. shall, generally, provide those services listed in the basic agreement which are applicable to this specific Task Order. Specifically, the project is likely to include:

- A. Construction Administration.
- B. Construction Observation and
- C. Prepare "Record Drawings" at the completion of construction based upon the Contractor's mark-ups.
- D. Construction staking of a baseline.
- E. Construction Materials Testing.

SECTION IV - FEES AND PAYMENTS

The following fees are to be paid to McClelland Consulting Engineers, Inc. as compensation for his services:

- A. Construction Administration: Hourly rates, estimated to be \$ 31,060.
- B. Construction Observation Hourly rates, estimated to be \$ 155,100.

- C. Record Drawings Hourly rates, estimated to be \$ 5,490.
- G. Construction Baseline Staking: Hourly rates, estimated to be \$ 1,020.
- H. Construction Materials Testing:
 hourly rates & unit prices, estimated to be \$38,426.

Appendix A presents the basis of payments to the ENGINEER.

Appendix B presents hourly rates for personnel anticipated to be assigned to this project by McClelland Consulting Engineers, Inc.

Appendix C presents hourly rates and Unit Prices to be assigned to this project for the Construction Materials Testing.

SECTION V - BASIC AGREEMENT IN EFFECT:

Except as amended specifically herein, the basic AGREEMENT FOR ENGINEERING SERVICES shall remain in full force as originally approved and executed.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be duly
executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE:

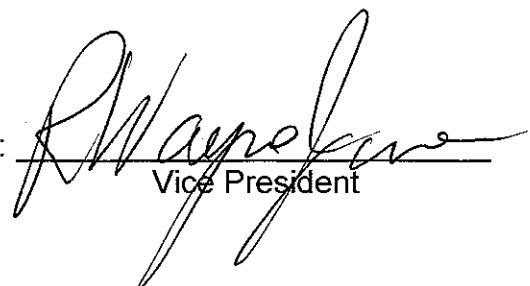
By: _____
Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: _____
President

Attest: _____
Vice President

Date: 5-1-09

APPENDIX "A"
BASIS FOR PAYMENTS TO THE ENGINEER
TASK ORDER NO. 1
CONSTRUCTION PHASE ENGINEERING SERVICES
DRAKE FIELD RUNWAY 16 SAFETY AREA IMPROVEMENTS
FAYETTEVILLE MUNICIPAL AIRPORT

	CLASSIFICATION HOURLY RATE	PROJECT DIRECTOR \$165.00	PROJECT MGR./ENGR. \$143.00	PROJECT ENGINEER \$115.00	ENGINEERING TECHNICIAN \$90.00	CADD OPER. 1 \$70.00	CADD OPER. 2 \$60.00	CADD OPER. 3 \$60.00	LICENSED SURVEYOR \$94.00	SURVEY CREW \$143.00	CLERK TYPIST \$48.00	CONSTRUCTION OBSERVER \$65.00	MILEAGE \$0.50	DIRECT EXPENSE	EXTENDED TOTAL
LINE	TASK DESCRIPTION														
A	CONSTR. ADMIN. AND INSPECTION														
	CONSTR. ADMINISTRATION	6	32	100									600		\$17,306.00
	CONSTRUCTION OBSERVATION (180 days)											1250	2550		\$82,525.00
	RECORD DRAWINGS		2	8	4	4	8				4			\$227.00	\$2,745.00
	SUBTOTAL, CONSTRUCTION PHASE	6	34	108	4	4	8	0	0	0	4	1250	3150	\$227.00	\$102,576.00
	CONSTR. ADMINISTRATION	6	24	80									400		\$13,762.00
	CONSTRUCTION OBSERVATION (180 days)											1100	2150		\$72,575.00
	RECORD DRAWINGS		2	8	4	4	8				4			\$225.00	\$2,743.00
	SUBTOTAL, CONSTRUCTION PHASE	6	26	88	4	4	8	0	0	0	4	1100	2550	\$225.00	\$89,080.00
B	CONSTRUCTION STAKING	0	1	1	0	0	0	0	2	4	0	0	0	\$0.00	\$1,018.00
C	CONSTRUCTION MT'LS TESTING (Estimated To Be)		12	24										\$33,950.00	\$38,426.00
	GRAND TOTAL, ENGINEERING SERVICES	12	73	221	8	8	16	0	2	4	8	2350	5700	\$34,402.00	\$231,100.00

APPENDIX B
TASK ORDER NO.1
Hourly Rates for Personnel
Fayetteville Municipal Airport

<u>CATEGORY</u>	<u>BILLABLE HOURLY RATE RANGE</u>
Project Director	\$145 to \$160
Project Manager	\$120 to \$150
Project Engineer	\$90 to \$130
Design Engineer II	\$85 to \$110
Design Engineer I	\$75 to \$90
Registered Surveyor	\$80 to \$100
Computer Technician	\$60 to \$85
Senior Engineering Technician/Observer	\$65 to \$75
Engineering Technician/Observer	\$75 to \$95
Junior Engineering Technician	\$45 to \$70
Survey Crew (2 man)	\$135 to \$150
Clerical Support	\$45 to \$55
CADD Technician III	\$65 to \$80
CADD Technician II	\$55 to \$70
CADD Technician I	\$45 to \$55
Soils Lab Supervisor	\$60 to \$70
Soils Technician II	\$45 to \$55
Soils Technician I	\$35 to \$45

APPENDIX C CONSTRUCTION MATERIALS LABORATORY FEE SCHEDULE TASK ORDER NO. 1

GENERAL:

Laboratory Field Technician *	\$ 42.00 per hour
Laboratory Engineering Technician *	50.00 per hour
AHTD-Qualified Technician*	52.00 per hour
Engineering Technician *	60.00 per hour
Senior Engineering Technician	90.00 per hour
Lab Supervisor	60.00 per hour
Mileage	0.50 per mile
Consultation:	
Lab Supervisor	60.00 per hour
Field Engineer	90.00 per hour
Project Engineer	100.00 per hour
Project Manager	150.00 per hour
Principal Engineer	155.00 per hour
Lab Report Preparation (per report)	48.00 per hour

SOILS:

AHTD-Qualified Field Technician	52.00 per hour
Soils Field Technician (1-hour minimum)	42.00 per hour
In-Place Compaction Test-Nuclear Gauge ASTM D 2922	
Sample Pickup, or Stand-by Time	
Nuclear Density Gauge Fee: (per Density Test); [Minimum \$15.00 per trip, per project]	10.00 each
Liquid Limit, Plastic Limit, Plasticity Index (3 point) ASTM D 4318	50.00 each
Sieve Analysis-Washed No. 200 (Wet) ASTM D 1140	35.00 per sieve
Sieve Analysis-Dry ASTM D 422	8.00 per sieve
Hydrometer Analysis ASTM D 422	90.00 each
Specific Gravity ASTM D 854	50.00 each
Soils Classification, Unified or AASHTO ASTM D 2487 or AASHTO M 145	110.00 each
Laboratory Maximum Compaction Test ASTM D 698 or AASHTO T 99	130.00 each
Laboratory Maximum Compaction Test ASTM D 1557 or AASHTO T 180	145.00 each
Potential Volume Change-Swell Pressure	100.00 each
California Bearing Ratio-CBR ASTM D 1883 (3 point) (Proctor curve additional)	150.00 each
Shrinkage ASTM D 427	50.00 each
Soil Bearing Capacity (Engineering Tech., 2-hour minimum)	60.00 per hour
Non-ASTM Procedures Available On Request	

CONCRETE:

Concrete Mix Design	Price on Request
Review Concrete Mix Design (Lab Supervisor)	60.00 per hour
Confirm Concrete Mix Design	Price on Request
Concrete Field Technician * (1-hour minimum): [For any of the following 6 items:]	42.00 per hour
• Concrete Cylinder or Beam Molding ASTM C 31	
• Concrete Cylinder or Beam Pickup	
• Concrete Slump Test ASTM C 143	
• Concrete Air Content Test ASTM C 231 or C 173	
• Cement Mortar or Group Sampling	
• Stand-by Time	
Unit Weight and Yield of Freshly Mixed Concrete ASTM C 138	50.00 each
AHTD-Qualified Concrete Technician: (1-hour minimum), [For any of the foregoing 6 items:]	52.00 per hour
Compressive Strength of Concrete Test Cylinders ASTM C 39 (pad cap)	18.00 each
Compressive Strength of Concrete Test Cylinders ASTM C 39 (sulfur capped)	35.00 each

* ACI Grade I Concrete Field Testing Technician

APPENDIX C CONSTRUCTION MATERIALS LABORATORY FEE SCHEDULE TASK ORDER NO. 1

CONCRETE (Continued):

Spare Cylinders Specimens Processed but not Tested	15.00 each
Schmidt Hammer Testing (Engineering Tech, 2-hour minimum)	60.00 per hour
Flexural Strength of Concrete Beams ASTM C 78 or C 293	50.00 each
Spare Beam Specimens Processed but not Tested	40.00 each
Compressive Strength of Grout Cubes	40.00 each
Compressive Strength of Cement Mortar Cubes	25.00 each
Concrete Coring (3" or 4"):	
Core Machine & Lab Technician	80.00 per hour
Additional Lab Technician, as required	42.00 per hour
Compressive Strength of Concrete Cores (3" or 4")	40.00 each
Other Core Sizes	Price on Request
Aggregate Sieve Analysis:	
Dry Sieve ASTM C 136	8.00 each
Wet Sieve ASTM C 117	35.00 each
Fineness Modules	25.00 each
Decantation	35.00 each
Deleterious Materials	60.00 each
Specific Gravity and Absorption of Aggregate ASTM C 127 & C 128	90.00 each
Dry Rodded Unit Weight of Aggregate ASTM C 29	75.00 each
Sodium or Magnesium Sulfate Soundness (5 cycles) ASTM C 88	350.00 each
Additional Cycles	50.00 each

ASPHALT:

Asphalt Mix Design (Marshall Design Method)	Price on Request
Review Asphalt Mix Design (Sr. Engr. Technician)	90.00 per hour
Asphalt Field Technician	
In-Place Compaction Test-Nuclear Gauge (Lab Technician)	42.00 per hour
Sample Pickup	42.00 per hour
Marshall Test including Stability, Flow, Laboratory Density, Percent Air Voids, Percent Voids in Mineral Aggregate (3 specimens per test)	400.00 each
Extraction including percent Bitumen and Aggregate Gradation	325.00 each
Laboratory Density of Cored Plugs including Depth Measurement	30.00 each
Asphalt Coring (3" or 4"):	
Core Machine & Lab Technician	80.00 per hour
Additional Lab Technician, if required	42.00 per hour
Sample Pickup	42.00 per hour

FIREPROOFING:

Unit Weight, Bonding Strength, Thickness and Sampling (actual time required for Lab Technicians)	50.00 per hour/Tech.
Report Preparation (Lab Supervisor)	60.00 per hour

STRUCTURAL STEEL:

Bolt Torque Testing: Lab Technician(s)	50.00 per hour
Field Engineer	100.00 per hour
Pneumatic Torque Wrench Calibration (twice per day)	50.00 each
Visual Weld Inspection Field Engineer	100.00 per hour

Services not Listed are Available on Request
All prices are subject to revision each year

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

C. 1
McClelland Consulting Engineers, Inc.
Page 12 of 12

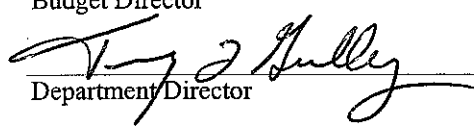
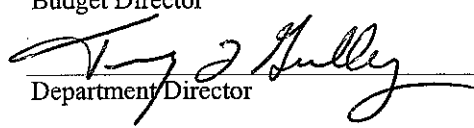
Budget Year 2009	Department: General Government Division: Aviation & Economic Development Program: Airport Capital Expense	Date Requested 5/19/2009	Adjustment Number
-------------------------	---	---------------------------------	-------------------

Project or Item Added/Increased: \$231,096 in the Professional Services account	Project or Item Deleted/Reduced: None. To recognize grant revenue from the DOT/FAA and Arkansas Department of Aeronautics.
--	---

Justification of this Increase: Will provide for construction administration and observation, materials testing, baseline staking and record drawings for the Runway 16 RSA Improvement project.	Justification of this Decrease: The project expense will be 100% reimbursed with federal and state grant funding.
---	--

Increase Budget				Amount		Project Number	
Account Name	Account Number						
Professional Services	5550	3960	5314	00	231,096	070039	3

Decrease Budget				Amount		Project Number	
Account Name	Account Number						
Runway 16 Safety Area	5550	0955	6820	36	219,541	070039	3
State Grants on Federal Projects	5550	0955	6803	00	11,555	070039	3

 Division Head	<u>8/1/09</u> Date
 Budget Director	<u>5-1-09</u> Date
 Department Director	
Finance Director	Date
Chief of Staff	Date

V.090403

Budget & Research Use Only

Type:	A	B	C	D	E
Requested By					
General Ledger Date					
Posted to General Ledger	Initial	Date			

City of Fayetteville Staff Review Form

C. 2
 ADM 09-3263 (Abshier
 Heights Modification):
 Page 1 of 54

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

5/19/2009

City Council Meeting Date
 Agenda Items Only

Jesse Fulcher

Submitted By

Planning

Division

Development Services

Department

Action Required:

ADM 09-3263: (Abshier Heights Modification, 407): Submitted by H2 ENGINEERING for property located N & W OF THE ABSHIER DR. AND HILLCREST AVE. INTERSECTION. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT. The request is to modify the conditions of approval concerning the time frame to obtain building permits and the requirement to install speed tables.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

Department Director

04.26.09

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

5-1-09

Date

Original Contract Number:

Finance and Internal Services Director

5-4-2009

Date

Received in City
Clerk's OfficeENTERED
5-1-09

Chief of Staff

5-4-09

Date

Received in
Mayor's OfficeENTERED
5/4/09

Mayor

5/4/09

Date

Comments:

Aldermen should favor for speed table consideration. *JS*

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

Telephone: 479-575-8206

ENGINEERING DIVISION CORRESPONDENCE

TO: Cit Council Members
FROM: Matt Casey P.E., Assistant City Engineer
DATE: May 1, 2009
SUBJECT: Abshier Heights Requests

The applicant for this project has requested that the speed tables that were required with the original development approval be removed from their conditions of approval. At this time engineering staff recommends approval of this request for the following reasons:

- **Speed tables should be installed on streets with grades less than 5%.** Abshier is from 6 to 8% slope, Hillcrest is from 5 to 15% slope, Lakeridge is from 7 to 18% slope and Oakwood has an average slope of 12% slope. Installing speed tables on steeper slopes may create traction issues during wet and icy weather conditions. It is possible to place a speed table on the west end of Abshier, but this is outside the area that speeds are affecting the residences. It is also possible to install one on Hillcrest between North and Oakwood, but sight distance is a concern in this area and the table would be pushed too close to North street to be effective.
- **Speed tables should be located a minimum of 250' from an intersection.** The distance along Hillcrest between Abshier and Oakwood is less than 500' not allowing enough distance to meet this criterion. There is slightly more than 500' along Hillcrest between Oakwood and North, but this location is in an area with inadequate sight distance for the south bound traffic.

Since the Planning Commission meeting, the Transportation Division performed a sight distance analysis of the intersection of Hillcrest and Oakwood. There is inadequate sight distance for the traffic from the west that is turning onto Hillcrest. When looking south, there is heavy vegetation and a crest in the roadway that limits the drivers view. For this reason, this intersection warrants the installation of an additional stop sign on Hillcrest to make the intersection a 3-way stop condition. The Engineering staff recommends that this stop sign be added in lieu of installation of speed tables on Hillcrest. We feel that the addition of this stop sign would better accomplish the goal of reduced speeds in this area.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Director

From: Jesse Fulcher, Current Planner

Date: April 28, 2009

Subject: Abshier Heights PZD Modification

RECOMMENDATION

The City Planning and Engineering Divisions recommend approval of an ordinance amending the conditions of approval for the Abshier Heights Planned Zoning District (R-PZD 06-1883).

BACKGROUND

On April 4, 2006, the City Council granted approval of R-PZD Abshier Heights on 4.11 acres of land with frontage on Abshier Drive and Hillcrest Avenue, with a maximum of 24 dwelling units in six buildings, at a density of 5.8 dwelling units per acre. All work interior to the site has been completed with the exception of vertical construction, and the street improvements adjacent to the property have also been completed.

The applicant is requesting that the City Council amend the following two conditions of approval:

1) Installation of speed tables

The Engineering and Transportation Divisions have evaluated the street conditions of Oakwood, Hillcrest, Abshier and Lakeridge to determine where speed tables could be safely installed and where additional stop signs would be warranted based on the Manual on Uniform Traffic Control Devices (MUTCD). Based on the steep grades common of the streets in this area and site distance limitations, staff recommends that the requirement to install up to four speed tables be removed. Staff finds that the installation of an additional stop sign at the intersection of Hillcrest and Oakwood will increase vehicular safety and reduce speeds on Hillcrest, likely providing the most benefit to the neighborhood. Staff can support a speed table on Abshier between College and the project entrance based on the technical requirements listed herein. However, speed reductions from this speed table will only be realized on Abshier, in close proximity to the actual speed table.

2) Timeframe to complete construction

Staff is supportive of extending the expiration date for five (5) additional years, given that the project will be complete with the exception of vertical construction, and an extension will allow the developer to construct additional units as demand increases.

DISCUSSION

This item was heard at the regular Planning Commission meeting on April 27, 2009 and forwarded by vote of 7-0-0 with a recommendation for approval to the City Council. The Planning Commission recommended that staff evaluate installing speed tables on Hillcrest between Oakwood and North and on Abshier between College and the project entrance. The commissioners also recommended that a stop sign be installed at the intersection of Hillcrest and Oakwood.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 06-1883, ABSHIER HEIGHTS, LOCATED AT THE NORTHWEST CORNER OF ABSHIER DRIVE AND HILLCREST AVENUE, CONTAINING APPROXIMATELY 4.11 ACRES, TO REFLECT REVISED CONDITIONS OF APPROVAL AS DESCRIBED HEREIN.

WHEREAS, the City Council of the City of Fayetteville approved a Residential Planned Zoning District known as Abshier Heights (R-PZD 06-1883) on April 4, 2006 with Ordinance No. 4850; and

WHEREAS, the applicant was permitted until April 4, 2009 to obtain all building permits and complete construction of all required street improvements, including speed tables; and

WHEREAS, all work interior to the site has been completed with the exception of vertical construction; and

WHEREAS, the applicant has completed all street improvements as required and/or amended by the Planning Commission on April 27, 2009, and requests that the speed tables to be installed on area streets be revisited.

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 approves an extension of R-PZD 06-1883 (Abshier Heights), requiring the applicant to obtain all building permits by April 4, 2014, or the PZD approval expires.

Section 2: That the requirement to install up to four speed tables be amended to allow the applicant to install one speed table, one stop sign and associated warning signs as indicated in Exhibit "A" attached hereto and made a part hereof. The entire cost of said improvements shall be the responsibility of the applicant.

Section 3: That all other conditions of approval for R-PZD 06-1883 Abshier Heights, including the conditions as added by the Fayetteville City Council shall remain in force.

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

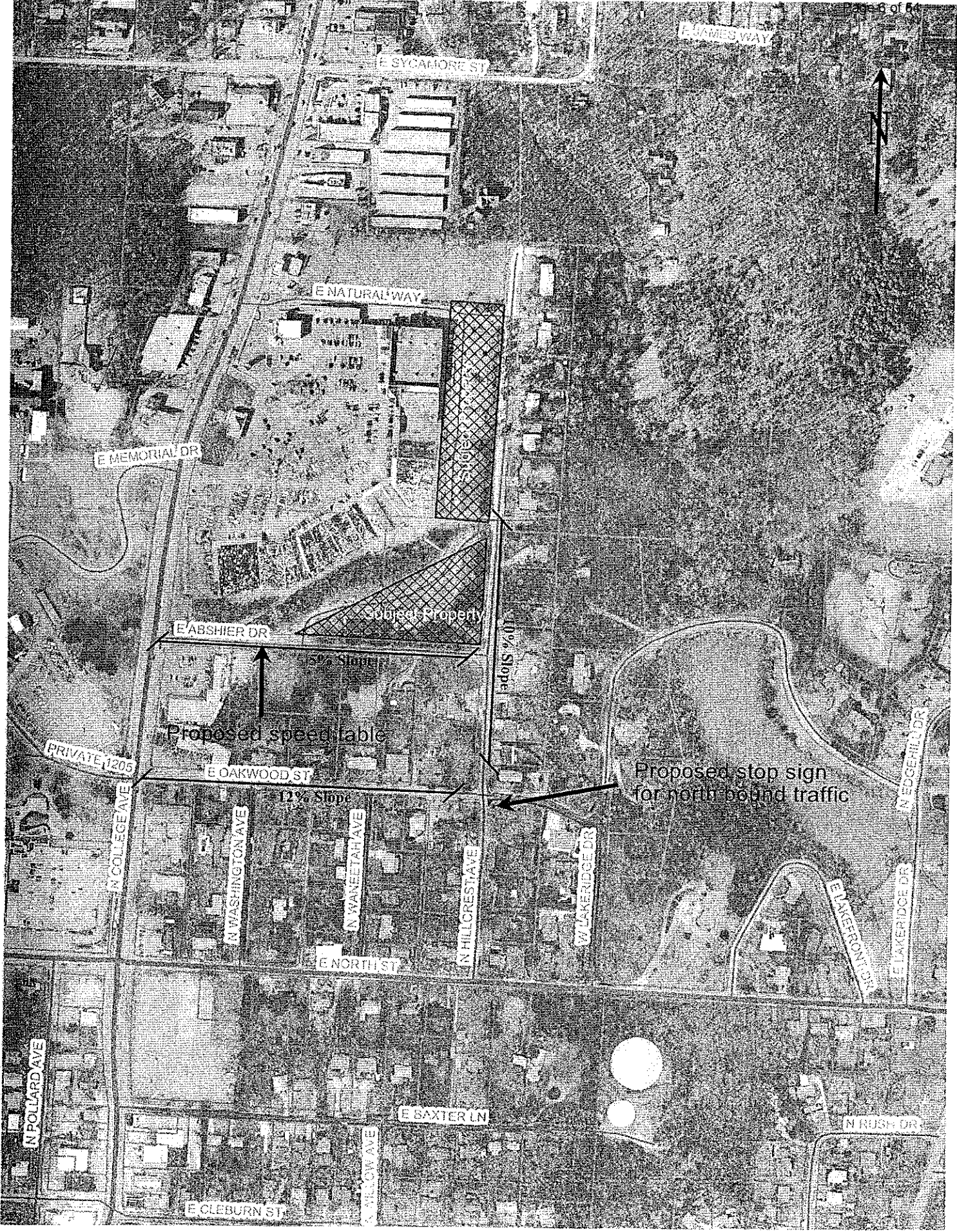
By: _____
LIONELD JORDAN, Mayor

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

Exhibit "A"
R-PZD 06-1883

C. 2
ADM 09-3263 (Abshier
Heights Modification):

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PC Meeting of April 27, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~April 21, 2009~~ Updated April 28, 2009

ADM 09-3263: (ABSHIER HEIGHTS MODIFICATION): The request is to modify the conditions of approval concerning the time frame to obtain building permits and the recommended street improvements.
Planner: Jesse Fulcher

BACKGROUND

Property Description: On April 4, 2006, the City Council granted approval of R-PZD Abshier Heights on 4.11 acres of land with frontage on Abshier Drive and Hillcrest Avenue, with a maximum of 24 dwellings units in six buildings, at a density of 5.8 dwelling units per acre. All work interior to the site has been completed with the exception of vertical construction, and the street improvements adjacent to the property have also been completed.

Request: The applicant is requesting that the Planning Commission and City Council amend the following three conditions of approval:

- 1) Street improvements
- 2) Installation of speed tables
- 3) Timeframe to complete construction

Street Improvements

Background: The applicant was originally required to improve the project frontage along Abshier Drive and Hillcrest Avenue 14' from centerline including pavement, curb and gutter, storm drains and 5' sidewalks. After evaluating the amount of grading required for the installation of improvements at the north end of Hillcrest, staff determined that the required street improvements along the south end of Hillcrest and along Abshier would require significant tree removal. Extensive grading and tree removal would have been counter to the conditions of approval associated with the City Council's approval, to maintain as much tree canopy as possible as a screen for adjacent residents. Accordingly, the applicant requested a modification to the required street improvements, which the Planning Commission approved on June 9, 2008. The amended improvements required the applicant to finish installing only the curb and gutter along the remainder of the property frontage, install a left-turn lane at the intersection of Abshier Drive and College Avenue, and install a 5' sidewalk west from the property entrance to College (see Exhibit "A"). The curb and gutter work adjacent to the site is complete.

Proposed amendment to street improvements: In-lieu of installing a left-turn lane at the intersection of Abshier and College, and installing a 5' sidewalk from the project entrance on Abshier to College, the applicant is proposing to improve Hillcrest. Specifically, the improvements would include milling and an asphalt overlay of a 23' wide section of Hillcrest north of Woodcrest Drive (see Exhibit "B"). The 9' section of milling and overlay shown in the exhibit is required to be completed by the developer due to street damage that occurred from installing the curb and gutter.

Recommendation: Staff recommends in favor of the applicants request to mill and overlay sections of Hillcrest in-lieu of the remaining improvements west of the project. The pavement on Hillcrest is severely deteriorated north of Woodcrest, likely requiring the City to spend money from the overlay program for improvements that can be accomplished by the developer at this time. While the installation of a turn-lane at Abshier and College would be convenient, the traffic study submitted with the original PZD application indicates that there are very few vehicles turning left at this intersection.

Installation of speed tables

Background: During the original review of the development, the applicant agreed to install speed tables on Hillcrest, Abshier, Lakeridge and Oakwood as a 50/50 cost share with the City of Fayetteville. This requirement was negotiated between the developer and neighbors, and was agreed to by the City Council during their review of the project.

Proposed amendment to speed table requirement: The applicant is proposing to eliminate the required speed tables and as an alternative, install stop signs at strategic locations to slow vehicle speeds in the neighborhood.

There are several technical requirements typically evaluated by cities before installing street tables. These include street classification, speed limit, traffic volume, street grade, block length and street construction. In general the streets in this area fail to meet the following requirements:

- 1) Speed tables should be installed on streets with grades less than 5%. The average grades for the four streets mentioned above exceed 5% and in some cases exceed 10%.
- 2) Speed tables should be located a minimum of 250' from an intersection. There are only two areas where there is more than 500' between intersections and in both cases there is limited visibility due to topography and jogs in the street.
- 3) Curb and gutter should be located on both sides of the street. The streets in this area were constructed several decades ago and therefore curb and gutter was not installed except for along the project frontage.

Recommendation: Staff supports removing the requirement to install speed tables on Oakwood, Hillcrest and Lakeridge due to steep grades and limited visibility in this area (see related Engineering Division memo). Installing speed tables on steeper slopes can create traction issues during wet or icy weather conditions and reduce the visibility of speed tables by approaching motorists. Staff can support a speed table on Abshier between College and the project entrance based on the technical requirements listed herein. However, speed reductions from this speed table will only be realized on Abshier, in close proximity to the actual speed table. Staff finds that the installation of an additional stop sign at the intersection of Hillcrest and Oakwood will increase vehicular safety and reduce speeds on Hillcrest, likely providing the most benefit to the neighborhood.

Timeframe to complete construction

The project expiration, as amended by the City Council, is April 4, 2009. The applicant submitted the extension request to the Planning Division on March 24, 2009, prior to extension period ending on April 4, 2009.

Proposed amendment to expiration date: The applicant is proposing that the project expiration be extended to either five (5) years from the expiration date of April 4, 2009, or that the City remove the expiration period entirely.

Recommendation: Staff is supportive of extending the expiration date for five (5) additional years, given that the project will be complete with the exception of vertical construction, and an extension will allow the developer to construct additional units as demand increases. The applicant shall be allowed until April 4, 2014 to receive all permits necessary to complete construction of the project. If all permits have not been received by this time, development approval shall be revoked.

Conditions of approval

Planning Staff recommends approval of **ADM 09-3263**, the requested modification to conditions of approval for the Abshier Heights R-PZD 06-1883, with the following conditions.

1. Planning Commission determination of street improvements. *Staff recommends that Hillcrest Avenue be improved as indicated in Exhibit "B" to include milling and asphalt overlay of the western 9' of the street between Abshier and Woodcrest and 23' of the street north of Woodcrest. All street improvements shall be completed prior to receiving a final certificate of occupancy for the first building.*

4/27/09: THE PLANNING COMMISSION APPROVED THE AMENDED STREET IMPROVEMENTS.

2. Planning Commission recommendation regarding the installation speed tables. *Staff recommends that the requirement to install speed tables be removed, due to limited visibility and steep grades common of the streets in this area. Staff does recommend that the applicant coordinate the installation of additional stop signs at the intersection of Oakwood and Hillcrest and Abshier and Hillcrest. Neighbors have voiced concerns about speeding vehicles on Hillcrest and the lack of visibility for residents backing their vehicles onto Hillcrest below the crest of the street. Final improvements as determined by the City Council shall be completed prior to receiving a final certificate of occupancy for the first building.*

4/27/09: THE PLANNING COMMISSION RECOMMENDED THAT STAFF DETERMINE THE EXACT LOCATIONS FOR SPEED TABLES AND ADDITIONAL STOP SIGNS PRIOR TO CITY COUNCIL REVIEW. SPECIFICALLY, THE MOTIONER RECOMMENDED THAT SPEED TABLES BE INSTALLED ON ABSHIER DRIVE BETWEEN COLLEGE AND PROJECT ENTRANCE AND ON THE SOUTH END OF HILLCREST AVENUE BETWEEN NORTH STREET AND OAKWOOD STREET.

3. Planning Commission recommendation for extending the timeframe to complete construction. *Staff finds in favor of the request to extend the timeframe to obtain all necessary permits to April 4, 2014, given that all construction will be complete with the exception of vertical construction.*

4/27/09: THE PLANNING COMMISSION RECOMMENDED IN FAVOR OF THE FIVE YEAR
EXTENSION.

4. All other conditions of approval for R-PZD 06-1883 Abshier Heights, including the conditions as added by the Fayetteville City Council shall remain in force.
5. All permits necessary to complete construction shall be applied for and approved prior to project expiration on April 4, 2014.

Planning Commission Action:

☐ **Approved**

☐ **Denied**

☐ **Forwarded**

Motion: Lack

Second: Cabe

Vote: 7-0-0

Meeting Date: April 27, 2009



March 24, 2009

City of Fayetteville
Planning Division
113 West Mountain Street
Fayetteville, AR 72701

**RE: ABSHIRE HEIGHTS - R-PZD 06-1883
REQUEST FOR MODIFICATIONS OF CONDITIONS OF APPROVAL**

To Whom It May Concern:

Please consider this correspondence as an official request to modify the conditions of approval pertaining to R-PZD 06-1883 (Abshire Heights).

Condition 1 (a) in part: Street improvements shall extend off-site to include the intersection of Abshire and College Avenue.

Findings: The width of Abshire west of the project frontage is over 20 feet wide. An electrical transmission pole is located at the intersection of Abshire and College Ave and is certain to be a potentially complicated and/or expensive problem. The offsite section of Abshire is in good condition. Conversely, the integrity of the pavement along Hillcrest is rapidly deteriorating.

Cost Analysis (Bid from Fochtman):

Abshire Improvements: \$22,259.00

Hillcrest Overlay & Cold Mill: \$24,300.00

Recommendation:

The developer is requesting to reallocate the off-site street improvement costs from Abshire widening to the overlay of Hillcrest. It will actually cost the developer a little more money to overlay Hillcrest, but in our opinion, it would be a much better value.

Condition 8: The applicant shall be granted one (1) year from the date of Planning Commission approval to receive all permits necessary for development with a one (1) year extension available.

Findings: Due to the state of the economy, it would be inexplicably poor judgment to construct all of the remaining units in the allowable timeframe. Prudent management of inventory helps to sustain property values and is beneficial for all property owners in comparable facilities. All utilities have been installed for the entire property and all street improvements will soon be complete.

Recommendation:

The developer is requesting the City to consider one of the two following options:

- (1) Eliminate Condition of Approval #8 from the project; or
 - (2) Allow the project five (5) years from this date to procure all necessary building permits.
-

Additional Condition: Speed Tables

The initial approval required 4 speed tables which were to be cost shared on a 50-50 basis between the developer and the City. Since the initial approval, City Engineering staff was supportive of reducing the speed tables to 3 in this area due to the difficult grades.

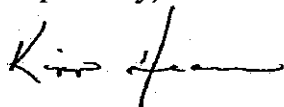
Findings: Use of speed tables has been stopped by City Engineering due to the lack of success and community complaints. The intent of the speed tables in this area was for traffic calming measures.

Recommendation:

The developer is requesting to use the development funds originally appropriated for speed tables for the installation of stop signs at strategic intersections. The cost would be 100% of the developer with no City participation. City staff will dictate the configuration of the signage.

Thank you for your consideration in this matter.

Respectfully,



Kipp Hearne, P.E.

**Abshier Heights R-PZD 06-1883
Planning Commission Minutes April 27, 2009**

ADM 09-3263: (ABSHIER HEIGHTS MODIFICATION): Submitted by H2 ENGINEERING for property located N & W OF THE ABSHIER DR. AND HILLCREST AVE. INTERSECTION. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT. The request is to modify the conditions of approval concerning the time frame to obtain building permits and the recommended street improvements.

Jesse Fulcher, Current Planner, gave the staff report, recommending approval with conditions as listed in the staff report.

Kipp Hearne, H2 Engineering, stated it was another chance for him to come through and work through a rather tough infill project in the City. As we move through the development process, a lot of things crop up. Trying now to make the best use of our development dollars. Obviously, with the condition of Hillcrest vs. what we're trying to accomplish on Abshier, we feel like that's basically a better use of our development dollars to move those up and make those improvements. With regard to the speed tables, the developers have spoken to some of the property owners and their concerns are slowing traffic through the neighborhoods. He would be happy to pay for some additional stop signs or signage throughout that area, and we can coordinate that with staff in the most appropriate manner. With regard to the timing of the building permits, obviously that's just prudent management with your inventory, not trying to put too much inventory on the ground at one time, which hurts other property values and is basically a management decision. I think he's been very diligent in trying to accomplish the goals set forth early on in the project. I know we've been back before you a couple times trying to revise these, it's the nature of an infill project, and we're trying to make the most of it and utilize those dollars in the most appropriate manner.

Shay Hopper, neighbor, stated that when this project initially went through in 2006, our neighborhood spent hundreds of hours and energy and time working with the developer and architect, and we felt like when we left that everybody was happy and satisfied. When the public notice sign was posted that this would be revisited, hundreds of emails among the neighborhood started flying. The street improvements, sidewalk, and curb and guttering, we understand that the grade is incredibly steep there and we don't want any of the tree canopy removed. On the timeline issue, five years is what we're asking for and agreeing to as well, indefinite is not really acceptable to the neighborhood. Our concern with that is it will continue to erode the initial agreement we made the longer this project drags on. Also, as the neighborhood discussed what a difficult infill project this would be because of the nature of the land, the condo saturation in 2006 was a great deal here in Fayetteville. I feel like we addressed that. Our biggest issue that we've communicated with Jeremy and Don and Kyle is the speed tables. This is a very dangerous neighborhood, that's one of the reasons we all fought hard to address this initially. Stop signs certainly would be more than welcome, we'll take anything we can get. But we feel like we made a good faith agreement at the time with the developer to put in these speed tables. Because only one structure has been built on the project, it has not greatly increased the traffic, but we know that over the next five years, as the project continues to develop, the traffic will continue to increase so we would like to address the problem now.

Jan Wicks, neighbor, stated that there was a great deal of concern among neighbors that we had all bargained in good faith, and one thing that was important to us was these speed tables. It still appears that there are places that speed tables could be installed. That along with four-way stops could help to preserve the character and safety of the neighborhood. Again, it's not just us, it's the people who are going to be buying these condos. It's going to increase property values if it's a nice, beautiful neighborhood safe for the elderly or children. This is something that's very important is that we are again compromising, we are asking for the five year as the City recommended, we're also going to go along with the other change. But this is something that was key to all of us. We see it as preserving the safety and integrity of the neighborhood, and if it's taken away, it gives the impression that we should have no reason to try and negotiate in the first place. We're trying to protect what we feel is truly important in the neighborhood.

David Beech, neighbor, stated that he wishes to echo what the other two speakers have said. Initially we opposed the project because we felt there were a number of issues that would be coming to bear and affect our neighborhood. One of them was the traffic, there were water issues, and a number of things we compromised on in order to make sure the City's 2025 Plan, which wanted to generate density more than sprawl. But we wanted to make sure that all this extra traffic wasn't going to affect our neighborhood as far as safety. We all agreed that the speed bumps would be the best way to do that. I also think the five-year deadline is important. Even though it may be written somewhere, there's still going to be a lack of intensity on wanting to make sure that the guidelines we agreed upon are adhered to down the road.

Daniel Griffin, neighbor, stated that we were told there would be sidewalks when the project was in the planning stage. I understand the developer not wanting to put sidewalks in, because on Abshier the embankment goes down at about a 45 degree angle, and there's nothing to support the sidewalk without an expensive retaining wall. Another concern I had is that there are people living in these condos already, and I thought a project had to be finished as far as improvements before people could occupy the dwellings there. Another concern is that there's supposed to be a little park in honor of Fay Jones, and if the developer goes bankrupt, who puts this stuff in? I would suggest a bond be posted to guarantee completion of everything we were promised when the City okayed this project. We get a lot of traffic in the neighborhood, people cutting through to avoid the intersection at North and College. It's another thing in favor of the speed bumps.

Commissioner Trumbo asked if it was possible for people to occupy the units that have already been built.

Jeremy Pate, Development Services Director, stated that it was possible since we issue Certificates of Occupancy for individual buildings as they are complete.

Commissioner Trumbo asked about the park.

Pate stated it was something that the Planning Commission was not involved in, it was one of the agreements made by the developer with the neighborhood at the Council meeting to remove a building from the original development plans and build a small park at the corner of Abshier and Hillcrest, if I remember correctly. It's still a condition of approval for the project, so we will still

enforce that before we issue the final C of O for the structures on the property. So, the project can't be finaled out until all conditions have been met.

Griffin asked if it's alright for people to move in now, and the builder get their money, why should he bother completing all the obligations?

Pate stated that ultimately it is enforced through our court system. When it comes down to it, if a developer or property owner has not met all the conditions of approval, the PZD can be revoked, it can be brought back before the Council. We have the authority in certain instances to turn water off to residents, and so we certainly don't want to get to that point, but it's something we could enforce through the court system.

Commissioner Lack stated that there were comments in the public session about how there were still places on the streets that would meet the requirements of the speed tables from an Engineering standpoint. Are there places that would meet the technical requirements from the speed tables, or that would be so close that we might be inclined to vary that judgment?

Chris Brown, City Engineer, stated that there are some areas that do meet the criteria that are laid out in the memo, the west end of Abshier, the very north end of Hillcrest, the south end of Hillcrest, and the first block of Oakwood between Hillcrest and Waneetah. There was some question about the effectiveness of speed tables in those areas, whether those are the areas that really need speed tables. But those areas would meet the requirements. Some of those are marginal because of sight distance and other problems, but as far as grade-wise, they do meet the requirements.

Commissioner Lack asked how far from the intersection the south end of Hillcrest would be. Halfway between Oakwood and North?

Brown stated that that is where you would want to put it. The top of the hill is very near Oakwood, and that is an area where the sight distance is a problem. You don't want to put a speed table, have someone top a hill, put a speed table in and all of the sudden it's on top of them. That is a marginal location as far as safety goes.

Commissioner Lack stated that the top of the hill is about at Oakwood and—

Brown stated it's just south of Oakwood.

Commissioner Lack so somewhere between Oakwood and North, midway or so might be an acceptable—

Brown stated it's possible.

Commissioner Lack stated he thinks that would be one that would impact the cut-through guys the most from the locations we're still talking about. When you say "west end of Abshier," how far west?

Brown stated probably up to the entrance to the development. That's what I marked, I didn't check it in detail. But basically the west half.

Commissioner Winston asked if you could easily get to a third point between College and Hillcrest?

Brown stated yes, that's possible. The effectiveness of that, it could be effective. As far as helping the neighborhood, not sure the effectiveness of that. It's really sort of out of the neighborhood.

Commissioner Lack asked if staff can talk to us a little bit about where the speed tables are shown now. Is there a shown location?

Pate stated it simply was brought up at the Council meeting, up to four speed tables to be installed, and that was really the extent of that conversation with the City. Which is one of the reasons I think it's important to bring this back to you all and the Council at any rate, simply because we need some guidance from both our Engineering department and the neighborhood as to where these are most appropriate if they are installed. Without Engineering studies up front, it's simply impossible to safely install them where everybody thought we could. So, that's what we're looking for from the Planning Commission is a recommendation to go forward to the Council.

Commissioner Lack stated he was very sympathetic and very much in agreement with Engineering's stance on it, and the danger that could be posed by the speed tables in inclement weather conditions, I just want to explore and see if there's some compromise in some way. I think the stop signs would be a better traffic calming device. There's some contention even within the City now about speed tables that have been put in or might be requested, and they're not really all they're cracked up to be. But, they still can be a useful tool. I'll be interested to hear comments from other commissioners. That would be the one item I would anticipate hearing more dialogue about. I'm OK with the extension to five years with the change in street improvements.

Commissioner Zant stated that considering the discussions from the public and their concerns over item 2, is it possible that we could perhaps break that item out and have the City staff revisit it a little further in terms of communication from the neighborhood, in terms of exactly where Engineering and where the neighborhood would feel speed tables and/or the use of stop signs would be most effective? Is it possible to break it out and pass the rest of this?

Kit Williams, City Attorney, stated that of course this has to go to City Council for the final decision, and I think in between here and the Council is when staff can look at this more carefully again and scout out other locations. I think this has to go forward as a unit, I don't think we can break it up, but certainly your comments will be listened to by the City Council, but I don't think we can break it into two parts. I don't know if Jeremy feels otherwise.

Pate stated that the recommendation from staff is based upon looking at general topography in the area and overall effectiveness, looking at where neighborhood traffic is located within the neighborhood, not just cut-through traffic, visibility for those utilizing the streets. You obviously don't want to come around a hill and not know a speed table is there and hit the speed table at too fast of a speed. Those are the types of issues we're looking at when making a recommendation. I certainly think that with respect to this issue, really it's just the speed tables and the time frame that are going to Council. The street improvements are really a decision by the Planning Commission. This is all one administrative item, however. Number 2 and 3 are recommendations that go forward to the full City Council for their consideration. In context to what Mr. Williams stated, the minutes will be prepared for them for your comments and your recommendation on those specific items as well. If you feel you would like for staff to explore continue utilizing all four or drop that to two or one or none, that's what we would do after this meeting and before City Council discusses this at length.

Commissioner Zant stated I can't tell you without Engineering really looking at this specifically and saying that we have to have speed tables here, and yet stop signs will look perfectly at other locations. So, I think if our concerns are then reflected on the second item, it may require a little further investigation, I think we could probably forward this on because I'm not hearing that staff has recommended this and I'm not hearing any objection on the time frame or specific street improvements that have been recommended.

Commissioner Winston asked Brown about the locations where speed tables could be. I caught the one on Abshier about a third of the way up, the one on Oakwood between Waneetah and Hillcrest, and the one on Hillcrest between Oakwood and North. Was there another one?

Brown stated the very north end of Hillcrest.

Commissioner Winston asked if that was north of Woodcrest?

Brown stated yes, from the north entrance to the development, probably three lots back to the south, the grades are adequate there. I should clarify, Oakwood meets the criteria for grades, but with the two intersections there, it doesn't meet the intersection distance. So, it doesn't meet all of the criteria, but the grades are really the critical safety issue.

Commissioner Winston stated that my inclination is towards stop signs at four-way or three-way intersections because they're less confusing than when you've got a situation where one street has the right-of-way through it and the other needs to stop. Are there issues with having three-way and four-way stop signs on Hillcrest and Oakwood and Abshier as far as grade goes? You don't want to have a stop sign where it might cause a car to slide back down the hill if it loses momentum in weather conditions where surface traction is poor.

Brown stated that stop signs are used to control the flow of traffic and are not to be used as speed control. Second, they can be used at three-way and four-way stops are used when you have similar amounts of traffic coming from all directions. The other time you can use them is if you have a sight distance problem, where there's an intersection where cars that approach the

intersection can't see cars coming from the other way. Those are the reasons you install stop signs. Really have not looked at the configuration of the intersections or the traffic or any of that, so to say stop signs would be appropriate here or not, I would not be prepared to answer that.

Commissioner Winston asked what else we have in our bag of goodies for traffic calming, if stop signs are not included in that bag?

Brown stated that there are a lot of traffic calming tools, horizontal deflections, islands in the middle of the street for instance. You start getting into right-of-way issues. Every traffic calming measure has negative effects. But there certainly are other traffic calming measures that could be considered.

Commissioner Winston asked if staff has looked at islands in the middle of intersections, or any others that would be appropriate to look at between here and City Council.

Brown stated that most of the other options include additional right-of-way and are much more obtrusive to the adjacent properties. There are islands in the middle of the road, islands in the side of the road, narrowing of the road, those sorts of things, none of which have been tried here in the City, so there's no track record in the City of how those would work.

Commissioner Winston stated it gets in to this uncomfortable situation where the neighborhood has asked for traffic calming devices, and to say we can't use stop signs as traffic calming devices, and speed tables are too dangerous, so sorry you don't get anything – I think there's some responsibility to try to find something that will make this a safer situation, and we might have to look at what other cities are doing even if we haven't done it here before.

Commissioner Lack stated that he noticed on the plan that came with the packet that Lakeridge is also listed as a speed table street. I'm assuming that's the list of streets that was discussed and approved at City Council. That's pretty far reaching where I can see where it would have some impact. We didn't talk about Lakeridge. Is Lakeridge a candidate?

Brown stated that between the horizontal curvature of the roads and the vertical grade, there are no locations on that street where I would recommend a speed table.

Commissioner Lack stated that it really stretches quite a ways from the development, so to require the developer of this project to do that seems like it could be argued.

Commissioner Trumbo stated that we have installed, since this agreement was made, and it sounds like it was made without the advice of any engineers at this time. We've installed several speed tables throughout the City and it's my understanding that we have quit doing that, possibly because of budgetary reasons or because they weren't as successful as we thought. What kind of feedback are we getting about these?

Pate stated that we get as many calls from people wanting them removed as we do from people who want them installed. It's a mixed bag. You are correct, we line-item pulled the amount for

speed tables out of the budget.

Commissioner Trumbo stated he sees the problem with putting the speed tables in on this hill, and that's where you would look at them and think they would need to go, would be right on this slope coming down this hill. I'm not qualified to tell if the speedbump on Abshier that close to College would help. Staff has recommended the stop signs and I assume they think that would help, based on their experience. At least, it would stop the traffic and make people more aware of their surroundings. So, I'm perplexed on the speed table issue. We can't install them if they're not safe, that's my opinion on that. I'm okay with the street improvements. That road does need to be overlaid, and I think that's a good compromise. I wasn't crazy about the left turn lane out of Abshier, we probably don't need to be encouraging people to take a left turn out of there. It's not the safest of lefts. I'm also okay with the time frame, I understand their reasoning and it might take a full five years to build this out, so I'd be in support of that as well.

Commissioner Cabe stated that regarding item #2, I am hesitant to remove the requirement or set a number of speed tables since it sounds like we need both speed tables and stop signs. It needs to be a combo effort. Do we need to set a number? It seems like between now and then that gives the developer and engineering enough time to assess the area. I want to make sure we're going to do what works and what is right. Do we actually need to say we don't need four because we got told at this meeting there were two spots that were really great so we only put in two, or can we leave it – I guess in the hands of people that we pay to do this kind of work, figure out what's required and what really works.

Pate stated that he thinks that's an option for you as a recommendation if you want to forward this to the Council with a recommendation that staff looks at a combination of those stop signs and speed tables, understanding the safety concerns that we've expressed, we can look at those options. There are a couple of options at least that we can look at to see if it meets those criteria.

Commissioner Cabe stated that after a study we find that we are better off without speed tables, I don't want to force anyone's hand but I also don't want to remove the possibility of doing what needs to be done. I agree with staff on the street improvements and the time frame, as well.

Commissioner Honchell stated that speed tables have been the only avenue that the City has explored pretty much predominantly throughout. Where I grew up you had drainage runoff dips at intersection and that really helped with traffic. That's the first thing that came to my mind that if you have a steep grade like that, and if you had a drainage dip in a road like that, if we could explore other avenues. The City has pretty much obligated themselves to the neighborhood, and I think that puts the city in a precarious situation with what the neighbors said how they feel disenfranchised when these things keep coming back through and more things drop off. It's like what was said how stop signs are technically not a traffic calming device, they are used to regulate traffic flow. Then you get into these neighborhoods where these neighbors are really feeling like it doesn't matter what they say because once this thing keeps getting recycled, things drop off. Is there other things we can do before this gets pushed further? Are there other options that the City can pursue to try and appease everybody involved before this thing gets to a situation where -- it's just like what everybody is saying, I don't see much point in throwing four

speed tables out there for the sake of saying we did what we said we were going to do. It looks to me like on the east-westbound roads, you could probably put a speed table on those. Surely there's someplace in the country that's had speed problems on a steep graded road, and if we could explore those options before we take this much further. But I do support the time frame and the road improvements also.

Commissioner Lack stated that one distinction that I see in what we're being asked for in this item is item #1 we're asking for a determination, in items #2 and 3 we're asking for a recommendation.

Motion:

Commissioner Lack made a motion to forward ADM 09-3263 to City Council with a recommendation for approval, with a determination for item #1 in favor of street improvements as modified. The recommendation for item #2 regarding speed tables would be that between now and City Council time, Engineering work out a recommendation for a combination of speed tables and stop signs. It seems to be logical that a speed table on Abshier at a third point or so or just west of the entry would be effective. Without knowing the topography with my understanding and assumption of the south end of Hillcrest there is potential one could be effective there, but certainly I would not want engineering to propose or recommend something that was too close to the top of the hill. If it did get too close, I would certainly support their opinion on that. I think the north end of Hillcrest is not really feasible. I don't see the need that far north on Hillcrest for the traffic diversion. But it would be a recommendation for a combination of speed tables and stop signs from engineering. On the recommendation for extended time frame that we would be in favor of the five-year time frame, and all other stated conditions of approval. **Commissioner Cabe** seconded the motion.

Commissioner Winston stated that item 5 is affected by item 3. If we change to five years then item 5, which reads "all permits necessary to complete construction should be applied for and approved prior to project expiration on April 4, 2009." That should be 2014, not 2009.

Commissioner Trumbo stated it was a typo. It should read 2014.

Commissioner Lack stated he amends his motion.

Commissioner Cabe amended his second.

Upon roll call the motion passed with a vote of 7-0-0.

Abshier Heights R-PZD 06-1883 2006 Conditions of Approval

Conditions of Approval from 2006:

- street improvements
1. Planning Commission determination of street improvements, to include the following:
 - a. Installation of a 14' wide street from centerline of Abshier Dr., including 14' pavement, curb, gutter, storm drains, and a 6' sidewalk. Street improvements shall extend off-site to include the intersection of Abshier Drive and College Avenue.
 - b. Installation of a 14' wide street from centerline of Hillcrest Ave., including 14' pavement, curb, gutter, storm drains, and a 6' sidewalk.
 - c. Right-of-way to meet Master Street Plan requirements shall be dedicated prior to building permit.
 - d. Egress from the proposed drive onto Abshier Drive shall be signed/marked to allow a right out only.

**Staff recommends that the location of the sidewalks be determined by the Sidewalk Coordinator and Urban Forester at the time of development so that existing canopy along the right-of-way can be preserved.*

2. All setbacks, protective easements, density, designated uses and other zoning criteria are binding with the approval of the R-PZD. Submitted covenants are likewise binding to the project.
 3. Structures shall be constructed as presented in the PZD, meeting the architectural design standards established herein.
 4. Parks fees in the amount of \$13,086 for 8 single-family units and 22 multi-family units shall be paid prior to issuance of building permits, or as constructed to meet the parkland dedication fee-in-lieu requirements. *The number of units was reduced to 24.*
 5. If street lights do not exist, they shall be installed with a maximum separation of 300 feet along Abshier Drive and Hillcrest Avenue.
 6. The applicant shall submit 15 sets of the plats, project booklets, and elevations along with any other correspondence and information the applicant would request the City Council to review. Please submit half-size drawings for City Council review.
 7. Coordination with the Solid Waste Division for centralized trash pick-up. *THE SOLID WASTE DIVISION HAS REQUESTED THAT TWO DUMPSTER PADS BE LOCATED ON THE SITE. IF PLANNING STAFF FINDS THAT THERE IS NOT SUFFICIENT ROOM FOR LOCATING A DUMPSTER PAD, OR THAT REQUIRING DUMPSTERS WOULD RESULT IN THE REMOVAL OF EXISTING TREE CANOPY, THE SOLID WASTE DIVISION WILL ALLOW INDIVIDUAL CARTS.*
 8. The applicant shall be granted one (1) year from the date of Planning Commission approval to receive all permits necessary for development with a one (1) year extension available.
 9. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
 10. Prior to City Council consideration, the applicant shall modify the project booklet and Site Plans to reflect any recommended revisions from the Planning Commission.
 11. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks.
 12. Access easement agreements for the driveways located off-site, shall be provided on the easement plat and filed of record prior to building permit.
 13. Manufacturer's cut-sheets shall be required for any outdoor lighting, prior to building permit.
- line frame

14. Trees are required to be planted every 30 linear feet along the right-of-way, where existing canopy is currently located. Trees should also be planted every 12 parking spaces. Include these revisions prior to City Council.
15. If after construction, open areas exist along the right-of-way, trees shall be planted within the open areas, to provide a continuous buffer along the right-of-way between the PZD and the existing neighborhood.
16. Two bicycle racks are required and shall be shown on the site plan and legend with revisions prior to City Council.

Standard Conditions of Approval:

17. 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.
18. Prior to building permit, a cost estimate for all required public improvements are required to be submitted to Planning Staff for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
19. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for residential multi-family development. This shall be reflected in the booklets and on the plats.
20. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
21. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
22. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
23. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Separate easement plat for this project that shall include the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by 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 Building Permit.

EXHIBIT "B"
R-PZD 06-1883

WE AS NEIGHBORS, THE AFOREMENTIONED DEVELOPER AND ARCHITECT,
HAVE RESPECTFULLY AGREED UPON THE FOLLOWING COMPROMISES: *Approved*
by Fayetteville City Council - 2006

1. Modifications to architectural design of development to complete and complement existing neighborhood homes. Examples include planter boxes with stone facades; the agreed upon stone façade on the back of the development (on the side of the town homes facing Hillcrest and Abshier) the architect will modify rear elevations of development to include partial stone facades on the back of the development (on the side of the town homes facing Hillcrest and Abshier) for approval of abovementioned neighborhood representatives; house numbers re-styled and moved to the lower portion of the front of the house near planter boxes; changes in paint palette in the natural earth tones; enlarged window shapes and styles in the latest drawings presented to the neighborhood – all to create a more natural, “softer” feel in line with the traditional character of the existing neighborhood.
2. Reduction in the number of units to 24.
- see styles* { 3. Speed bumps to be built/installed on Hillcrest, Abshier, Lakeridge and Oakwood by Developer and City with 50/50 cost share with up to four speed tables.
4. A permanent, WRITTEN plan for maintaining the park and greenspace throughout the development included in the homeowner's association agreements and/or covenants for those who purchase the town homes. The association agreements or covenants must be worked out in consultation with the above-mentioned neighborhood representatives throughout the process and approval. Additionally, new neighbors in the development must be aware that Lake Lucille and surrounding property is a private entity and is not available for their use for swimming, fishing, picnicking, etc. (only accessible by property owners in Lake Lucille/Clay Yoe subdivision).
5. Additional trees and shrubs are to be planted along Hillcrest and Abshier to fill in gaps and ensure that the tree buffer is maintained and expanded. Trees and shrubs are needed to fill in both high and low gaps and present an attractive, natural appearance to neighbors in the development and across Hillcrest and Abshier.
6. Core and soil sample testing will be conducted due to grade and incline, instability of land because of natural springs and previous construction difficulty in area with USA Drug.
7. We respectfully request that City Planning division allow that no bridges or steps leading from the town homes to Abshier or Hillcrest will be constructed. This would only encourage street parking and exacerbate traffic problems. The only steps in the development that are agreeable to the neighbors are those from the pocket park/viewing area to the parking area for the E. Fay Jones' home as designated on plans.

8. Trees and/or shrubbery will be planted at the back of the development to screen the development's residents from the shopping center. These also should include plantings to fill in high and low gaps and present an attractive, natural appearance consistent with a high quality development.
9. No parking signs to be installed along Hillcrest & Abshier on the development side, with no parking allowed on either side of these two streets.
10. Landscape design, and any newly planted trees and shrubbery will, as closely as possible, be in accordance with E. Fay Jones' written/drawn design plans for the property from the U. of A. Mullens Library, Special Collections (neighbors have this document) (i.e. species of trees, placement, etc.).
11. Above-mentioned neighborhood representatives will see sample/rendering of mailbox design and of the sign for the development and provide input for approval, prior to installation.
12. Construction will be limited to daylight hours only.
13. We respectfully request that if this development, PZD 06-1883, Abshier Heights, is not executed, that the City require that this property revert back to RSF-4 (R-1), not its current zoning of record, C-2.
14. All agreed upon compromises will be put in writing and officially recorded as amendments to PZD 06-1883 and presented at the meeting of the Fayetteville City Council, Tuesday, April 4, 2006. All compromises throughout this document are legally binding on the developer and must be carried out.

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Mayor Coody thanked Mr. Rogers.

Claudette, a resident voice her opinion saying that the Chambers were right, there are many structures in the neighborhood that are closer than 8' to the property line, they existed before any ordinances, or any property lines did. She said that she was contacted by Ms. Wilson regarding the plans but she had not seen the plan as yet. She states that she wanted her contractor to look over them and explain them to her. She addressed the issue of having the right do with your property as you wish and infringement on somebody else's property and how the property owners have the right to protect their property.

Mayor Coody thanked Claudette and asked for further comment. He then closed the public comment and asks for comments from Council.

Alderman Cook moved to table the ordinance to the April 18, 2006 City Council meeting. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the April 18, 2006 City Council meeting.

R-PZD 06-1883 Abshier Heights: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-1883, Abshier Heights, located south of Evelyn Hills Shopping Center on Abshier and Hillcrest, containing approximately 4.11 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 March 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the March 21, 2006 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: We received at this meeting I'm assuming it's a draft agreement and worked out a compromise between Dover and some of the neighbors in surrounding neighborhoods and we are asking the applicant to go over those. There's a list of items that I assume needed to be incorporated within the ordinance as well as a site plan that has been passed out to you.

Tim Cooper, architect stated he represented the developer, David Chance. He said that the list and drawings which show before and after rendering shows where they started at Planning Commission. A lot of the issues that are on this list show up in the renderings as changes and so you can kind of reference those issues that were worked out. He stated some of the issues had come up in the last week and they have reached compromises to accomplish this project. He also explained the elevation changes. Mr. Cooper stated the design was real modern and they changed some of the colors to achieve a little more individuality of units. They added stones to the sides to help tie it into the neighborhood. He spoke about the reduction from 30 units to 24 units. He said the developer and the neighborhood would like to see the city install some speed bumps along Hillcrest, Abshier, Lakeridge and Oakwood. He said that the Planning Commission also agreed because it was out of their jurisdiction and they would like the Street Committee to

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consider that issue. The neighborhood also wanted to have some involvement in the covenants in the POA setup of the development. The PZD would actually infill the side of the slopes in some of the bare areas to help the canopy to be continuous.

Mayor Coody: Tim I see here that you talked about speed bumps or speed tables that need to be installed on Hillcrest that will be requested of the City. Are there any other requests of the City in here? What's our obligation?

Mr. Cooper: I believe the only other obligation would be possibly the no parking signs on Hillcrest. It's something that seems to be very important to the neighborhood.

Mayor Coody: I suspect that those are both doable.

Mr. Cooper: Other than that that's it. The landscape design, Faye Jones had done a landscape design for a park and we've agreed to is that any opportunity we have for the certain species that he used on the hillside that's what we would try to use in the same situation. We've also agreed that landscaping and buffer will be added along the westside, the long piece behind the shopping center it will be a buffer between that and the C-2 shopping center there. The neighborhood also wanted input on mailbox design and signage that would be on the site, that's no problem as well. He stated they have representatives of the neighborhood that we've been working with.

Mayor Coody: We'll just enter this in with the PZD so this becomes part of the ordinance.

City Attorney Williams: We'll add a Section 5 that will refer to that.

Mr. Cooper: We respectfully request that if this development is not executed, if it is not actually built out that it would actually resort back to a previous zoning of RSF-4 instead of the C-2. It's something that's not a problem for us and I don't know how that can be done legally with it reverting back to RSF-4.

Jeremy Pate: By ordinance when a PZD for instance, is not constructed by its expiration date or does not go forward that property returns to the City Council for rezoning. It's zoned with that development plan, with that master plan in place until such time as someone wants to change that. There is a section in our code when a Planned Zoning District has essentially expired it comes back before the City Council to zone it the way they feel is appropriate. I believe the record would show that RSF-4 is obviously what has been desired at this point.

Alderman Thiel: I think most of these are great except I have some real reservations about the city spending money on speed bumps whenever the justification for that is being created by development. I don't think these aldermen have had a request for speed bumps on this area prior to this development.

Mayor Coody: If we build them will you reimburse us our cost? They are expensive.

Mr. Cooper: The speed bump was an issue in the neighborhood to begin with.

A discussion followed on the speed tables, speed bumps and the cost. Gary Dumas said they were about \$3,000 each.

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Mr. Wicks stated the developers have been very cooperative.

Shay Hopper stated the neighbors, staff and developers have worked very hard to come to a compromise that they all feel comfortable with. She stated there are still many neighbors in the neighborhood who disagree with the development completely. However they feel very fortunate that they are working with Mr. Chance and Mr. Cooper on this project. She stated some of the neighbors do support this agreement. They are asking the City that if for some reason this project is not executed that the zoning be reconsidered because of the historical difficulty, issues and the questions that they have addressed at several meetings. We do want that to return to RSF-4. That is very important to all of us.

David Barham stated he has never been in favor of the project and would rather see a park. He stated he really feels like the architect and the builder listened to them more than they ever expected them to. He stated he has come to the conclusion that this project is going to happen anyway and if it is going to happen he would like these developers to have it. He also voiced his concern about the traffic and the speed of traffic. He stated if this project goes through or not they need speed bumps in the neighborhood. He endorsed his support for these builders and the project they proposed.

Bob Alguire voiced his concern about the parking on Abshier. He is also concerned about the steep access to the property. He feels there are some dangerous situations that will come out of this. He voiced his concern about the traffic problems in Fayetteville. He also voiced his concern with the incorrect rezoning that happened to this property and that the City should have corrected it.

Rebecca Hass stated she was pretty mad about this. She stated that she as a neighbor just might have to give a little bit. She stated there are areas that might never need to be developed and this may be one of them and it may not be one of them. She requested a 20 foot buffer and a Bill of Assurance regarding this buffer. She feels this is a true compromise.

Mayor Coody: The 20 foot strip will be reserved and written into the PZD ordinance.

Jeremy Pate: Yes.

Mayor Coody: A PZD ordinance is better than a Bill of Assurance.

Rebecca Hass: These things get changed; a Bill of Assurance will stand unless it is abrogated. A Bill of Assurance is stronger.

Kit Williams: We can not ask for a Bill of Assurance a Bill of Assurance has to be offered voluntarily.

Alderman Marr: I do not see the buffer specifically listed. Is it something you considered to offer?

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Mr. Cooper: We found that one of the big deals was that 20 foot buffer. Our buildings are 30' to 40' from the property line. Our tree preservation area is there as well. The entire site tree canopy is 17.9% and we will retain 17.5% tree canopy. That buffer should remain in tact.

Jeremy Pate: I think the buffer is protected with regard to any structures being placed in it. A comment could be added that a 20' green space along Hillcrest shall be preserved without development of any structure.

Mayor Coody: So you are offering a Bill of Assurance on the 20' of green space. Mayor Coody stated he appreciated the compromise between the developer and the neighborhood.

Alderman Thiel: I agree with you. I think the developers tried to work with the neighborhood, I think it is a good infill project and that the density is being cut down to satisfy the neighborhood.

Alderman Jordan: My concern is if we start building speed humps then other neighborhoods are going to request them and fences, etc.

Alderman Marr: I think when development comes forward and we have increased traffic counts and neighborhoods that are going to have cut through traffic and then to say we will come back and visit it later I think is bad planning. I think if we think this is an issue this is the time to ask for it. I think we need to have priorities. I am not comfortable with saying you might get it you might not get it or you can ask for it later. I think if the request is genuine it should be treated that way.

Alderman Marr moved to amend the ordinance to add that speed bumps are to be built and installed on Hillcrest, Abshier, Lakeridge and Oakwood by the City and that there will be a 50/50 cost share with the developer. Alderman Cook seconded the motion. Upon roll call the motion passed 6-2. Alderman Rhoads, Ferrell, Reynolds, Thiel, Cook and Marr voting yes. Alderman Lucas and Jordan voting no.

Alderman Reynolds moved to amend the ordinance to add Section 5. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

Alderman Lucas: I am glad to see the developers and the neighborhood working together on this project. I do not want us to forget the North Street and Hillcrest intersection. That is not going to be a safe traffic corner and that bothers me. Sometimes there is property that should not be built on and maybe this is one of them. Because of the traffic and the safety issues I don't know that I can support this.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-3. Alderman Rhoads, Ferrell, Reynolds, Thiel, and Marr voting yes. Alderman Lucas, Jordan and Cook voting no.

Ordinance 4850 as Recorded in the Office of the City Clerk.

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

Ordinance 4843 as Recorded in the Office of the City Clerk.

R-PZD 06-1883 Abshier Heights: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-1883, Abshier Heights, located south of Evelyn Hills Shopping Center on Abshier and Hillcrest, containing approximately 4.11 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

Jeremy Pate: Jeremy gave a brief description of the project. Jeremy stated that part of the reason staff recommends this project is to preserve the buffer and to allow for that to remain. Planning Commission voted 6-3 in favor of this request. Those who voted against the motion discussed concerns regarding density, traffic, water pressure, and architectural compatibility in the neighborhood. Staff recommends approval of this planned zoning district based on the findings of facts as well as the 23 conditions of approval. He went on to describe the conditions of approval.

Mayor Coody: Do we have anymore questions for Jeremy? Thank you very much.

Rob Wicks a resident of 1314 Hillcrest voiced his concerns about the rezoning and asked that this particular rezoning and development be denied. He suggested that the parcels of land in question be considered for a park or natural area and or detached single family or patio homes. He stated they will be willing to work with the City to find grants that might be able to acquire and maintain the land.

Jeff Shannon, a citizen, addressed the historical significance of both Fay Jones and the house. He voiced his concerns about the impact of development on the home and particularly a development with this particular density.

Rob Wicks asked those who are opposed to the development to please stand for a moment.

Mayor Coody stated that they certainly understood that there where several here that are opposed to the development.

Robert Alguire a resident of 1235 Hillcrest voiced his concerns about transition zoning and water pressure. He stated adding 30 more units on the same water line would not help with their current situation. He also stated concerns regarding traffic coming in and out of this area.

Shay Hopper a resident of 1224 North Hillcrest voiced her concerns with the price per square foot and the density of the particular proposal. She stated she participated in the City Plan 2025 exercises she stated those exercises showed infill for this area but they did not take into account topography, eater pressure, hillsides, grades and infrastructure, all of which apply to this particular parcel. She stated the neighborhood is not opposed to appropriate infill for this piece of property.

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Jimmie Beauchamp a citizen voiced her concerns about the history of the property. She also talked about the tradition of the proposed property. She stated that the setbacks for the C-2 zoning would make it very restrictive for a developer to build a commercial business on this piece of property. She also stated access would limit C-2 businesses. She stated they are willing to take a chance on this property being zoned C-2.

Jan Wicks a citizen handed out information to the Council and stated that they're not opposed to appropriate infill density of development, but in this case they feel there has to be a special consideration because of the unique situation. She also asked that this particular zoning request and development be denied.

Mayor Coody: Thank you Jan. Does anyone from the Council have a question for anyone that had a presentation tonight? Thank you for your organization and speaking to us as you have tonight.

John Williams a citizen spoke about Fay Jones and his great talent, special designs, and special quality to the architecture in Fayetteville and residential architecture. Since his home is located close to this property the City should set aside space to continue Fay Jones home as special.

Alderman Cook: I know that there was an initial traffic study done and I understand that there was an update to that traffic study, is that correct?

Tom Hennelly stated that there was an initial traffic study done and recommendations were made based on the number of units.

Alderman Cook: I'm curious about the traffic study I have to admit because that's one of the items that concerned me is the flow of traffic in and out and through that development. Also one of the things that we mentioned was water pressure and I think at some point there was a comment that with tying a loop through your development I think at some point this might actually increase the water pressure. I haven't actually looked at the distribution map to see what size lines are in there, I know there are a 6" line and an 8" line at one part, can you comment on that?

Tom Hennelly stated we're under the impression from Brent O'Neal from the Engineering Department that we're actually on the boundary between two pressure plains and that there is a distinct possibility to connect this development with a totally different pressure plain then what all this neighborhood is on, which would have obviously no affect on their water pressure flow or supply. It comes from a totally different source and different water tower. Even if that were not the case our plans would have to be reviewed just like any other development we do by Engineering. The Fire Department has done flow tests on the hydrants adjacent to this project and finds that there is adequate flow to fight fire there. He stated the development of this project will not make the neighbors water flow any worse.

Alderman Cook asked if Brent is looking at this and will we have a comment from staff on this?

Jeremy Pate: It is typically evaluated with more detail construction plans. We can probably do some kind of preliminary analysis of what will be required to connect to a different pressure

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plain. The Fire Department did state that they did test flows for the hydrants and they found that all the hydrants have sufficient fire flow with the exception of one.

Mayor Coody: We've heard a lot of comments tonight about the density and the multi family use. Is there any possibility at all that there might be reconsideration in design and be able to put in something a little lower density, something that might come a little closer to the neighborhood compatibility? I personally think that the City needs infill and redevelopment of our old places and this certainly is one of the areas. I don't find it to be a compliment to the good man Fay Jones was and the family. It would be nice to have something there that would be complimentary to the neighborhood. Is there a way that this could be developed in such a way to where you could accomplish your goal but come closer to the neighborhoods wishes because they have stated that they wouldn't mind seeing something like that happen.

Tom Hennelly stated it's my understanding that the neighborhoods wishes are to see a density that's more similar to what they have there already. I don't believe that with the prices on land and the requirements for infrastructure, street widening and that type of thing that the economics would allow that.

Mayor Coody: I don't think RSF-4 would be a likely candidate for that piece of property either.

Tom Hennelly stated that the residential density allowed under C-2 is much higher than what this is. He felt that this density is certainly manageable not only from a traffic stand point but in that transition zone. He stated they are as impressed with Fay Jones accomplishments and his legacy as anyone is and they do not feel like they are impacting that.

Alderman Thiel asked how RMF-24 units per acre worked in the C-2 zoning.

Jeremy Pate stated that in commercial districts we have an allowance for attached and detached residential units, one is by right and one is by conditional use. Attached residential units are allowed in the C-2 Thoroughfare Commercial District however it's an accessory use to commercial uses so it would have to be attached to those commercial uses. It would have to be less than 50% of the gross square feet of the area unless a conditional use was permitted to have more residential use on that property.

Alderman Thiel: Okay.

Alderman Marr stated that his biggest concerns with this project are the traffic congestion and the exiting going south because if you do not use the Evelyn Hills parking lot as a planned access then you are either going to use Abshier or you are going to go to the 3-way stop so you can get to the stop light on North Street. He went on to discuss his concerns on this project.

Mayor Coody alright we'll leave this on the first reading. We appreciate all of you coming out tonight and you've done a very good job presenting your case.

Robert Alguire stated according to Walter Brown with the Physical Plant who's an old historian back in the 60's there was a petition over the zoning and it got passed through the City on a referendum. Will this make a difference?

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Kit Williams stated that his understanding was at one point it was zoned and then there was a referendum and the zoning was reversed by the vote of the people. If that is the case then that particular ordinance that had rezoned it certainly would be invalid at this point. It would revert back to the zoning prior to that time. That doesn't necessarily restrict the power of the City Council in the future to go ahead and rezone that property.

Mayor Coody: Thanks Robert.

Tom Hennelly said he would like to get some direction before the next meeting. He stated there maybe some things that they could supply before the next meeting. He asked Alderman Marr if an expanded traffic study would be something he would be looking for.

Alderman Marr stated that he would also like any discussion or to understand better the actual density number that you're at and if there could be any consideration for that number to be reduced.

Alderman Thiel: I agree with Don I'd like to see if you can find anyway to reduce the density. That does seem to be a major concern and I have concerns with the traffic issues.

Tim Cooper: I was going to point out that we do have the construction materials board here and we did make some changes after that meeting. So you may want take a look at that.

Mayor Coody: The roof is not reflective anymore very good.

Tim Cooper: The rest of the materials are similar. I can pull that out if you would like.

Alderman Cook: Can you do that.

Mayor Coody: Yes please.

Alderman Thiel: Very quickly, yeah.

Alderman Reynolds: Mayor my biggest problem is the health, safety and welfare of the people that live there currently.

Alderman Thiel: Won't you show them too if they can see it. It's certainly a more natural looking material.

Mayor Coody: Alright thanks Tim. Does that give you enough direction to figure out where you need to go, Alright thank you very much. We are going to leave this on the first reading tonight and we will revisit this again in two weeks. Thank you all for coming up. You did a good job presenting your case.

This ordinance was left on the first reading.

City Council Meeting Minutes
March 21, 2006
Page 6 of 16**UNFINISHED BUSINESS:**

RZN 06-1868 Chambers: An ordinance rezoning that property described in rezoning petition RZN 06-1868 for approximately .20 acres located at 347 North Willow Avenue from RSF-4 Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre. *This ordinance was left on the Second Reading at the February 7, 2006 City Council Meeting. This ordinance was Tabled at the February 21, 2006 City Council Meeting to the March 7, 2006 City Council Meeting. This ordinance was Tabled at the March 7, 2006 City Council Meeting to the March 21, 2006 City Council Meeting.*

Jeremy Pate: At agenda session Alderman Marr requested that this item be tabled until the next meeting. The applicant is still working on some drawings for the Council. They would appreciate that time as well so they can look at reducing the height of the structure.

Alderman Cook moved to table the ordinance until the April 4, 2006 City Council meeting. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

This ordinance was left on the Second Reading and Tabled to the April 4, 2006 City Council meeting.

R-PZD 06-1883 Abshier Heights: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-1883, Abshier Heights, located south of Evelyn Hills Shopping Center on Abshier and Hillcrest, containing approximately 4.11 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 March 7, 2006 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: I have two updates for you, one is the information that was passed out to you prior to this meeting. One of those is a decrease in density as requested by the City Council decreasing the number of units. There is some more information that the architect would like to go over with you at your next meeting. The other item requested by the City Council was a traffic evaluation, if you have any questions the traffic engineer is here to answer any questions.

Tim Cooper, Cooper Architects, representing the owner gave a brief update. He stated since the last meeting there was three items that stood out as being issues that they needed to work on and get answers on. One was the density, trying to lower the density, the water situation and the traffic. He stated the developer went back and negotiated with the property owner and he is going to be more flexible on his price so they could come up with a lower number of units, they were able to eliminate 6 units from the project. They eliminated a building on the south piece of property and created a little pocket park. There will be some additional spaces on the property that could be accessed to walk up and view the Jones home. They also eliminated a building on

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the north piece of property which allows for 30' to 40' between the structures on the upper portion of the property. A copy of the site section was given to the Council so they could see the unit design. We started with 17.9% of existing canopy, previously the removed canopy was going to be 1,730 square feet with this new change we are only going to remove 1,083 square feet, which means that 17.3% of the current canopy will be saved. The previous percent of site covered by the building was 17% and with these changes it is only 13.5%.

Alderman Thiel: What does this come out to density wise?

Tim Cooper: 24 units on 4.11 acres, which is 5.8 units per acre.

Alderman Thiel: That is pretty close to RSF-4.

Tim Cooper: Right. The other thing is that we have an access easement that we are not counting in that 4.11 acres if you actually include that square footage it would drop it to around 5 units per acre.

Alderman Thiel: If this was zoned RSF-4 how could this be developed? Each home would have a driveway off of Abshier and Hillcrest is that correct?

Tim Cooper: Right you would have individual drives accessing Hillcrest. It would also have a dramatic change on the tree canopy because the grade that you would have to have from the actual driveway out to maintain that slope would pretty much eliminate that tree canopy along Hillcrest.

Alderman Thiel: You would not have to preserve the buffer then at that point.

Tim Cooper: No. Actually if you look at this project as a whole, if this was RSF-4 already, this is still an appropriate project with the Dover, Kohl plan and density wise to up zone for a PZD.

Mayor Coody: Tim, have you had a chance to let the neighborhood know about the changes that you have made here?

Tim Cooper: Yes I have given the information to some of them.

Alderman Cook: Tim, you handed those out this evening is that correct?

Tim Cooper: Yes.

Jack Butt, stated he represents some of the neighbors on Hillcrest that are opposed to this project because it is contrary to the existing zoning. This property used to be R-1 now RSF-4 the neighbors have defeated three different efforts over the last 30 years to change it to anything else. This is RSF-4 property the planned development would be an upgrading of the property to something denser with less protection for the neighbors than leaving it as RSF-1.

Mr. Butt handed out information to the Council. He gave a brief history of the property, the rezoning of the property and the restrictive covenants that were filed on the property on August 31, 1962. In August, 1967 a petition was made that the property to the west be rezoned from R-

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1A to C-2, it was unanimously denied. In June of 1970 the City adopted a citywide map and it confirmed on that map that, that strip was R-1 and in 1972 the strip was still R-1. In 1991 a developer asked for a conditional use permit of the R-1 zoning so he could build some duplexes on Hillcrest, the Planning Commission voted to deny that. Between 1962 and 1991 there were three requests for rezoning of this property, the Planning Commission, City Board and at one point a public vote rejected those requests. There have been 19 other requests for zoning variances or conditional uses and on all those occasions this property was reflected as R-1. In 1999 a glitch occurred, and the city map did not reflect the boundary between the C-2 zoning and the R-1 zoning. The City in 2003 undertook an effort to cleanup its zoning map, a map was drawn by city staff and presented to the City Council, it was voted on and approved. On that map there is a clear demarcation that the C-2 zoning beginning at Evelyn Hills runs all the way up the hill to Hillcrest. No one knows how this happened, either a draftsman made a mistake or he intently scooted that line over knowing that he was altering the zoning.

He gave several options for resolving this mistake.

Alderman Cook: I do have a request that will be on the next agenda to re-zone that property to RSF-4, if it is the Council's wish we will discuss that at the next meeting. With the Planned Zoning District this could be zoned I-1 or R-A, with the Planned Zoning District you are rezoning it based on that development. While I agree with what Mr. Butt said I think this should be zoned RSF-4 because I think that was the intent of it all along, regardless of that this PZD stands on its own.

Alderman Ferrell: The next meeting you are going to bring forth to re-zone this to what?

Alderman Cook: Not all the property, just the piece of property that is in question which parallels on Hillcrest Avenue which is where the discrepancy is in the map whether it was C-2 or R-1.

Alderman Ferrell: Will it state that you are rezoning from one zoning to another?

Alderman Cook: From C-2 to RSF-4. Just the part that is in question.

Alderman Reynolds: Kit, do you agree with what has been said?

Kit Williams: I certainly will not argue with the history. The Planning Department has owned up to the fact that they are not sure, when they did all of their research, that where they thought it came back to C-2. When we did the citywide rezoning it was rezoned C-2 at that point in time so right now it is C-2.

Alderman Thiel: I think once the neighborhood has an opportunity to look over what is being offered here they may or may not change their mind. I certainly would probably support rezoning this to RSF-4 but that does not change the fact that we have a PZD before us that is almost to that density, it is one unit more that the density allowed in RSF-4 and you will have green space offered to you that you would not have if this was sold off as individual lots or developed out individually as single family residents. You also have to have a curb cut for each one of these individual houses. I hope this neighborhood looks at this proposal because it is probably a very good thing.

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Kipp Hearne with H2 Engineering addressed the water concerns, he said in that area of town there are pressure problems and flow issues, he has met with staff to try to find ways to improve the water system in this area.

Brian Vines with Carter and Burgess spoke on the traffic study. He stated the level of service without the development and the level of service with the development remains the same. There are issues with pulling out on College Avenue. The development is adding about 176 cars to the surrounding roadway network which is just a small amount on College Avenue. There is not much traffic being added.

Mayor Coody: Jeremy, one gentleman brought up the widening of Abshier and Hillcrest as a concern, fill us in on that detail.

Jeremy Pate: It is a requirement of the developer to improve both Abshier and Hillcrest. We have tried to minimize the amount of grading especially with the sidewalks. Typically you would have 14' from centerline improvement on these types of streets plus grading for the green space and sidewalk. We have reduced that green space and sidewalk. We are recommending 14' from centerline which will increase the travel lanes. I believe both lanes are about 20' wide currently, this would add 4' of pavement and curb and gutter on the north side of Abshier and the west side of Hillcrest.

Mayor Coody: What will that 4' of additional asphalt do to the slope and the grade of buffer area?

Jeremy Pate: The slope and grade are actually minimal.

Mayor Coody: So we would not have to build any retaining wall or do any damage to trees?

Jeremy Pate: Not that I am aware of.

Mayor Coody: Those questions were asked of me and I just wanted to reiterate those.

Alderman Ferrell: The density went from 30 to 24 and it is 5.8 units per acre. What size will the six units be that will be there?

Tim Cooper: They will be 1,500 to 1,800 square feet. The price will be in the neighborhood of \$150.00 per square foot.

Dan Griffin a resident said his problem was the bank on Abshier. He stated a retaining wall will have to be installed. He thinks this will be expensive to the developer and is being overlooked.

Jeremy Pate: One of the conditions for this project is for the developer to work with both the landscape administrator and the sidewalk coordinator in tandem when this development occurs so that both goals are achieved simultaneously. The tree canopy and buffer remains as well as pedestrian paths and sidewalks where we can. The structures look to be 40' to 45' away from the streets so there is some room there to include those improvements.

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Tim Cooper stated the PZD is flexible, he mentioned where the walkway would be.

Mayor Coody: We will leave this on the Second Reading and discuss it at the next City Council meeting.

Alderman Cook: Yes, we need to give the neighborhood time to digest this new information.

This ordinance was left on the Second Reading.

Amend §163.14; Wireless Communication Facilities: An ordinance to amend §163.14 Wireless Communication Facilities of the Unified Development Code. *This ordinance was left on the First Reading at the March 7, 2006 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Kit Williams: I would ask that this be left on this reading. I have been in contact with some representatives of the cell phone industry, they are trying to organize a meeting with various representatives from the cell tower industry as well as the cell phone industry. There is some input they want to have on particular wording.

Justin Eichmann, representing Smith 2 Way: We have submitted a revised plan. We have amended the design and submitted these drawings to the Planning staff. We are looking at a flush mount for these cell panels that is in our application. It will be something that will not stick out from the profile of the tower.

This ordinance was left on the Second Reading.

NEW BUSINESS:

T-G Excavating, Inc – Sanitary Sewer Main Replacement: A resolution approving a construction contract with T-G Excavating, Inc. in the amount of \$2,223,022.00 for sanitary sewer main replacement and rehabilitation city-wide; and approving a 5% project contingency in the amount of \$111,151.00.

Alderman Cook: This has been through the Water and Sewer Committee and we discussed them and approved it unanimously.

Alderman Jordan moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 7-0. Alderman Marr was absent.
Resolution No. 56-06 as Recorded in the Office of the City Clerk.

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Abshier Heights R-PZD 06-1883 2006 Site Access Study

**SITE ACCESS STUDY
FOR
ABSHIER HEIGHTS
(AT ABSHIER/HILLCREST)
Fayetteville, Arkansas**



February 2006
For



*Submitted to CC
03-21-06*

Carter-Burgess

The site will have access from four different entry points. The first entry point is on Abshier, the second is from Hillcrest and the third and fourth entry points are from the Evelyn Hills Shopping Center.

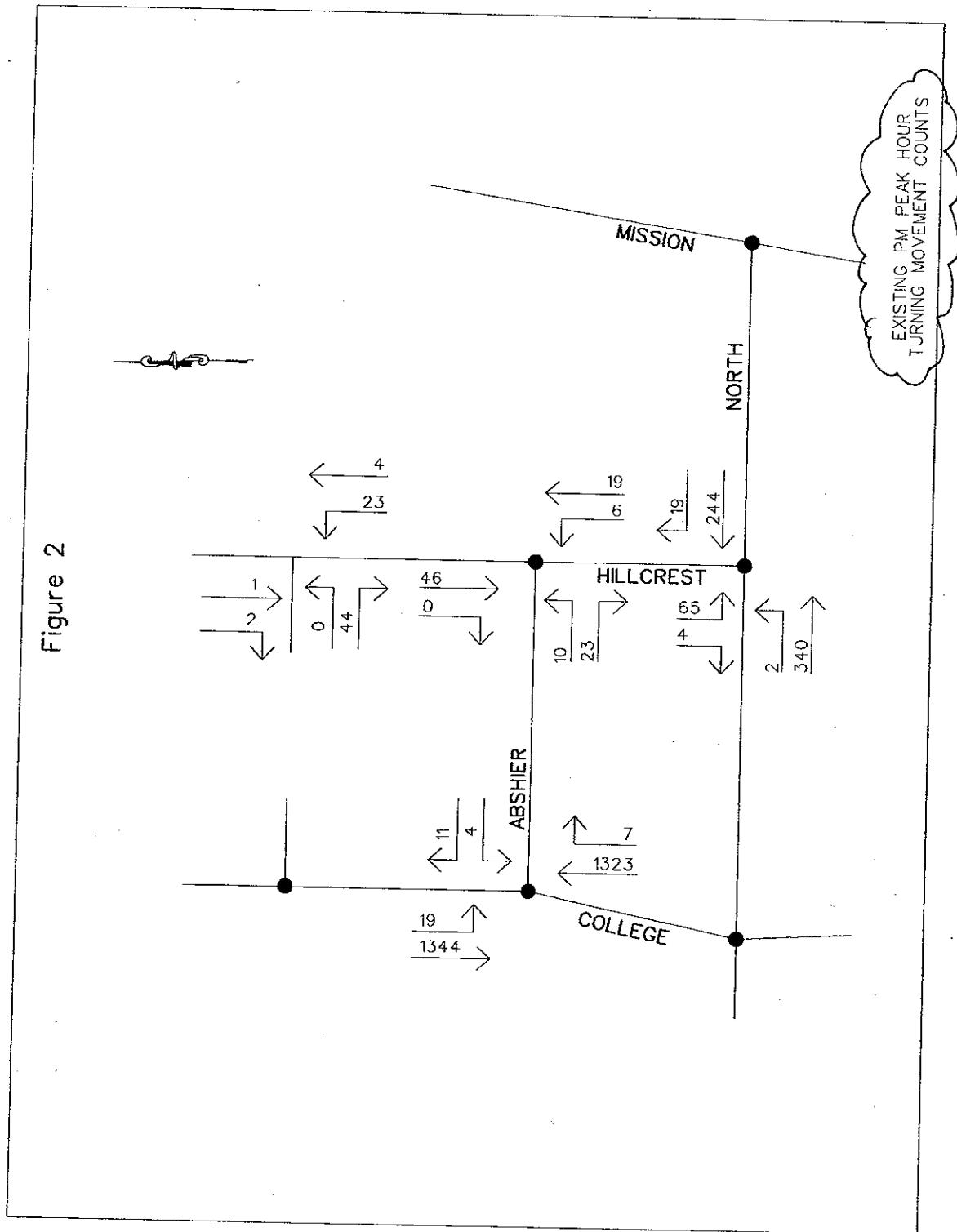
U.S. 71B is west of the development and serves as a major north/south arterial in the state highway system carrying approximately 31,000 Average Annual Daily Traffic (AADT).

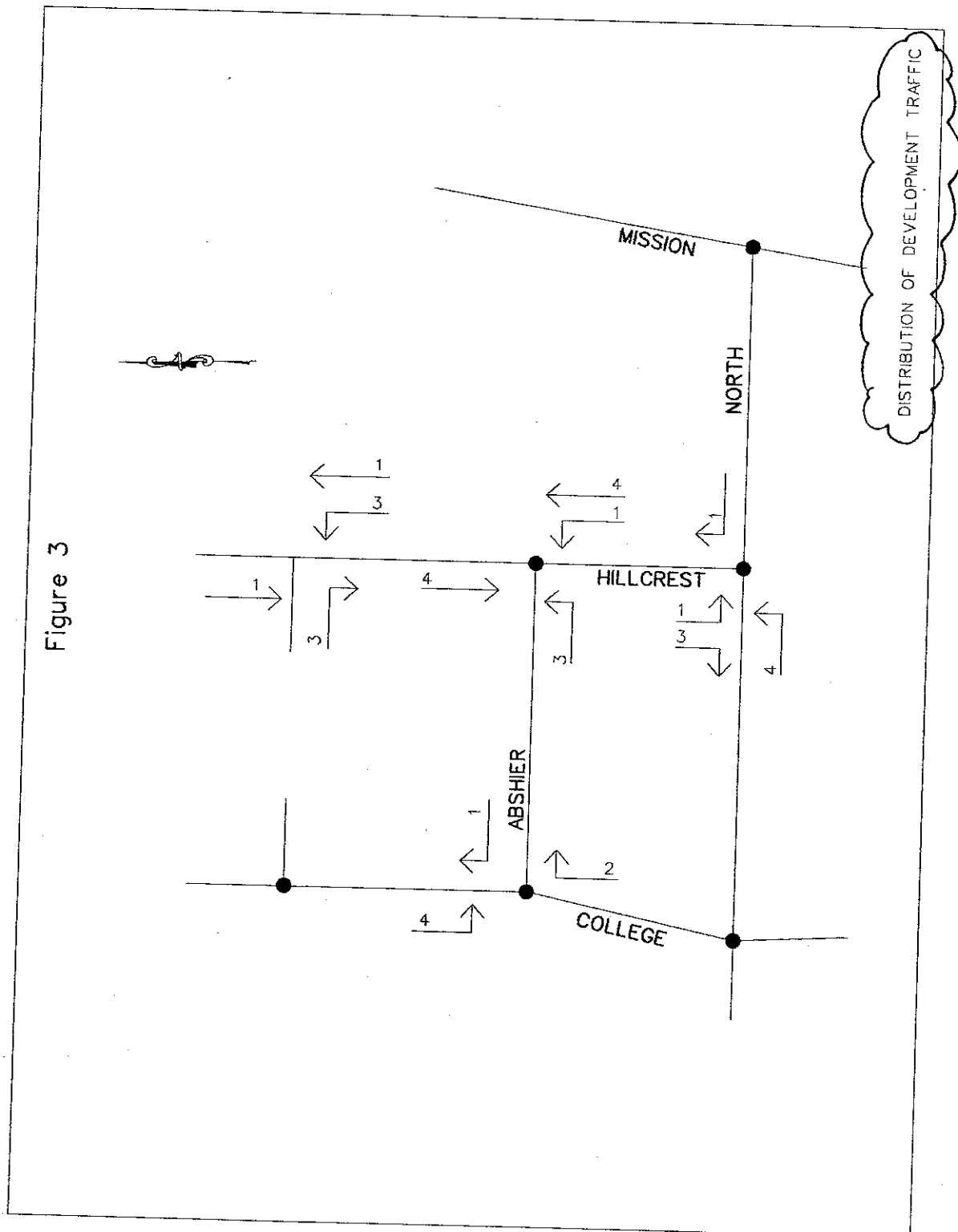
EXISTING PEAK HOUR TRAFFIC

24 Hour traffic counts were taken on College Avenue, Abshier, Hillcrest and North Street. Turning movement counts were conducted at Abshier & College, Abshier & Hillcrest, Hillcrest & Evelyn Hill South Driveway and Hillcrest & North. Table 1 shows a summary of the 24 hour traffic counts and Figure 2 shows the turning movements for the PM peak hour at each intersection.

**TABLE 1
SUMMARY OF 24 COUNT VOLUMES**

Location	College Ave.		Abshier		Hillcrest				North St.	
Description	At Abshier		Bwtn. College/Hillcrest		N. of Abshier		S. of Abshier		At Hillcrest	
Time	NB	SB	EB	WB	NB	SB	NB	SB	EB	WB
1100	863	844	8	6	15	12	31	16	108	191
1200	1120	997	4	6	18	19	17	19	162	209
1300	1193	1164	10	6	18	28	23	32	163	201
1400	1039	1105	7	7	17	19	18	33	185	171
1500	1045	1068	11	5	27	30	27	35	193	190
1600	1193	1138	23	16	30	25	38	42	226	231
1700	1183	1246	28	2	28	38	21	58	314	216
1800	1216	1365	31	19	23	35	26	57	337	237
1900	849	985	7	1	23	41	23	49	254	232
2000	629	687	5	0	8	16	8	22	155	132
2100	591	633	3	6	7	16	11	19	129	162
2200	321	432	0	0	6	7	8	7	87	118
2300	203	278	1	0	2	2	2	3	58	64
2400	158	165	2	0	0	1	0	2	34	30
100	92	67	0	0	1	2	0	2	21	5
200	79	50	0	0	0	0	0	0	17	12
300	53	44	0	0	0	0	0	0	13	12
400	40	43	1	1	0	1	0	2	10	5
500	37	42	0	1	2	1	4	1	13	17
600	112	124	0	6	8	1	10	0	9	39
700	255	298	7	20	9	5	20	6	50	115
800	729	890	11	27	18	7	34	18	150	342
900	774	780	12	19	17	9	31	16	140	270
1000	738	692	4	7	24	13	32	14	115	209
24 Hour Totals	14512	15137	175	155	301	328	384	453	2943	3410





EXISTING PEAK HOUR TRAFFIC WITH DEVELOPED SITE

3/17/2006

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The combination of existing traffic with the proposed traffic from the development is shown in Figure 4. The results of the intersection analysis from HCS are summarized in Table 5.

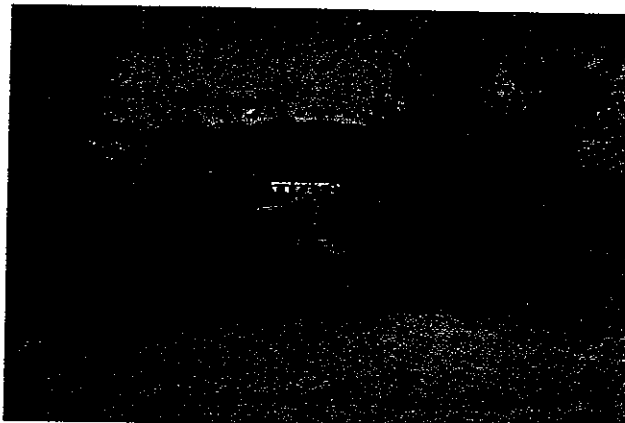
TABLE 5
Existing with Proposed Level of Service

PM Peak Hour

HCS	Abshier & Hillcrest		Abshier & College		S. Drive & Hillcrest		North & Hillcrest	
Movement	EBL & R	NBL	SBL	WBL & R	NBL	EBL & R	EBL	SBL & R
Lane LOS	A	A	B	D	A	A	A	B
Control Delay	8.9	7.3	11.3	31.3	7.3	8.5	7.8	13.8
Approach LOS	A			D		A		B

The impacts of the development on the intersections of Abshier & Hillcrest, Abshier & College, South Drive & Hillcrest and North & Hillcrest are negligible. More traffic will use the intersections; however the overall traffic volumes and the development traffic volumes are small enough to keep the delays low and allow the intersection to operate at a LOS of A.

► **SITE TOPOGRAPHY REGARDING ACCESS**



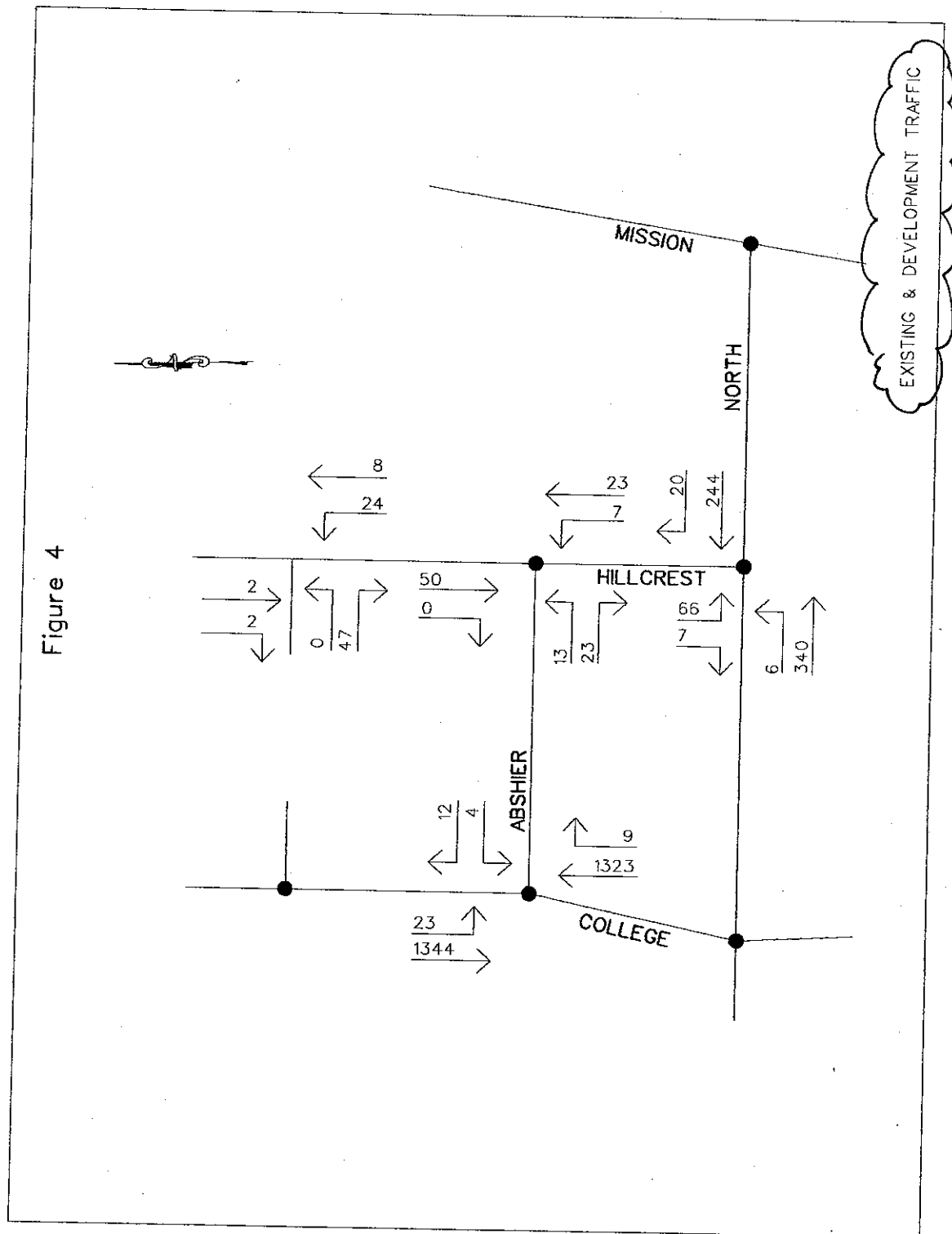
The topography of the site slopes from Abshier and Hillcrest down to the Evelyn Hills Shopping Center.

Existing Slopes. Hillcrest slopes up from north to south with an average grade of 5% from the north end to Woodcrest and 10.8% from Woodcrest to Abshier. Abshier slopes up from US 71B to Hillcrest with an average slope of 5.2%.

Proposed Drives and Improvements.

The access drives into the Evelyn Hills Shopping Center having maximum slopes of 14.85% on the southern drive and 13.20% on the northern drive. The north drive within the development has a maximum proposed slope of 5.38% and the south drive within the development has a maximum proposed slope of 5.43%.





RECOMMENDATIONS

3/17/2006

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- Recommend Street Improvements -

Site access during inclement weather should be accomplished using the interior drives of the development and Abshier Drive if trips have to be made. The proposed grading within the site will allow a safer route for accessing the existing residences on Hillcrest north of Abshier than before the development.

No improvements are recommended along Abshier, Hillcrest or at the intersections of Abshier & Hillcrest, Abshier & College, Hillcrest & South Drive and Hillcrest & North for traffic operations. The traffic generated by the development has insignificant impacts to the existing roadways and intersections. However, both streets are substandard according to the City of Fayetteville's Traffic and Transportation Study with a narrow cross section and open ditches. Therefore, it is recommended the development improve Abshier and Hillcrest along the street frontage of the property for the north half and west half respectively of the existing streets.

Abshier Heights R-PZD 06-1883

Exhibits & Maps

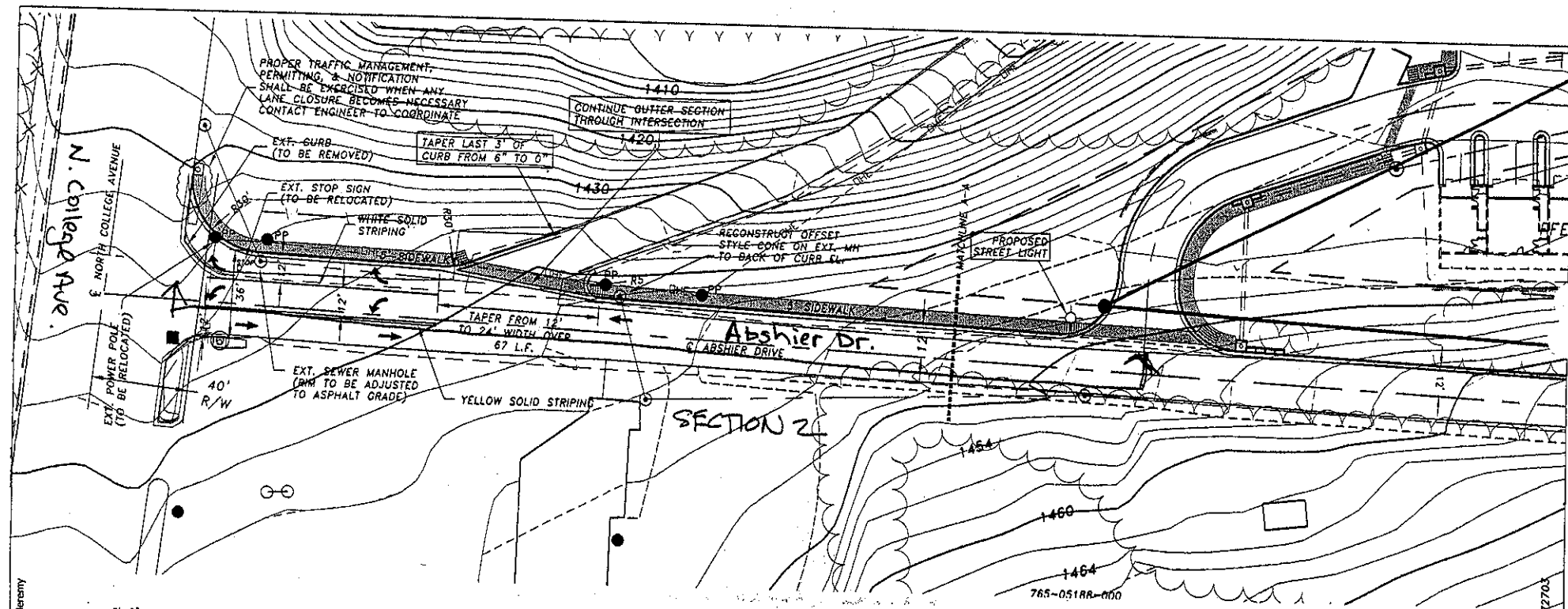
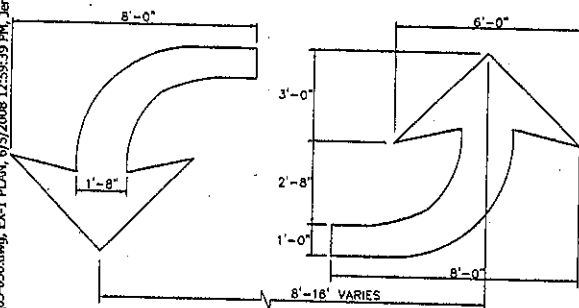


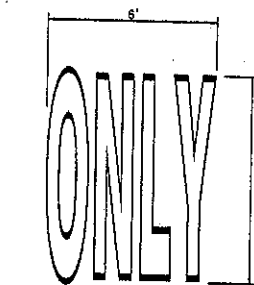
Exhibit "A"



NOTE:
ALL PAVEMENT MARKING TO BE
THERMOPLASTIC MATERIAL.

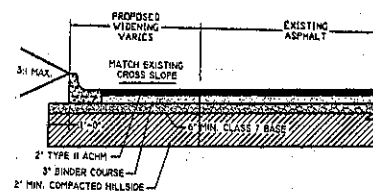
TURN ARROW MARKING DETAIL

NOT TO SCALE



NOTE:
ALL PAVEMENT MARKINGS TO BE
THERMOPLASTIC MATERIAL.

"ONLY" MARKING DETAIL
NOT TO SCALE



TYPICAL SECTION
ASPHALT



(IN FEET)
1 inch = 40 ft.



NOTES:

1. ALL STRIPING TO BE 4" WIDTH.
2. SPACING BETWEEN ADJACENT STRIPING TO BE 4".
3. SKIP STRIPING TO BE 10' LENGTH WITH 30' INTERVALS.
4. ALL PAVEMENT MARKINGS TO BE THERMOPLASTIC MATERIAL.

ABSHIER DRIVE STREET IMPROVEMENTS

Permitted by ADM 08-3012



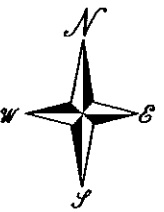
ENGINEERING, INC.
2758 MILLENNIUM DRIVE
Suite 1
FAYETTEVILLE, ARKANSAS 72703
PHONE: (479) 582-4234
FAX: (479) 582-9264



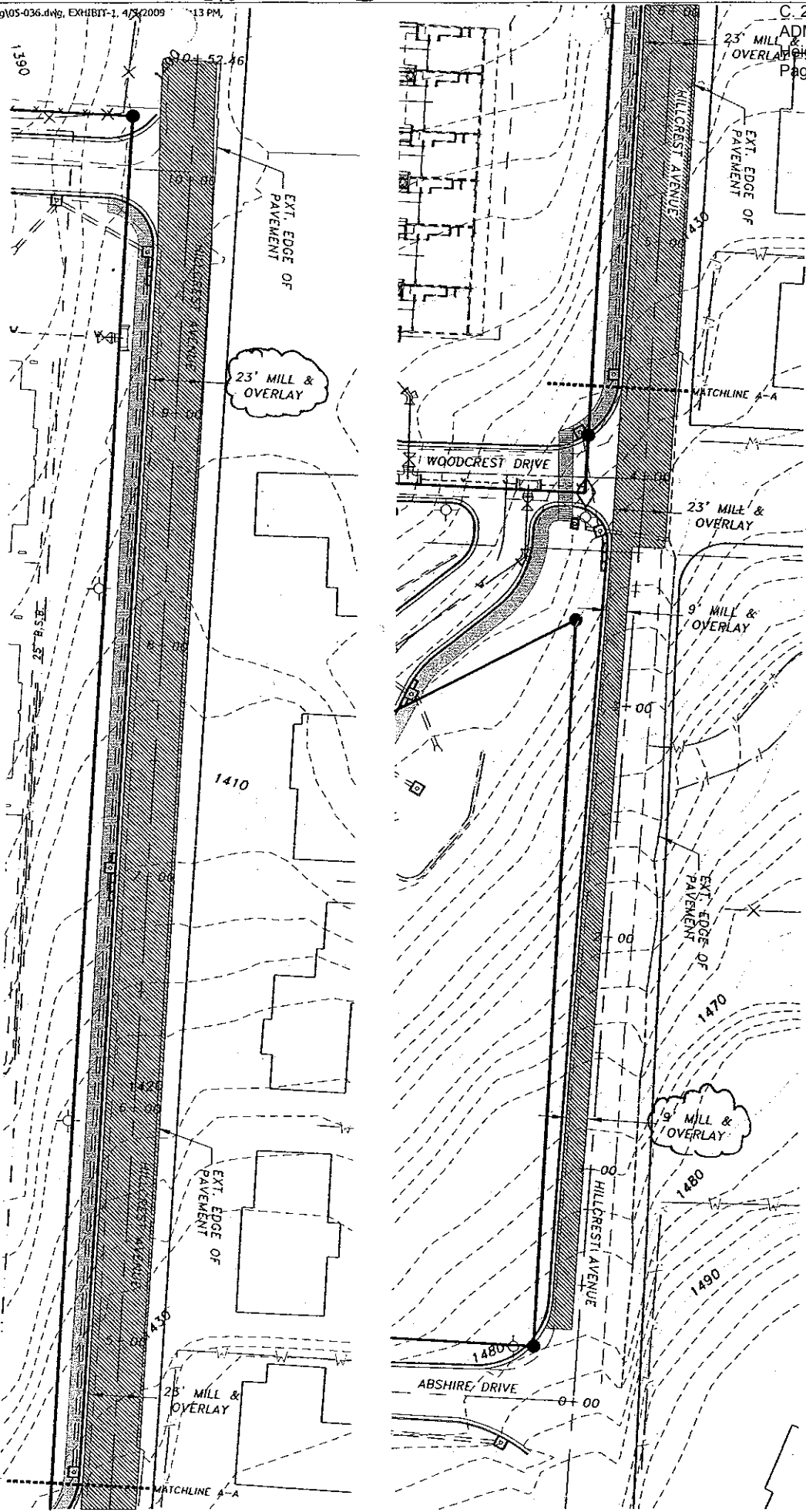
GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

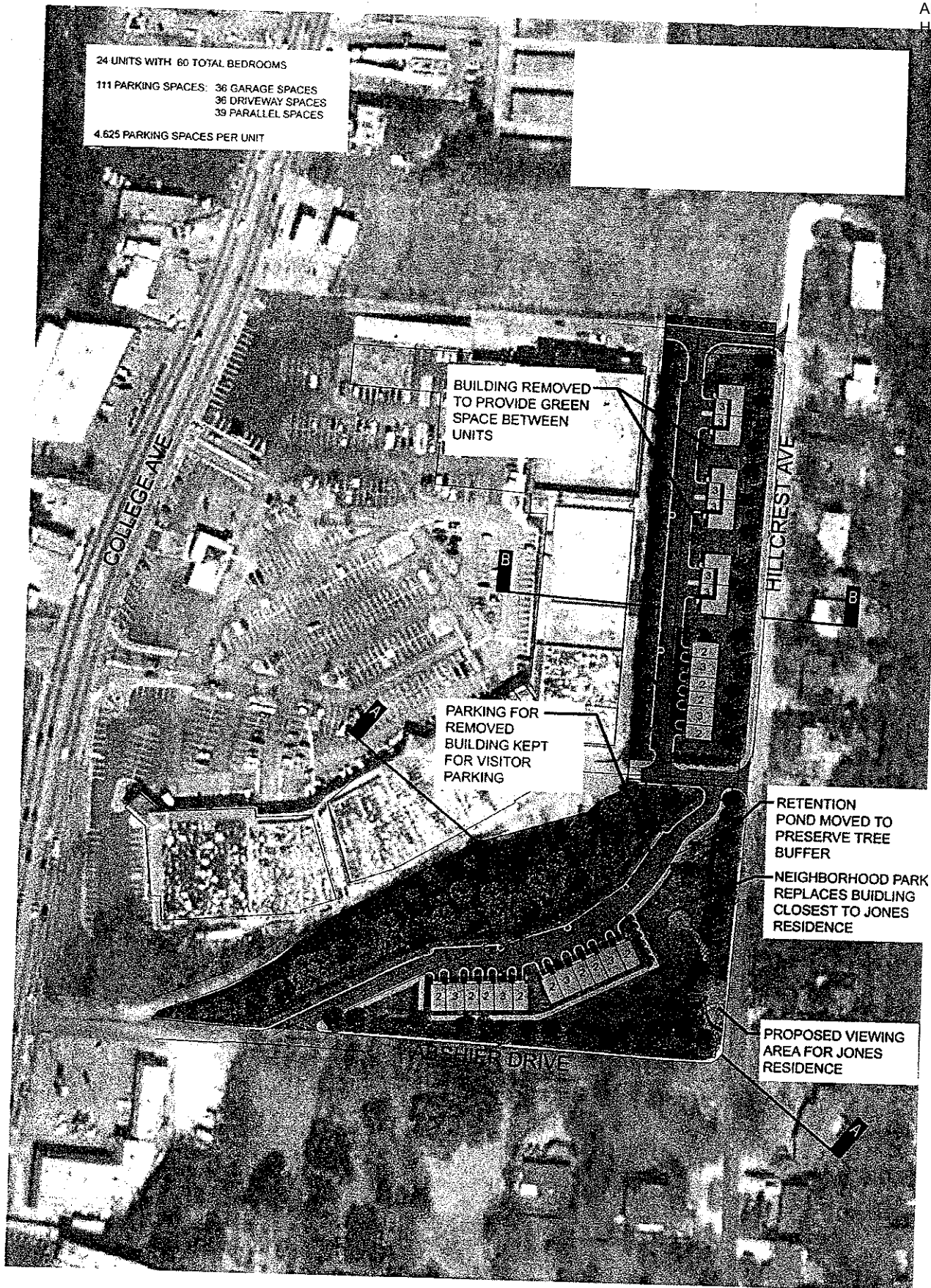
HILLCREST AVENUE STREET IMPROVEMENTS

Requested by ADM 09-3263



CH2
ENGINEERING, INC.
2827 MILLENNIUM DRIVE
SUITE 2
FAYETTEVILLE, ARKANSAS 72703
PHONE: (479) 582-4234
FAX: (479) 582-9254





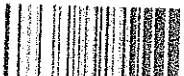
SITE PLAN WITH BEDROOM COUNT

ABSHIER HEIGHTS



Cooper Architects

PO Box 772, Fayetteville, AR 72702
 P 479.575.0071 F 479.575.0074

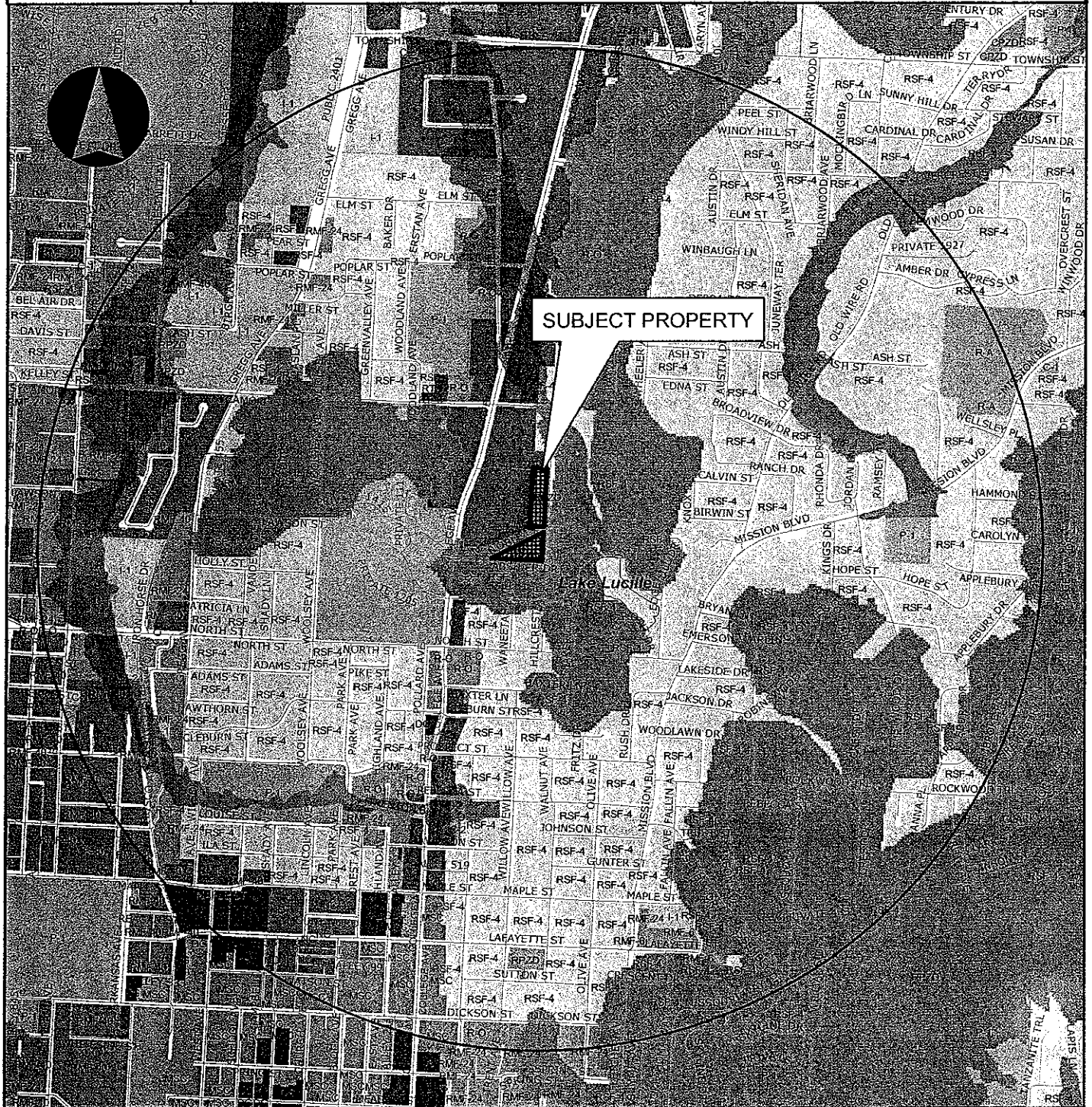


A horizontal scale bar with markings at 0, 75, 150, 300, 450, and 600 feet.

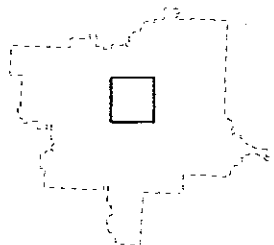
ADM09-3263

One Mile View

ABSHIER HEIGHTS MODIFICATION



Overview



Legend

Subject Property

ADM09-3263

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

C. 3
VAC 09-3255 (Harvey/3570
Jasper Lane)
Page 1 of 10

City Council Agenda Items
and
Contracts, Leases or Agreements

5/19/2009

City Council Meeting Date
Agenda Items Only

Dara Sanders
Submitted By

Planning
Division

Development Services
Department

Action Required:

VAC 09-3255: (Harvey/ 3570 Jasper Lane, 100): Submitted by Alan Reid for property located at 3570 Jasper Lane, Lot 9 of the Copper Creek Subdivision. The request is to vacate a portion of a drainage easement on the subject property.

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

Budgeted Item ☐Budget Adjustment Attached ☐

[Signature]
Department Director

04/28/09
Date

Previous Ordinance or Resolution # Original Contract Date:

[Signature]
City Attorney

May 1, 09
Date

Original Contract Number:

Paul A. Behm
Finance and Internal Services Director

5-1-09
Date

Received in City
Clerk's Office

ENTERED
4/30/09
WJH

[Signature]
Chief of Staff

5/1/09
Date

Received in
Mayor's Office

ENTERED
5/1/09
PH

[Signature]
Mayor

5/1/09
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Jeremy C. Pate, Director of Development Services

Date: April 28, 2009

Subject: Vacation for Harvey (VAC 09-3255)

RECOMMENDATION

Staff and the Planning Commission recommend approval of an ordinance vacating a portion of a drainage easement on the subject property.

BACKGROUND

The subject property is located in the Copper Creek subdivision, northeast of the intersection of Crossover Road and East Zion Road. The property contains a nonconforming single-family structure that was constructed in 2005. A portion of the roof overhang was constructed into the 15-foot drainage easement at the north side of the subject property.

The applicant's request is to vacate a portion of the drainage easement to bring the structure into compliance.

DISCUSSION

Notification was provided to all adjacent property owners, utility representatives, and to the City with no objections to the requested drainage easement vacation. This item was heard at the regular Planning Commission meeting on April 27, 2009 and forwarded by vote of 7-0-1 on the consent agenda to recommend this vacation request to the City Council.

BUDGET IMPACT

None

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 09-3255 SUBMITTED BY ALAN REID FOR PROPERTY LOCATED AT 3570 JASPER LANE, LOT 9 OF THE COPPER CREEK SUBDIVISION TO VACATE A 34 SQUARE FOOT PORTION OF THE DRAINAGE EASEMENT IN THE REAR OF THE PROPERTY

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described 34 square foot portion of the platted drainage easement is not required for corporate purposes.

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby vacates and abandons 34 square feet of drainage easement as described in Exhibit B (attached).

Section 2: A copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: This vacation approval is subject to the owner's continuing agreement that any necessary relocation of drainage structures caused by this vacation will be at the expense of the owner.

PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

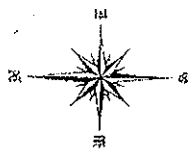
ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

Jasper Lane
Page 4 of 10



PROPERTY DESCRIPTION
LOT NINE (9), COPPER CREEK SUBDIVISION, TO THE CITY OF
FAYETTEVILLE, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT
CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

~~BEAR DRAINAGE ENCROACHMENT~~
A PART OF LOT NINE (9), COPPER CREEK SUBDIVISION, TO THE CITY OF
FAYETTEVILLE, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT
CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST
CORNER OF SAID LOT NINE (9), SAID POINT BEING AN EXISTING IRON REBAR;
THENCE N00°18'58"E 44.14 FEET ALONG THE WEST LINE OF SAID LOT NINE (9) TO
A POINT; THENCE LEAVING THE WEST LINE OF SAID LOT NINE (9) S88°41'02"E
28.85 FEET TO THE INTERSECTION OF THE FRONT-ROOF OVERHANG OF AN EXISTING
HOUSE WITH THE FRONT BUILDING SETBACK LINE OF SAID LOT NINE (9), SAID
SETBACK LINE BEING ON A 75.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST;
THENCE LEAVING THE FRONT ROOF OVERHANG OF SAID HOUSE, AND RUNNING
EASTERLY ALONG SAID SETBACK LINE AND CURVE, 23.35 FEET, TO A POINT FOR
WHICH BEING S89°21'23"E 22.26 FEET, TO A POINT ON THE FRONT ROOF OVERHANG
OF SAID HOUSE; THENCE LEAVING SAID FRONT ROOF OVERHANG OF SAID HOUSE,
N89°21'23"W 22.26 FEET ALONG THE FRONT ROOF OVERHANG OF SAID HOUSE, TO
THE POINT OF BEGINNING, CONTAINING 14.1 SQUARE FEET, MORE OR LESS.

~~SIDE SETBACK ENCROACHMENT~~
A PART OF LOT NINE (9), COPPER CREEK SUBDIVISION, TO THE CITY OF
FAYETTEVILLE, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT
CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST
CORNER OF SAID LOT NINE (9), SAID POINT BEING AN EXISTING IRON REBAR;
THENCE S37°05'51"W 106.33 FEET ALONG THE EAST LINE OF SAID LOT NINE (9) TO
A POINT; THENCE LEAVING THE EAST LINE OF SAID LOT NINE (9), N52°54'08"W 6.54
FEET TO THE ROOF OVERHANG OF AN EXISTING HOUSE; THENCE N89°21'23"W 1.82
FEET ALONG SAID ROOF OVERHANG TO A POINT ON THE SIDE SETBACK LINE OF
SAID LOT NINE (9); THENCE N37°05'51"E 3.04 FEET ALONG SAID SIDE SETBACK LINE
TO A POINT ON THE ROOF OVERHANG OF SAID HOUSE; THENCE S00°22'36"W 2.44
FEET ALONG SAID ROOF OVERHANG TO THE POINT OF BEGINNING, CONTAINING 2.9
SQUARE FEET, MORE OR LESS.

~~BEAR DRAINAGE EASEMENT ENCROACHMENT~~
A PART OF LOT NINE (9), COPPER CREEK SUBDIVISION, TO THE CITY OF
FAYETTEVILLE, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT
CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST
CORNER OF SAID LOT NINE (9), THENCE S00°18'58"W 30.00 FEET ALONG THE WEST
LINE OF SAID LOT NINE (9) TO A POINT ON THE SOUTH BOUNDARY OF A FIFTEEN
(15) FOOT WIDE DRAINAGE EASEMENT; THENCE LEAVING THE WEST LINE OF SAID LOT
NINE (9), S89°41'02"E 2.24 FEET ALONG THE SOUTH LINE OF SAID DRAINAGE
EASEMENT TO THE ROOF OVERHANG OF AN EXISTING HOUSE; FOR THE TRUE POINT
OF BEGINNING; THENCE N07°26'15"E 0.91 FEET ALONG SAID ROOF OVERHANG TO A
POINT; THENCE S89°30'44"E 41.16 FEET ALONG SAID ROOF OVERHANG TO A POINT;
THENCE S00°30'59"W 0.74 FEET ALONG SAID ROOF OVERHANG TO A POINT ON THE
SOUTH BOUNDARY OF SAID DRAINAGE EASEMENT; THENCE N89°45'13"W 41.16 FEET
ALONG SAID DRAINAGE EASEMENT BOUNDARY TO THE POINT OF BEGINNING,
CONTAINING 36.0 SQUARE FEET, MORE OR LESS.

OWNER:
SCOTT & CLARE HARVEY
ADDRESS:
3570 JASPER LANE
FAYETTEVILLE, ARKANSAS

EXISTING PK NAIL
SET 1/2" IRON REBAR
EXISTING IRON PIN
COMPUTED CORNER
FENCE LINE

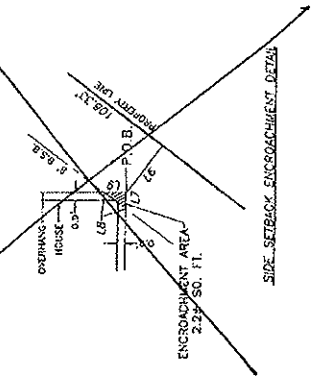
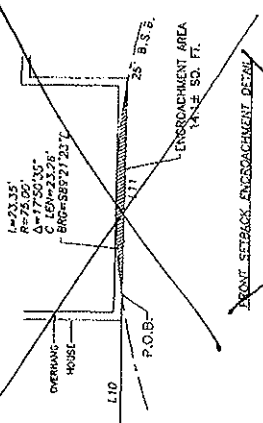
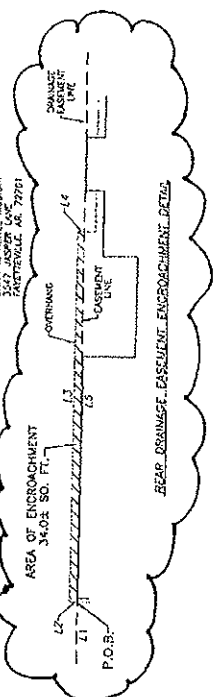
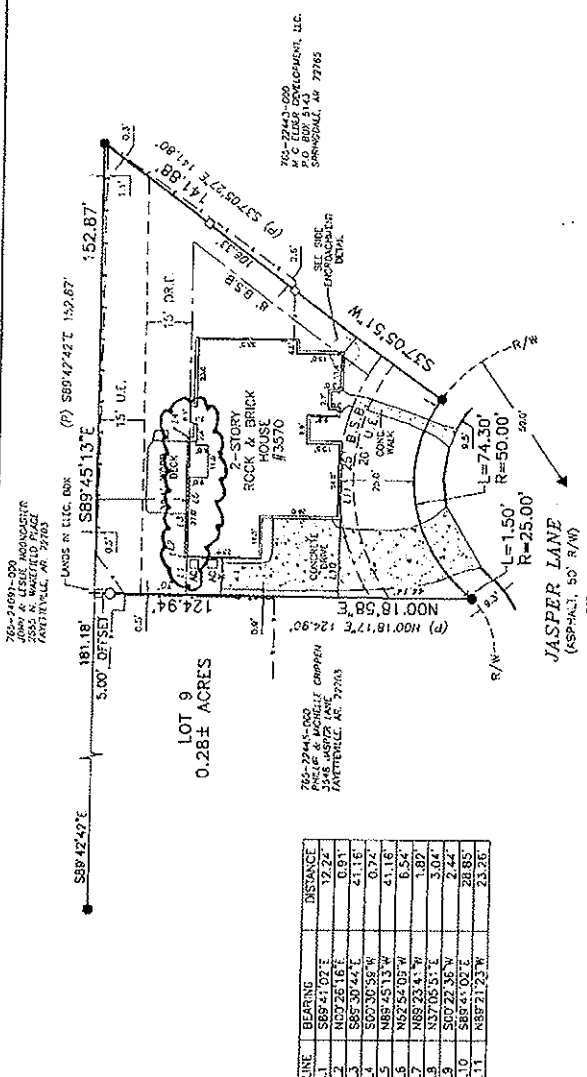
0' 30' 60' 90'

Alan Reid & Associates
118 South College Avenue
Fayetteville, Arkansas 72701
(479) 444-0704

DATE: 05/18/05
SCALE: 1"=30'

PROJECT NO:
08319

COLDWELL BANKER



LINE	BEARING	DISTANCE
L1	S89°41'02"E	12.32'
L2	N07°26'15"E	0.91'
L3	S89°30'44"E	41.16'
L4	S00°30'59"W	0.74'
L5	N89°45'13"W	41.16'
L6	N52°54'08"W	6.54'
L7	N89°21'23"W	1.82'
L8	N37°05'51"E	3.04'
L9	S00°22'36"W	2.44'
L10	S89°41'02"E	28.85'
L11	N89°21'23"W	22.26'

EXHIBIT "B"
VAC 09-3255

REAR DRAINAGE EASEMENT ENCROACHMENT

A PART OF LOT NUMBERED NINE (9), COPPER CREEK SUBDIVISION, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT NINE (9); THENCE S00°18'58"W 30.00 FEET ALONG THE WEST LINE OF SAID LOT NINE (9) TO A POINT ON THE SOUTH BOUNDARY OF A FIFTEEN (15) FOOT WIDE DRAINAGE EASEMENT; THENCE LEAVING THE WEST LINE OF SAID LOT NINE (9), S89°41'02"E 12.24 FEET ALONG THE SOUTH LINE OF SAID DRAINAGE EASEMENT TO THE ROOF OVERHANG OF AN EXISTING HOUSE FOR THE TRUE POINT OF BEGINNING; THENCE N00°26'16"E 0.91 FEET ALONG SAID ROOF OVERHANG TO A POINT; THENCE S89°30'44"E 41.16 FEET ALONG SAID ROOF OVERHANG TO A POINT; THENCE S00°30'59"W 0.74 FEET ALONG SAID ROOF OVERHANG TO A POINT ON THE SOUTH BOUNDARY OF SAID DRAINAGE EASEMENT; THENCE N89°45'13"W 41.16 FEET ALONG SAID DRAINAGE EASEMENT BOUNDARY TO THE POINT OF BEGINNING, CONTAINING 34.0 SQUARE FEET, MORE OR LESS.



PC Meeting of April 27, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Development Services Director
DATE: April 22, 2009 Update April 28, 2009

VAC 09-3255: Vacation (HARVEY / 3570 JASPER LANE, 100): Submitted by ALAN REID for property located at 3570 JASPER LANE, LOT 9 OF THE COPPER CREEK S/D. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.28 acres. The request is to vacate a portion of the drainage easement in the rear of the subject property.

Planner: Dara Sanders

Findings:

Property Description: The subject property is located in the Copper Creek subdivision, northeast of the intersection of Crossover Road and East Zion Road. The property contains a nonconforming single-family structure that was constructed in 2005. A portion of the roof overhang was constructed into the 15-foot drainage easement at the north side of the subject property.

Request: The applicant's request is to vacate a portion of a drainage easement to bring the existing structure into compliance.

The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

UTILITIES

RESPONSE

Ozarks Electric	No Objections
Cox Communications	No Objections
Southwestern Electric Power Company	No Objections
Arkansas Western Gas	No Objections
Southwestern Bell Telephone	No Objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding **VAC 09-3255** to the City Council with a recommendation of approval with the following conditions:

Conditions of Approval:

1. Any relocation of existing utilities shall be at the owner/developer's expense.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: April 27, 2009

Motion: Winston

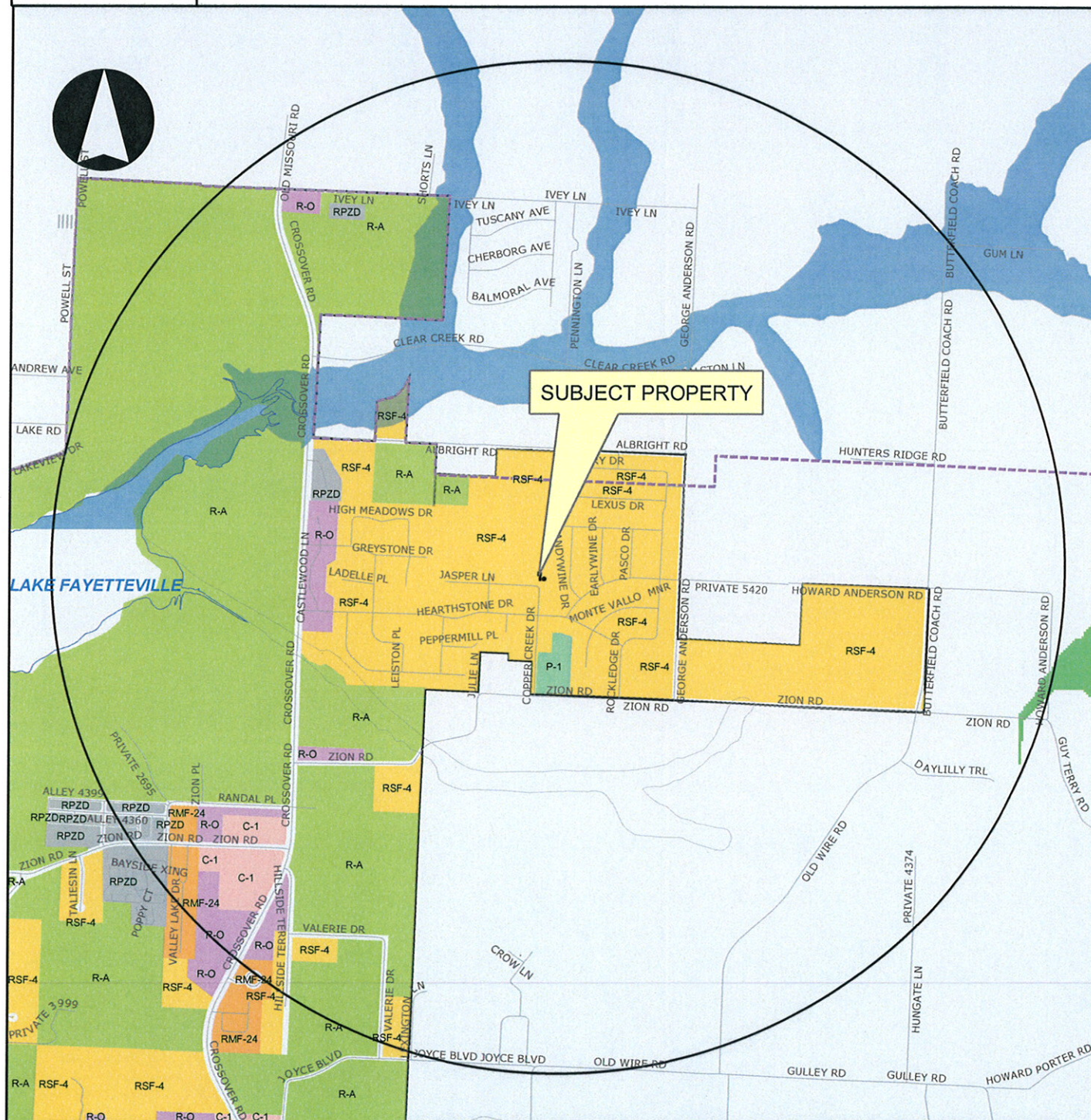
Second: Cabe

Vote: 7-0-1 (Zant)

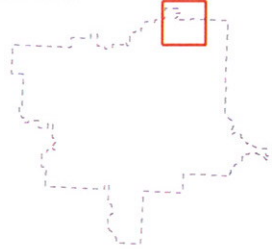
VAC09-3255

HARVEY/3570 JASPER LN.

One Mile View



Overview



Legend

Subject Property

VAC09-3255

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

C. 4
R-PZD 09-3253 (Park Hill
at Mountain Ranch)
Page 1 of 26

City Council Agenda Items
and
Contracts, Leases or Agreements

5/19/2009

City Council Meeting Date
Agenda Items Only

Dara Sanders
Submitted By

Planning
Division

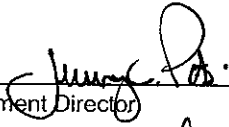
Development Services
Department

Action Required:

R-PZD 09-3253: Planned Zoning District (Park Hill @ Mountain Ranch, 479): Submitted by Dave Jorgensen for property located at Southwest corner of Persimmon Street and Mountain Ranch Boulevard, contains approximately 2.23 acres. The request is for zoning and land use approval for a Residential Planned Zoning District with 13 single-family dwellings.

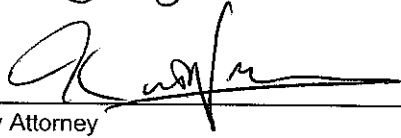
Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐


Department Director

24.28.09
Date

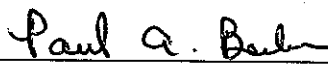
Previous Ordinance or Resolution #


City Attorney

May 1, 09
Date

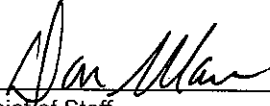
Original Contract Date:

Original Contract Number:


Finance and Internal Services Director

5-4-2009
Date

Received in City
Clerk's Office

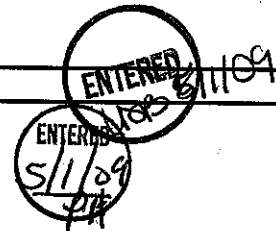

Chief of Staff

5/4/09
Date

Received in
Mayor's Office


Mayor

5/4/09
Date



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Jeremy C. Pate, Director of Development Services 

Date: April 28, 2009

Subject: Residential Planned Zoning District for Park Hill at Mountain Ranch (R-PZD 09-3253)

RECOMMENDATION

Staff and Planning Commission recommend approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Park Hill at Mountain Ranch, based on the development standards, plans and statement of commitments submitted. This action will establish a unique zoning district for a 14 lot (13 buildable lots and 1 lot designated for a park area) residential single-family development on 2.23 acres.

BACKGROUND

The property contains approximately 2.23 acres and is located in the Mountain Ranch Phase 1 Subdivision at the southwest corner of Persimmon Street and Mountain Ranch Boulevard. A majority of the low-density, single-family lots in the subdivision to the west have been purchased but are currently undeveloped. Directly behind the subject lots are single-family lots; directly in front of the subject lots, across Mountain Ranch Boulevard, are 4-story apartment buildings. Other developments in the area include the Ruppel Row Subdivision, Cross Keys, the Boys and Girls Club, and Owl Creek School.

DISCUSSION

The Planning Commission voted 8-0-0 in favor of this request on April 27, 2009. Recommended conditions were approved by the Planning Commission and are reflected in the attached staff report.

BUDGET IMPACT

None

CONDITIONS OF APPROVAL:

R-PZD 09-3253

Page 1 of 2

C. 4
R-PZD 09-3253 (Park Hill
at Mountain Ranch)
Page 3 of 26

Conditions of Approval:

1. This project is required to go through preliminary plat and final plat review and approval.
2. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat and building permit to ensure compliance. All homes shall be designed with a "front façade" fronting onto the adjacent public street and to have varied facades to provide variety within the overall development.
3. All common property shall be unbuildable and shall be owned and maintained by the Property Owners Association.
4. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for RSF-4 zoning districts, which includes the provision for an area sign as defined in Chapter 151.
5. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements. The existing 40' utility easement crossing Lots 2 and 3 shall be vacated at the time of preliminary plat. Any existing utilities located in the subject utility easement shall be relocated at the owner's expense.
6. 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.
7. Street trees shall be planed along adjacent public streets in compliance with City ordinance at a minimum of one (1) two-inch caliper, large species tree per lot. A landscape plan shall be submitted at the time of Preliminary Plat request.

Standard Conditions of Approval:

8. 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).
9. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
10. 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.

CONDITIONS OF APPROVAL:

R-PZD 09-3253

Page 2 of 2

C. 4
R-PZD 09-3253 (Park Hill
at Mountain Ranch)
Page 4 of 26

11. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
12. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
13. 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.
14. 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.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 09-3253, PARK HILL AT MOUNTAIN RANCH, LOCATED AT THE SOUTHWEST CORNER OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD; CONTAINING APPROXIMATELY 2.23 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

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

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

From RSF-4, Residential Single Family, 4 units per acre to R-PZD 09-3253 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master development plan have been met.

Section 4: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

PARK HILL@MOUNTAIN RANCH

Legend	Genotype	Genotype
	Genotype 1	Genotype 2
	Genotype 3	Genotype 4
	Genotype 5	Genotype 6
	Genotype 7	Genotype 8
	Genotype 9	Genotype 10
	Genotype 11	Genotype 12
	Genotype 13	Genotype 14
	Genotype 15	Genotype 16
	Genotype 17	Genotype 18
	Genotype 19	Genotype 20
	Genotype 21	Genotype 22
	Genotype 23	Genotype 24
	Genotype 25	Genotype 26
	Genotype 27	Genotype 28
	Genotype 29	Genotype 30
	Genotype 31	Genotype 32
	Genotype 33	Genotype 34
	Genotype 35	Genotype 36
	Genotype 37	Genotype 38
	Genotype 39	Genotype 40
	Genotype 41	Genotype 42
	Genotype 43	Genotype 44
	Genotype 45	Genotype 46
	Genotype 47	Genotype 48
	Genotype 49	Genotype 50
	Genotype 51	Genotype 52
	Genotype 53	Genotype 54
	Genotype 55	Genotype 56
	Genotype 57	Genotype 58
	Genotype 59	Genotype 60
	Genotype 61	Genotype 62
	Genotype 63	Genotype 64
	Genotype 65	Genotype 66
	Genotype 67	Genotype 68
	Genotype 69	Genotype 70
	Genotype 71	Genotype 72
	Genotype 73	Genotype 74
	Genotype 75	Genotype 76
	Genotype 77	Genotype 78
	Genotype 79	Genotype 80
	Genotype 81	Genotype 82
	Genotype 83	Genotype 84
	Genotype 85	Genotype 86
	Genotype 87	Genotype 88
	Genotype 89	Genotype 90
	Genotype 91	Genotype 92
	Genotype 93	Genotype 94
	Genotype 95	Genotype 96
	Genotype 97	Genotype 98
	Genotype 99	Genotype 100



EXHIBIT "B"
R-PZD 09-3253

ALL OF LOTS 94,95,96,97 AND 118 AND A PART OF THE LOTS 87,88,89 AND 90 OF MOUNTAIN RANCH SUBDIVISION PHASE 1 AS PER PLAT OF FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 87 THENCE S87°34'55"E 377.13 FEET, THENCE ALONG A CURVE TO THE RIGHT 59.18 FEET, SAID CURVE HAVING A RADIUS OF 40.00 FEET AND CHORD BEARING OF S45°11'51"E 53.93 FEET, THENCE ALONG A CURVE TO THE LEFT 148.16 FEET, SAID CURVE HAVING A RADIUS OF 327.50 FEET AND A CHORD BEARING OF S15°46'23"E 146.90 FEET, THENCE S28°43'59"E 230.79 FEET, THENCE ALONG A CURVE TO THE RIGHT 31.42 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET AND CHORD BEARING OF S16°16'01"W 28.28 FEET, THENCE S61°16'01"W 129.91 FEET, THENCE N28°43'59"W 269.34 FEET, TO THE NE CORNER OF LOT 91, THENCE N52°21'16"W 108.74 FEET, THENCE N37°34'07"W 98.00 FEET, THENCE N57°37'46"W 199.82 FEET TO THE P.O.B.; CONTAINING 2.23 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



PC Meeting April 27, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Development Services Director
DATE: April 21, 2009 Updated April 28, 2009

R-PZD 09-3253: Planned Zoning District (PARK HILL @ MOUNTAIN RANCH, 478): Submitted by DAVE JORGENSEN for property located at SW CORNER OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 2.23 acres. The request is for Zoning and Land Use approval for a Residential Planned Zoning District with 13 single family dwellings.

Planner: Dara Sanders

Findings:

Property Description: The property contains approximately 2.23 acres and is located in the Mountain Ranch Phase 1 Subdivision at the southwest corner of Persimmon Street and Mountain Ranch Boulevard. A majority of the single-family lots in the subdivision have been purchased but are currently undeveloped. Directly behind the subject lots are single-family lots; directly in front of the subject lots, across Mountain Ranch Boulevard, are 4-story apartment buildings. Other developments in the area include the Ruppel Row Subdivision, Cross Keys, the Boys and Girls Club, and Owl Creek School.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Vacant	R-A, Residential Agricultural, C-PZD (Forest Hills)
South	Vacant	RSF-4, Residential Single Family, 4 units/acre
East	Mountain Ranch Apartments	RMF-24, Residential Multi-Family, 24 units/acre
West	Vacant	RSF-4, Residential Single Family, 4 units/acre

Background: In December 2008, the applicant submitted a rezoning request (RZN 08-3180) to the Planning Division to rezone a portion of the subject property from RSF-4, Residential Single-family, 4 units/acre to RT-12, Residential Two- and Three-family in order to transition from the 4-story, multi-family development (Mountain Ranch Apartments) to the east to the low-density, single-family development to the west of the subject property. On January 26, 2009, the Planning Commission denied the applicant's request, finding that the rezoning request was not warranted.

Proposal: The applicant has submitted a request for a Residential Planned Zoning District (R-PZD) for the subject property, proposing 13 single-family lots and 1 undevelopable lot for a park area.

Adjacent Master Street Plan Streets: Persimmon Street (Collector Street), Mountain Ranch Boulevard (Collector Street), and Providence Drive (Local Street).

Access and connectivity: Access to the single-family dwellings is provided by a rear alley accessed from Mountain Ranch Boulevard and Providence Drive.

Right-of-way to be dedicated: All adjacent streets have been improved and meet the Master Street Plan right-of-way requirements.

Phasing: If the R-PZD request is approved, the development shall meet the standard time frame for Preliminary and Final Plat approval.

Water & Sewer: The subject property has access to public water and sewer service.

<i>Tree Preservation:</i>	Existing Canopy:	0%
	Preserved Canopy:	0%
	Required Canopy:	25%
	Mitigation:	None

Public Comment: There were several members of the public that opposed the previous rezoning request on this property (RZN 08-3180); however, staff has not received public comment on this R-PZD.

Recommendation: Finding that the proposed rezoning request meets many of the primary goals of the Planned Zoning District ordinance and policies adopted within the City Plan 2025 as noted herein, staff recommends forwarding **R-PZD 09-3253** to the City Council with a recommendation of approval, subject to the following conditions:

Conditions of Approval:

1. This project is required to go through preliminary plat and final plat review and approval.
2. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat and building permit to ensure compliance. All homes shall be designed with a "front façade" fronting onto the adjacent public street and to have varied facades to provide variety within the overall development.
3. All common property shall be unbuildable and shall be owned and maintained by the Property Owners Association.
4. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified

Development Code for RSF-4 zoning districts, which includes the provision for an area sign as defined in Chapter 151.

5. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements. The existing 40' utility easement crossing Lots 2 and 3 shall be vacated at the time of preliminary plat. Any existing utilities located in the subject utility easement shall be relocated at the owner's expense.
6. 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.
7. Street trees shall be planed along adjacent public streets in compliance with City ordinance at a minimum of one (1) two-inch caliper, large species tree per lot. A landscape plan shall be submitted at the time of Preliminary Plat request.
8. The following revisions shall be made prior to the City Council meeting:
 - a. Plat. Revise "Cattle Drive" to "Providence Drive".
 - b. Plat. Revise the chart on page 2 – round the lot width and area minimums down to 40 feet and 3,500 square feet, respectively, to allow for flexibility.
 - c. Booklet. Page 1. Revise the lot width statement to "43'-50' wide".
 - d. Booklet. Pages 3, 4, and 6. Revise the density maximum to 6 du/acre, the lot width minimum to 40 feet, and the lot area minimum/land area per dwelling to 3,500 square feet.

Standard Conditions of Approval:

9. 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).
10. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
11. 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.
12. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

13. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
14. 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.
15. 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 ☐ Denied

Motion: Cabe
Second: Lack
Vote: 7-0-0

Meeting Date: **April 27, 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

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with the Master Development Plan-Planned Zoning District criteria established by the City Council. City Plan 2025 designates this site as a Residential Neighborhood Area. The proposed zoning and development criteria encourage a layout that promotes walkability and traditional residential urban design. Rezoning this property to R-PZD 09-3253 with single-family dwelling units at an average density of 6 units per acre is consistent with the land use plan and the surrounding land uses including multi-family to the east and single-family and undeveloped land uses to the west, south, and north.

Goal 2: We will discourage suburban sprawl. Staff finds that the proposed development is an infill project that promotes walkability in close proximity to a public school, a community center, and future non-residential services and will utilize existing infrastructure and city services that are nearby while protecting the integrity of the predominantly single-family residential neighborhood to the east.

Goal 3: We will make traditional town form the standard. Staff finds that the proposed development supports the City's goal to promote traditional town form, contributing to a variety of housing types and lot sizes in close proximity to a future commercial node in a developing neighborhood.

Goal 6: We will create attainable housing. Staff finds that the proposed development, with smaller lot and home sizes than a typical RSF-4 subdivision, contributes to the City's goal to create attainable housing by contributing to the variety of housing types that are being constructed in the neighborhood.

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

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

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

FINDING: The impact of the rezoning and subsequent development would not adversely impact public services and facilities in the surrounding areas. Sufficient infrastructure has been installed to accommodate the addition of 13 single-family dwellings. The Fayetteville Police Department included comments in the staff report regarding an increase in demand for service as a result of the rezoning request; however, a significant or undesirable increase is not anticipated.

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

FINDING: Staff finds that the rezoning is compatible with the surrounding land uses, which are a mixture of residential and non-residential and vary in density and intensity. The proposed development will yield a slightly higher density than the single-family neighborhood to the west and a significantly lower density than the multi-family development to the east.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The intended use is suitable for the subject property and the surrounding development.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Any additional development in the area will increase the amount of traffic on the adjacent public 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.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The booklet and master development plans submitted provide for said unified development control.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

(B) Development standards, conditions and review guidelines

- (1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The subject infill development should be compatible with adjacent single- and multi-family developments, as single-family detached residences will be the primary use

permitted. Since the proposal is not for development rights a tree preservation plan has not been reviewed. However, trees do not exist on the subject property.

There are no significant natural site amenities on this property, though the applicant proposes a 0.47-acre common green space area on the western edge of the site that will be an amenity for residents on the subject property and a buffer between the proposed development and the slightly lower density single-family development to the west.

Vehicular access is provided off of a shared alley from Providence Drive and Mountain Ranch and provides for safe circulation to the 13 single-family dwellings. The buildings are located close to the street with a reduced front setback to encourage a pedestrian-friendly streetscape.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: The applicant proposes to install a fence along the west boundary of the subject property to screen Lot 14 (Park Area) from the adjacent property owners.

- (3) *Traffic circulation.* The following traffic circulation guidelines shall apply:
- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
 - (b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
 - (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
 - (d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
 - (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
 - (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: Single-family homes on the site will front onto the adjacent public street and will be accessed by a rear alley as indicated on the site plan. The applicant proposes an entrance

only drive onto Mountain Ranch Boulevard and a two-way driveway onto Providence Drive to access the rear of the homes, which meets the requirements of the City's Access Management policy. All driveways shall meet the standards established in Chapter 172 Parking and Loading.

- (4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: Parking is to be provided on-site for each residential lot.

- (5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: The applicant's proposal has met the open space requirements for single-family developments and further designates Lot 14 (0.47 acre) as common, open space.

- (6) *Sidewalks.* As required by §166.03.

FINDING: A 5' sidewalk is to be extended along Providence Drive to the west property line.

- (7) *Street Lights.* As required by §166.03.

FINDING: Street lights are to be provided at all intersections and with a maximum separation of 300 feet along all streets.

- (8) *Water.* As required by §166.03.

FINDING: Public water is available to the project site. Improvements to water services may be required and shall be reviewed at the time of preliminary plat submittal.

- (9) *Sewer.* As required by §166.03.

FINDING: Public sewer is available to the project site. Improvements to sewer services may be required and shall be reviewed at the time of preliminary plat submittal.

- (10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

- (a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.
- (b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:
- (i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing

City standards and shall be dedicated as a public street.

- (ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.
- (iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.
- (iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
- (v) The plat of the planned development shall designate each private street as a "private street."
- (vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.
- (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.
- (viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: The site is surrounded by three existing improved public streets. Vehicular access to the homes is proposed off of a rear alley, which will be private and maintained by the POA.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: All development on the site shall be phased according to the phasing plan and conditions herein. There are no nonresidential facilities proposed. The open space (Lot 14) will require landscaping and shall be maintained by the POA.

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: There are no trees on the subject property.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: The applicant has proposed design standards for residential structures; no commercial uses are proposed.

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: Staff finds no specific scenic views to be protected on the subject property.

- (E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

- (a) *Building permit.* If no building permit has been issued within the time allowed.
- (b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
- (c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

- (2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

- (3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

- (1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission

as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

- (2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:
- (a) The homeowner's association must be legally established before building permits are granted.
 - (b) Membership and fees must be mandatory for each home buyer and successive buyer.
 - (c) The open space restrictions must be permanent, rather than for a period of years.
 - (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
 - (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

Sec. 161.25 Planned Zoning District

(A) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

- (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) Compatibility. Providing for compatibility with the surrounding land uses.
- (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) No negative impact. Does not have a negative effect upon the future development of the area;

- (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: Staff finds that the proposed development is compatible with the surrounding and adjacent land uses and will be beneficial to the community. Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025, as well as the above criteria, including flexibility in density, compatibility with surrounding land uses and integration of a varied housing type and lot size. The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, offering detached single-family housing types with reduced setback requirements, recreational green space, a variety of lot arrangements, and lot dimensions.

The following guiding policies within Residential Neighborhood Areas are applicable to this development, and help to achieve the nine primary goals of the City Plan 2025:

Residential Neighborhood Areas:

- a. *Where possible, encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.*
- b. *Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.*
- c. *Discourage design elements that prohibit complete, compact, connected neighborhoods such as cul-de-sacs, gated communities, etc.*
- d. *Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.*
- e. *Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.*

(B) **Rezoning.** Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan

and development standards.

FINDING: The submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(C) *R – PZD, Residential Planned Zoning District.*

- (1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezoning. The legislative purposes, intent, and application of this district include, but are not limited to, the following:
 - (a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's City Plan 2025 and the orderly development of the city.
 - (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.
 - (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
 - (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
 - (e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: Staff is recommending approval of this application, finding the proposed R-PZD meets the intent of the PZD ordinance as noted above. The requested R-PZD provides variety and flexibility in land development while also providing a compatible relationship with surrounding land uses. Also see findings No. 1 and 4.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, and Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan

booklets and plats.

- (4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The residential uses on this property will be 100 percent of the gross floor area within the development.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
- (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.

FINDING: The proposed development is consistent with the variety of densities and uses in the surrounding area. A density of 6 units/acre is appropriate given that the project is located at a corner location and near future retail and commercial establishments to the north, as well as recreational facilities. Staff finds that the proposal meets the urban development goal of the City's City Plan 2025 and will not have a detrimental impact on the site and adjoining properties.

- (2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: Lot sizes are varied on this project with structures oriented to the street. Due to the unique nature of this development, it is not possible to conform to existing standards for lot area minimums and setback requirements in a typical single-family district without requesting an established zoning district that would allow for two or more dwelling units on one lot.

- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are typical of the single-family

developments in the surrounding area, and shall not exceed 45'.

- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The lot coverage or building area on this project is slightly higher than the RSF-4 zoning district, with a maximum of 56% buildable area permitted. Staff is in support of the higher buildable area, finding that Lot 14 (Park Area) will serve as a buffer between the proposed development and the adjacent RSF-4 district.

***Required Findings for Rezoning Request.**

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The proposed R-PZD is consistent with the City's Residential Neighborhood Area land use designation to encourage traditional neighborhood development. Staff finds that the proposal complies with Goal 2 to discourage sprawl with development that utilizes existing city infrastructure. Additionally, staff finds that the proposal supports Goal 3 to make traditional town form the standard by encouraging multi-use development. The proposed zoning district provides a variety of housing types, and is adjacent to community services (Boys and Girls Club and Owl Creek School). Finally, staff finds that the proposal complies with Goal 6 to create attainable housing. Staff finds that attainable housing can be encouraged through the creation of a variety of housing types within a single neighborhood development.

Staff finds that higher densities and intensities should be encouraged at corner locations whenever possible. Staff finds that, while the proposal allows a density lower than the RMF-24 zoning district to the east, the request will provide a higher residential density at a corner location at the intersection of two Collector Streets and will serve as an important transition between two zoning districts that are significantly different in terms of density and intensity. Also see finding No. 1.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds the proposed zoning is justified and needed. Staff finds that the development of corner locations at the intersection of two Collector Streets should be developed at a density and intensity much higher than the low-

density RSF-4 zoning district.

Staff finds that the rezoning process is a tool that is appropriately utilized by a property owner or a local authority to change the use or density of a subject property in order to respond to land use and development trends and/or shifts in a neighborhood. When the Mountain Ranch Subdivision was platted in 2005 at a density of 4 dwelling units/acre, the developers of the Mountain Ranch Subdivision did not anticipate the intensity of the Mountain Ranch Apartments, a 4-story, multi-family development at 24 units/acre, which was developed in compliance with the bulk and area requirements of the RMF-24 zoning district, nor was the Commercial Planned Zoning District for Forest Hills, located at the northeast of the subject property between Wedington Drive and Persimmon Street, anticipated to develop as mixed use neighborhood with a combination of retail and commercial uses, as well as multi- and single-family dwellings.

A residential structure has a lifespan significantly higher than a commercial structure. Staff finds that designating a low-density residential use removes the subject property from the planning process for several decades and reduces the chance of the property being developed at a higher density or as a non-residential use in the future. Staff supports the applicant's request, finding that another opportunity to develop this intersection of Collector Streets appropriately may not occur.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Staff finds this proposal to increase the density from 4 dwelling units/acre to 6 dwelling units/acre for approximately 2.23 acres will not create or appreciably increase traffic danger and congestion. Additionally, staff finds that the proposal to provide only one curb cut onto Mountain Ranch Boulevard and one curb cut onto Providence Drive, for a total of two curb cuts, significantly decreases potential traffic danger and congestion in comparison to the five curb cuts that are currently allowed for the existing five single-family lots.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Staff does not find that an undesirable increase in load on public services would be created.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: Not applicable. Staff is recommending approval of the request.

City of Fayetteville Staff Review Form

C. 5
RZN 09-3217 (Winkler)
Page 1 of 120City Council Agenda Items
and
Contracts, Leases or Agreements

5/19/2009

City Council Meeting Date
Agenda Items Only

Jesse Fulcher

Submitted By

Planning

Division

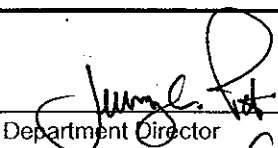
Development Services

Department

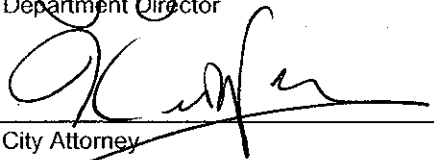
Action Required:

RZN 09-3217: (Winkler, 524): Submitted by Steve and Michele Winkler for property located at 300 South College Avenue and 145 East South Street. The property is zoned NC, Neighborhood Conservation, and contains approximately 0.25 acres. The request is to rezone the subject property to DG, Downtown General.

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

Budgeted Item ☐Budget Adjustment Attached ☐

 Department Director
05.13.09
Date

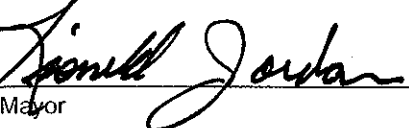
Previous Ordinance or Resolution #


 City Attorney
3-13-09
Date

Original Contract Date:

Original Contract Number:


 Finance and Internal Services Director
3-16-09
DateReceived in City
Clerk's OfficeENTERED
3-13-09

 Chief of Staff
3/16/09
DateReceived in
Mayor's Office

 Mayor
3/16/09
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy C. Pate, Director of Development Services 

From: Jesse Fulcher, Current Planner

Date: March 11, 2009

Subject: Rezoning for Winkler (RZN 09-3217)

RECOMMENDATION

Staff and the Planning Commission recommend approval of rezoning the subject property from NC, Neighborhood Conservation, to DG, Downtown General located at 300 S. College Avenue and 145 E. South Street.

BACKGROUND

The subject property is located at the southeast corner of S. College Avenue and E. South Street, comprising Lot 2 Block 1 of the Combs Addition. The property is zoned NC, Neighborhood Conservation and is developed with two single-family dwellings.

The subject property, along with the adjacent three lots also owned by the applicant, was discussed at length by the Planning Commission and City Council during the Walker Park Neighborhood Master Plan (WPNMP) zoning review. The WPNMP was comprised of approximately 300 acres, which the Planning Commission and City Council rezoned on July 15, 2008. At the request of the property owners at College and South, Steve and Michele Winkler, the Planning Commission forwarded the overall rezoning request to the City Council with a recommendation that the subject properties be zoned Downtown General. However, the City Council ultimately approved the Walker Park rezoning with the subject properties zoned Neighborhood Conservation.

The applicant proposes to rezone Lot 2 of the Combs Addition, containing approximately 0.25 acres, from NC, Neighborhood Conservation to DG, Downtown General. The applicant originally requested a rezoning of the entire 0.63 acres, which encompasses the south side of South Street between S. College and S. Washington. However, staff has discussed different options with the applicant, and the request has been amended to only rezone the one lot adjacent to S. College Avenue, 0.25 acres, leaving the three parcels to the east as Neighborhood Conservation.

DISCUSSION

This item was heard at the regular Planning Commission meeting on March 9, 2009. The Planning Commission voted 5-4-0 to forward this rezoning request to the City Council with Commissioners Myres, Kennedy, Trumbo, Lack and Anthes voting yes, Commissioners Cabe, Bryant, Graves and Winston voting no.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 09-3217, FOR APPROXIMATELY 0.25 ACRES, LOCATED AT 300 SOUTH COLLEGE AVENUE AND 145 EAST SOUTH STREET FROM NC, NEIGHBORHOOD CONSERVATION, TO DG, DOWNTOWN GENERAL

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 NC, Neighborhood Conservation to DG, Downtown General, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

RZN09-3217

Close Up View

WINKLER/ SOUTH & COLLEGE STS.



EXHIBIT "B"
RZN 09-3217

LOT NUMBERED TWO (2) IN BLOCK ONE (1) OF COMBS ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, LESS AND EXCEPT THE FOLLOWING, TO-WIT: BEGINNING AT A POINT IN THE NORTHWEST CORNER OF THE ABOVE DESCRIBED LOT 2 AND RUNNING THENCE EAST 30 FEET; THENCE RUNNING SOUTHWESTERLY IN A 30 DEGREE ARC TO A POINT IN THE WEST LINE, SAID POINT BEING 30 FEET SOUTH OF THE NORTHWEST CORNER THEREOF RUNNING THENCE NORTH TO THE POINT OF BEGINNING.



PC Meeting of March 9, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~March 2, 2009~~ Updated March 11, 2009

RZN 09-3217: (WINKLER / SOUTH & COLLEGE STS., 524): Submitted by STEVE & MICHELE WINKLER for property located at 300 S. COLLEGE AVENUE AND 145 E. SOUTH STREET. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.25 acres. The request is to rezone the subject property to DG, Downtown General.

Planner: Jesse Fulcher

BACKGROUND:

Property description and background: The subject property is located at the southeast corner of S. College Avenue and E. South Street, comprising Lot 2 Block 1 of the Combs Addition. The property is zoned NC, Neighborhood Conservation and is developed with two single-family dwellings.

The subject property, along with the adjacent three lots also owned by the applicant, was discussed at length by the Planning Commission and City Council during the Walker Park Neighborhood Master Plan (WPNMP) zoning review. The WPNMP was comprised of approximately 300 acres, which the Planning Commission and City Council rezoned on July 15, 2008. At the request of the property owners at College and South, Steve and Michele Winkler, the Planning Commission forwarded the overall rezoning request to the City Council with a recommendation that the subject properties be zoned Downtown General. However, the City Council ultimately approved the Walker Park rezoning with the subject properties zoned Neighborhood Conservation.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Residential	DG, Downtown General; R-O, Residential Office
South	Residential	NC, Neighborhood Conservation
East	Residential	NC, Neighborhood Conservation
West	Residential	DG, Downtown General; NC, Neighborhood Conservation

Proposal: The applicant proposes to rezone Lot 2 of the Combs Addition, containing approximately 0.25 acres, from NC, Neighborhood Conservation to DG, Downtown General. The applicant originally requested a rezoning of the entire 0.63 acres, which encompasses the south side of South Street between S. College and S. Washington. However, staff has discussed different options with

the applicant, and the request has been amended to only rezone the one lot adjacent to S. College Avenue, 0.25 acres, leaving the three parcels to the east as Neighborhood Conservation.

INFRASTRUCTURE:

Streets: The site has access to S. College Avenue and E. South Street. Street improvements will be evaluated at the time of development.

Water: There is a 6" main along College Ave., a 6" main along Washington Avenue and a 6" main along South Street. Water may need to be extended through the site at the time of development to provide domestic service and fire protection.

Sewer: There is an 8" public main along College Ave. and a 6" main along Washington Ave. Sewer may need to be extended through the property at the time of development. The capacity of the existing main may need to be evaluated at the time of development.

Fire: The subject property is located approximately a ½ mile from Fire Station #1. Response time to the property is approximately 3 minutes, which is acceptable, and above the City's goal of having the first unit on the scene within 6 minutes, 90% of the time, and the City's goal of assembling all responding units to the scene of a moderate risk assignment within 10 minutes, 90% of the time. There should be no adverse effects on call volume.

Police: It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density or create an undesirable increase in the load on police services. The rezoning will not create an appreciable increase in traffic danger and congestion.

RECOMMENDATION:

Staff recommends approval of the requested rezoning to DG, Downtown General, based on the findings included as part of this report.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
		☒ Forward to City Council (recommend approval)	☐ Denied
Date: <u>March 9, 2009</u>			
Motion: Kennedy			
Second: Myres			
Vote: 5-4-0			
CITY COUNCIL ACTION:		Required	<u>YES</u>
		☒ Approved	☐ Denied
Date: <u>April 7, 2009 (1st reading if recommended)</u>			

LAND USE PLAN: The Future Land Use Plan adopted as part of the City Plan 2025 designates this site **City Neighborhood Area**. Rezoning this property to Downtown General would be consistent with City Plan 2025 as well as consistent with the Walker Park Neighborhood Master Plan. Both adopted plans encourage denser and primarily residential land uses, and a diversity of housing types. Rezoning the subject property will allow for a more dense residential land use, with future potential for a low-intensity nonresidential use, all confined to a corner location that is bordered by a highly traveled collector street. Additionally, a change in zoning district at mid-block will create a gradual transition between land uses, rather than an abrupt change in mass and scale on either side of the street.

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: As noted herein, the proposed zoning is consistent with land use planning objectives, principles and policies and with land use and zoning plans. The subject property is within the Walker Park Neighborhood Master Plan, and is directly adjacent to property located within the Downtown Master Plan boundary. Rezoning the property to Downtown General would allow a variety of housing types, lot sizes and low intensity nonresidential uses at this corner location; principles that are consistent with the existing and requested zoning districts, and with the Walker Park Neighborhood Plan.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Based on the applicant's submittal, the rezoning is justified and needed to allow redevelopment of the property for multi-family dwellings. The existing zoning district, Neighborhood Conservation, does not permit multi-family development by right, or by conditional use. The applicant's stated intent is to redevelop the property, which has been the case since before the property was rezoned from RMF-24 to Neighborhood Conservation in 2008.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The Fayetteville Police Department has reported that the proposed rezoning would not create or appreciably increase traffic danger and congestion in the area. The overall development area contains approximately 0.25 acres, which will limit the number of dwelling units that could be constructed on the property. This size of development, in staff's opinion, will not create or appreciably increase traffic danger and congestion. The property has access to S. College Avenue and South Street. Improvements to the surrounding streets, notably South Street, would be evaluated at the time of development.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The overall size of the property will limit the intensity and density of the development. Therefore the rezoning should not undesirably increase the load on public services including schools, water, and sewer facilities. Responses from public service providers are included herein.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.23 Neighborhood Conservation

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the *Neighborhood Conservation* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 24	Home occupations
Unit 25	Professional services

Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	50 ft.
Three Family	60 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, facing street	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, internal, if adjoining a similar use unit.	5 ft.
Side, internal, if adjoining a different use unit	5 ft.
Rear, without easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

(F) *Minimum buildable street frontage.* 40% of lot width.

(G) *Height regulations.* Maximum height is 3 stories or 45 feet which ever is less.

161.22 Downtown General.

(A) *Purpose.* *Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density.* *None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
---------------------------	--------

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, facing street	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, internal	None
Rear, without easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

(F) *Minimum buildable street frontage.* 50% of lot width.

(G) *Height regulations.* Maximum height is 4 stories or 56 feet which ever is less.

(H) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

C. 5
RZN 09-3217 (Winkler)
Page 13 of 120

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher
From: David Williams
Date: March 2, 2009
Re: RZN 09-3217: (WINKLER / SOUTH & COLLEGE, 524

This development will be protected by Engine 1 & Ladder 1 located at 303 W. Center. It is .5 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.

The Fire Department does not anticipate any changes to our call volume or response time for the rezoning of the project.

If you have any questions please feel free to contact me.

David Williams

Fire Marshal
Fayetteville Fire Department

Date 2/19/09

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 RZN 09-3217: (Winkler / South & College, 524): Submitted by Steve & Michelle Winkler for property located at 300 S. College Avenue and 145, 157, 173 and 184 E. South Street 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 0.63 acres.

It is the opinion of the Fayetteville Police Department that this RZN will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. This RZN will not create an appreciable increase in traffic danger and congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

RZN 09-3217: (WINKLER // SOUTH & COLLEGE, 524): Submitted by STEVE & MICHELE WINKLER for property located at 300 S. COLLEGE AVENUE AND 145, 157, 173, 184 E. SOUTH STREET. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.63 acres. The request is to rezone the subject property to DG, DOWNTOWN GENERAL. Planner: Jesse Fulcher

C. 5
RZN 09-3217 (Winkler)
Page 15 of 120

Public water is available to the property. There is a 6" main along College Ave., a 6" main along Washington Avenue and a 6" main along South Street.. Water may need to be extended through the property at the time of development to provide domestic service and fire protection.

Sanitary sewer is available to the site. There is an 8" public main along College Ave., and a 6" main along Washington Ave. Sewer may need to be extended through the property at the time of development. The capacity of the existing main may need to be evaluated at the time of development.

The site has access to College Ave., South Street and Washington Ave. Each Street is an older fully improved street. Improvements to adjacent streets will be evaluated with the project proposal.

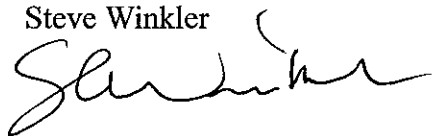
Standard improvements and requirements for drainage will be required for the development. This property is not affected by the 100-year floodplain.

March 5, 2009

Re: Winkler Rezoning 09-3217

Please amend my rezoning request to remove Lots 1, 2 and 3 of the Elam Addition. The revised rezoning request will be to rezone Lot 2 Block 1 of the Combs Addition from NC, Neighborhood Conservation to DG, Downtown General, containing approximately 0.25 acres.

Steve Winkler

A handwritten signature in black ink, appearing to read "Steve Winkler", written in a cursive style.

Rezoning Application Item 5

A written description of this request addressing the following items:

a. Current ownership information and any proposed or pending property sales.

This property is owned by Steve E. Winkler and Michele Allen Winkler, husband and wife. Purchased December 7, 1995; fee simple estate; warranty deed. Simmons First Bank is the mortgagee. There are no liens, county taxes are current. There are no proposed or pending sales of this property.

b. Reason (need) for requesting the zoning change.

We are requesting the zoning change in order to continue our long range effort to develop this property: (1) in a way that enhances and contributes to increased revitalization of the area. Since purchasing, we have renovated the existing structures bringing them in compliance with current building codes and maintained an attractive appearance. We feel our efforts to upgrade the area may inspire nearby owners to do likewise and will be reflected in increased desirability by potential residents, (2) by continuing to help provide adequate housing for low and middle income residents. We regard renovation of neglected property and new construction for use by low income residents to be a form community service. We have served scores of low income residents in our properties in south Fayetteville over the last fifteen years. (3). And, our efforts need to be maximally productive real estate investments. We do not finance our projects with help from government, church or charity organizations. We are not a corporation nor do we work from grants.

Simply put, our reason for requesting this change is to use private capital, free enterprise, and individual effort to help make a better Fayetteville.

c. Statement of how the property will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

We assume "surrounding properties" here does not mean zoning districts, school or precinct districts, neighborhood organization districts or other administrative districts, but rather real estate that adjoins and can be seen from the subject property.

Land use: The surrounding land use is older, detached one story single family homes and duplexes, some in good repair, most in a condition of deferred maintenance, several empty lots and lots with only storage buildings, low rise, concrete block, "box design" multi-family structures, all over 40 years old. The nearest building over one story high is the Federal Building, one block north.

Traffic: The property is accessible from 5 street directions; College Ave, north and south, South St. east and west, S. Washington Ave south and alley 119 north.

Appearance: . The area could be described as "depressed." See Land use.

Signage: The only sign visible from the property is the "Happy Trails Motorcycle shop" on Huntsville Rd. to the east. Other nearby signage is the "Lowlife Tattoo" parlor two blocks west on Archibald Yell Ave. and a "Family Chiropractor" sign one block north on College Ave.

The proposed use for this zoning change will offer a striking contrast to the existing surrounding property. The land use will reflect a traditional town form. The traffic increase will include more pedestrian and bicycle use. New signage will be a code compliant yard sign saying "Urban Studio Apartments" and an "Office" sign attached to the building.

d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.

The GSI map shows an 8" sewer line with a manhole on S. College Ave. directly in front of the house at 300 S. College. There is a 6" sewer line with manhole on S. Washington Ave. directly east of the house at 189 E. South St.

A 6" water main is located on 3 sides of the property, S. College Ave., E. South St. and S. Washington Ave.

Rezoning Application Item 6

The Planning Commission is required to make specific finding with regard to this application. The applicant shall provide written statement addressing the following:

a. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

This project located on the proposed zoning is designed, planned and will be executed to be entirely – 100% consistent with land use planning objectives, principles, and policies of the "City Plan 2025 Goals."

"Goal 1 We will make appropriate infill and revitalization our highest priorities. "

The existing structures on the property cannot feasibly be renovated again and will be razed leaving empty land with established utility infrastructure to accommodate the new construction. No new water, sewer, gas or electric service will be needed to revive this property.

"Goal 2 We will discourage suburban sprawl."

Every inner city housing choice helps discourage suburban sprawl. Additionally "workforce housing" located near downtown serves as an antidote to urban sprawl.

"Goal 3 We will make traditional town form the standard."

This project will not only adhere to the principles of "traditional town form" but will serve as a model of intelligent "new urbanism" land use on a small scale: green,

affordable, practical and attractive. The Downtown General zone will allow the structure to be built close to the street allowing parking in the rear, emphasizing the pedestrian. The design will incorporate the architectural flexibility that allows future commercial and/or residential and mixed use and will utilize the "next home" concept that allows for future modifications to be made with minimal inconvenience and cost. The design and construction goal is to create a desirable form of higher density housing near the center of Fayetteville.

"Goal 4 We will grow a livable transportation network."

Vehicle Connectivity: The east side of the subject property is located on S. Washington Ave., the west side is located on S. College Ave. It is connected by E. South St. to Huntsville Rd, one block east; by East and West South St. to Archibald Yell Blvd. two blocks west and to Rock St one block north by Alley 119.

Transit Connectivity: The property is a 10 minute walk to stops serviced by both Razorback Transit's Tan Route and Ozark Transit's Route 41.

Alternative Transportation: The Frisco Trail, in Fayetteville's network of multi-use trails, is located about five blocks west. This project will be marketed to people who walk, bicycle and use mass transit. A bike parking/storage facility is included in the design. The location is a 10 minute walk to shops, restaurants, offices.

"Goal 5 We will assemble an enduring green network."

The Urban Studio Apartments will be built utilizing the National Association of Home Builders (NAHB) guidelines.

"Goal 6 We will create attainable housing."

Attainable or affordable housing that is located near employment centers as opposed to outlying suburbs is often referred to as workforce housing. The residential units planned for this new zone are designed and will be marketed to single working individuals. This is not student housing. The amount of monthly rent is consistent with numbers used by the Fayetteville Housing Authority income limit guidelines based on an area family of four household median income of \$53,100. Based on criteria used by the U.S. Department of housing and Urban Development no more than 30% of household income should be allocated to housing. The units in Urban Studio Apartments will be from 30% - 50% of the median income. They will rent for from \$310 to \$515 per month

b. Whether the proposed zoning is justified and/or needed at the time of the request.

We feel this request is justified at this time not only because of our personal situation but because we think the current housing market with low interest and construction costs invites development. Considering the state of the economy, we don't think this is the time to build new single family housing, particularly at a location two blocks from the Square surrounded on three sides by a Downtown General zone.

c. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The proposed zoning will not create or appreciably increase traffic danger or congestion anymore than the existing Downtown General zone to the north, east and west of the property currently does. For many years the intersection at College, Rock and Archibald Yell has been known to be dangerous. We support any action the City takes to solve the problem. The subject property however is not dependent on using that intersection any more than all north bound traffic from Archibald Blvd., S. College Ave, S. School St, Rock St. and Huntsville Rd. We decrease traffic danger by encouraging walking and providing amenities for bicycle users.

d. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

This proposed zoning will, of course, alter population density as all infill does. But it is done in a desirable way. The small scale of this project will not increase the load on public services such as schools, water and sewer facilities.

e. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The existing Neighborhood Conversation zoning classification will not permit implementation of 2025 goals at this near-downtown location.

A free enterprise project by Steve&Michele Winkler D/B/A Acme Properties, Fayetteville Arkansas

Urban Studio Apartments

Affordable, Green-Built Near-Downtown Fayetteville Living

Urban Studio Apartments are for people who are making 50%-80% of area median income. There will be 12 apartments, including one on-site caretaker unit. They are "workforce housing" units, intended for people working in the downtown area.

Features

Located near the Square – close to restaurants, shops, offices, and entertainment

Affordable - perfect for minimum wage earners working downtown.

Approximately 400 square feet with kitchenette, bath, and open living area.

Laundry, bike port, and pet friendly

Modern cabinets and appliances

Green Elements

Cellulose insulation

Triple pane, low-e argon windows

High efficiency heat and cool system

Energy star rated appliances and lighting

Sustainable flooring

Low-flow toilets and faucets

Downtown location allows tenants to walk or bike to work and recreation which help to reduce carbon emissions.

New downtown studio apartments with modest rent for lower-wage downtown workers are in the planning stages. Twelve energy-efficient Urban Studio Apartments at 300 South College are expected to attract young mobile residents who make less than the median income for the area. The new construction, New York-style, one-room, multi-facility Urban Studio Apartments combine a living room, bathroom, and kitchen into a single unit. A great downtown housing choice for single working people.

Public Comment

From: <Ciceroner@cs.com>
To: <jfulcher@ci.fayetteville.ar.us>
Date: 3/9/2009 11:39 AM
Subject: Winkler

Dear Mr. Fulcher,

Now that as many members of our neighborhood association as could be gathered on short notice have met with Mr. Winkler, I would like to amend and add to the letter I left Friday. We couldn't take a formal vote as we didn't have a quorum. There was a lot of in and out, as it was a long meeting. There was one point at which 16 people were sitting there at the same time. The only ones in favor of the proposed building were the Winklers and his architect.

The ammendment I need to make is the statement that this building is going on 2/3 of an acre. The building is going on 1/4 of an acre. I guess if it gets rezoned he can do what he wants with the rest of it.

The three additional points I'd like to make are:

1. The square footage he's talking about could be divided into 2 dwellings of 2,400 feet that could each easily house a family of four. This opens the possibility that they could stick around long enough to develop into actual "neighbors" as in "neighborhood". Mr Winkler stated at the meeting that most studio apartment dwellers stay for a year or less. Are you actually willing to compromise the integrity of a neighborhood to cram four extra people into that space in the name of infill?
2. I've talked to two different people, and this in the space of just three days, that had been considering buying in this area, but say they will look elsewhere if the Winklers are allowed to put up that building. (Let's hope they don't wander off and go contributing to that urban sprawl) After all, a multistory building housing a relatively transient population in extremely small quarters is literally a tenement. In other words, the mere possibility that this could happen has already negatively impacted property values. Those of us who have invested in our properties over the years only to see their effort undermined by their city government would have few ways to recoup our losses other than applying for the same rezoning using exactly the same arguments the Winklers are using, and I assume, perhaps wrongly, that the Planning Department would be fair. If your 2025 plan calls for the erosion of the northern part of the Walker Park neighborhood, I don't think it will be complete by 2025, but it should be well under way.
3. The main contributing factor to urban sprawl is young families that are forced by circumstances to buy houses in those developments that are eternally pushing at a town's borders. Single renters who move a lot don't affect it much in any long lasting way.

A number of people at the meeting were of course wondering why Mr. Winkler spoke as if he knew he had the Planning Department in his pocket. He gave this impression so strongly that one attendee thought that the vote had already happened.

When someone commented "so this is a done deal" near the end of the meeting he did say no, that there was acually going to be a vote, but it did give several of us the impression that the Planning Department was just going to throw up its hands and grease this squeaky wheel. If that's true, I guess we end up back at the City Council, but I'll tell you, this is starting to feel like

groundhog day, We just went through this. Please give consideration to the people who actually live in and love this neighborhood, as opposed to someone who just wants to financially exploit it.

Roselyn Cicerone

From: alan ostner <alan.ostner@sbcglobal.net>
To: Jesse Fulcher <jfulcher@ci.fayetteville.ar.us>
CC: Alan Ostner-2 <alan.ostner@sbcglobal.net>, Brenda Thiel <ward1_pos1@ci.f...
Date: 3/8/2009 11:33 PM
Subject: Winkler Rezoning- Do Not Upzone!

Hello Fayetteville Planning Commissioners,

I am writing to voice my opposition to the Winkler Rezoning request for the property at the corner of South and College Streets. I believe the proposed Downtown General zoning designation on these properties will:

- 1) create a traffic danger for all drivers on those streets and
- 2) I believe up-zoning this property from Neighborhood Conservation to Downtown General is incompatible, cannibalistic, and destructive for the neighborhood.

This South Fayetteville neighborhood's borders will constantly be under attack from those seeking a higher zoning intensity. We as neighbors are currently attempting to PRESERVE the neighborhood that we see today. We are a neighborhood undergoing a renaissance and thus we are vulnerable to cannibalistic zoning changes such as this. The edges of our NC designation, such as this area, will always be the first place property owners will look to attempt to convince the City to upzone property. The proposed upzoning on the Winkler property is part of a domino effect that will ultimately ruin our neighborhood.

There is a large supply of DG-zoned land in this area that has been well-deliberated and agreed-upon with hundreds of citizens and Planning Staff over several months to create the Walker Plan. There is no shortage of DG here in this neighborhood. There simply must be a line in the sand where the "creep" of higher zoning must stop intruding into the vulnerable NC zoning district.

There is currently a project breaking ground under the NC zoning district barely 100 yards south of the Winkler property at the corner of South College and 4th Street. A single family home was removed 2 weeks ago to build a, most likely, 2-unit condo-type home that the NC designation allows. This is proof that the NC zoning district is successful, even in the worst economic downturn in our lifetimes! The NC zoning district is appropriate and very valuable in this town and in this neighborhood. NC allows 8 units per acre so it is twice as dense as RSF-4, the most common of neighborhood zoning districts.

NC is the successful future of Fayetteville!

Please forward this to the City Council with a DO NOT PASS recommendation.

Thank You

Alan Ostner

A L A N O S T N E R, A.S.L.A.
Landscape Architecture+Master Planning+Site Planning
110 West Meadow Avenue
Fayetteville, AR 72701-5229
479.575.0204 phone
aostner@howellvancuren.com
www.howellvancuren.com

Howell + Vancuren, Inc.

From: Jimmy Glenn <nailwood7542@yahoo.com>
To: jfulcher@ci.fayetteville.ar.us
Date: 3/9/09 9:10AM
Subject: Downtown General rezoning for Steve Winkler

My name is Jimmy Glenn. I live at 513 S. East in the Jennings Plus neighborhood and am writing you to express my hope for the denial of Mr. Winkler's request to have two of his lots rezoned from neighborhood conservation to downtown general.

When his request for all four of his lots to be rezoned was before the city council and denied the argument from myself and our neighborhood association was to have South St. as a buffer between downtown general and neighborhood conservation. I strongly believe that remains critical for our neighborhood.

On a personal note, after I spoke before the city council on that rezoning issue Mr. Winkler felt compelled to come to my house and verbally accost in my front yard asking "who the hell was I to tell him what he could do with his property." He has since used tactics bordering on harrassment to convince some members of the neighborhood to come around to the virtue of his project. I am sure none of these personal issues are important to the planning commission but I feel compelled to address them to you.

Thank you for your consideration, Jimmy Glenn

From: <Mikehills2000@cs.com>
To: <jfulcher@ci.fayetteville.ar.us>
Date: 3/8/2009 7:42 PM
Subject: WINKLER MANOR

Hello Mr. Fulcher.

I am Michael Hills, 25 East South Street, one of your constituents who is or could be pig-biting angry at Steve Winkler's attempt to overthrow for greedy reasons our agreed upon by everyone Walker Park Neighborhood Master Plan. I'm looking at waking up every day and seeing an apartment building where there should be two modest owner-occupied houses. We would rather not give absentee landlords the power to direct zoning policy in our neighborhood, even if they threaten meritless lawsuits.

I expect my beloved Fayetteville government to do the right thing. I'm coming to the Monday meeting because I can and because I'm concerned.

From: Louise Rozier <rozier@uark.edu>
To: <jfulcher@ci.fayetteville.ar.us>
Date: 3/9/2009 7:59 AM
Subject: Re-zoning petition

Dear Mr. Fulcher:

I am writing this letter in opposition to the rezoning of the properties located at 300 S. College Avenue from Neighborhood Conservation to Downtown General (Project # 09-3217). The owner of the properties, Mr. Winkler, is petitioning in order to build an apartment building which will house 12 studios apartments.

After attending Mr. Winkler's presentation and after proper consideration I oppose the rezoning for the following reasons:

1.. Traffic would increase in the adjoining streets in order to accommodate the residents of the building (as we are well aware the building would be located near one of the most dangerous intersections in town).

2.. The DG zone for the two parcels is incompatible with the vision of our neighborhood: ie. a place that fosters affordable houses and ownership. I have lived in the neighborhood for more than twenty years and I cannot help but notice that the structures in need of repairs are not owner occupied. Mr. Winkler's building entails 12 studio apartments. That is too high of a number for the space. Moreover, renters of studio apartments are by definition short term residents and, therefore, do not make long term commitments

3.. I fully appreciate the fact that Mr. Winkler bought proprieties in the neighborhood. I believe, however, that owning proprieties (and living elsewhere) should not supersede the wishes of the people who are residents as well as owners.

4.. Finally and very importantly: the city and its citizens worked very hard at achieving the present zoning; changing it would be a disregard of all the efforts that went into putting it into place.

Thank you very much for your time and attention.

Sincerely,

Louise Rozier

11, West South Street

521-8203

From: "Franklin Evarts" <franklin@ozarkvideo.com>
To: <jfulcher@ci.fayetteville.ar.us>
CC: "'Louise Rozier'" <rozier@uark.edu>, "'alan ostner'" <alan.ostner@sbcglo...
Date: 3/9/2009 8:21 AM
Subject: Change of zoning project - 09-3217

To whom it may concern,

My name is Franklin Evarts and I have lived in the Jennings Plus neighborhood for 20 years at 11 West South Street. I want to go on record as opposing the re-zoning request by Mr. Steve Winkler for project 09-3217. We in the neighborhood fought long and hard with some cost to have the zoning we now have. It has only been a year or so since the zoning was changed. I am afraid of setting the precedent of "pocket" re-zoning within our neighborhood. I am not against change, I am just against this re-zoning request. I am also concerned about an increase in traffic that 12 units will bring to our streets. Our neighborhood enjoys a great amount of pedestrian traffic, as well as bike traffic. Lastly, I am concerned that this project will change the look of our neighborhood which I feel is unique to all of Fayetteville. I appreciate the opportunity to voice my opinion. Thank you for your time.

Franklin Evarts

Production Manager

Ozark Film and Video Productions

Office-479-751-6631 ext 119

Cell - 479-236-1412

Fax-479-756-8636

City of Fayetteville
Fayetteville Planning Division
125 West Mountain Street
Fayetteville, AR 72701

Dear Fayetteville Planning Department,

I received notification that Steve and Michele Winkler are proposing studio apts. on the corner of 300 S. College and 145 E South St. I own a stacked duplex across the street at 307 S College. We do not want the Winkler's property changed to Downtown General.

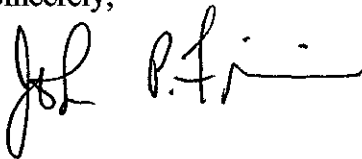
We supported and continue to support Neighborhood Conservation zoning.

Once the property zoning is changed, I understand the current owners can sell the property and the zoning conditions stay in place. This concerns me! With the current financial situation, finding bank financing for a project of this type is very, very difficult. Even if Mr. Winkler does not build his apartments, he can sell his property as a higher use parcel. We have no way of controlling what is built there after the zoning is changed. This concerns me. Regardless of Mr. Winkler's intent, I feel the impact of a multi-family structure in the middle of this residential neighborhood directly conflicts with the recent change to neighborhood Conservation.

If an individual property owner can change their parcel zoning I don't understand the point of Zoning.

Thank you for your time and consideration.

Sincerely,



John P Firmin
479-263-1164

John Firmin
18 W. Prospect,
Fayetteville AR 72701

From: "Liz Stover" <lizstover@sbcglobal.net>
To: <jfulcher@ci.fayetteville.ar.us>
Date: 3/7/2009 7:50 PM
Subject: feedback for Planning Commission re: Steve Winkler's proposed development

Mr. Fulcher,

Today I attended a neighborhood meeting regarding Steve Winkler's proposed development (12 studio apartments) at the corner of South St. and S. College. I have several concerns regarding this that I hope you will take into consideration. As I understand, the development will include 12 units with approximately 400 sq. feet each. Each unit will house 1 person per unit. The projected rents will be up to \$510 per month (not sure on whether utilities are included). Below are my concerns:

1.. The approval of such a development will set a precedent for other such developments encroaching on our single family neighborhood, which will make the neighborhood less desirable for people wanting to live in affordable single family environments. The buffer will be seriously diminished, and the increase in traffic, noise, litter etc. will have a negative effect on those of us who desire quiet, friendly, and stable environments.

2.. Mr. Winkler stated that the Planning Commission agreed that the development would not result in a significant increase in traffic. While it may be true that each development such as this will not in and of itself create a significant increase, the cumulative effect will be great. Each little increase will add incrementally to the areas of concern.

3.. The project has been presented as a solution to a shortage of workforce housing near the downtown area and that these units would cater to families making 50-80% of median household income. However, if the units are limited to 1 resident, the more correct target population would be those making 50-80% average per capita income, which is significantly lower, and I would guess that a \$510 studio apartment is not affordable to those people.

4.. Furthermore, the project has been presented as being compatible with the 2025 Plan for Fayetteville in that it addresses the concern of urban sprawl. While in the short term this may be true, if these types of units start popping up on every block or two, many of the single-family residents will find such neighborhoods to be less desirable and will relocate further away; this contributes to sprawl. I don't believe I've heard any desire for our city to be dominantly a rental community. Fayetteville must acknowledge that different residents value different things and there should be a livable place for all of us. The building of multiple family units can quickly swallow up a neighborhood, as we have seen in other locations around town. Quality of life is important and is measured differently by different people.

5.. In fact, the commission might inquire with the developer as to how many apartment buildings are located within a block or two of his residence if he, in fact, even lives in the Fayetteville area. I am assuming that he himself is not adding to urban sprawl and commuting from some outlying area.

6.. Having lived in this neighborhood for thirteen years, I have witnessed the increased traffic, noise, and litter that development has brought. I pick up trash on a daily basis that is tossed from vehicles speeding down Block Street. Try crossing Archibald Yell during rush hour when one would be walking to and from work (part of our 2025 Plan); each successful crossing is a minor miracle.

7.. Lastly, our residents value the diversity in our neighborhood and the relative quiet streets where we can stroll, garden, and mingle. We are not opposed to new ideas (or renters) but we also do not want to lose the very character that we so value and that brought us to this neighborhood. The joy of living in Fayetteville is that people usually feel their voices have been heard and sometimes it makes a difference.

Thank you for your time and consideration.

Sincerely,

Liz Stover, LSW, MEd

From: <dgraf@fayar.net>
To: <jfulcher@ci.fayetteville.ar.us>
Date: 3/8/2009 3:25 PM
Subject: Winkler housing project

Dear Mr. Fulcher, I am a resident of South Street (7 E. South St.). I am opposed to the Winkler project. This "ice-cube tray" of a housing structure will be a blight to the neighborhood and depreciate rather than appreciate everything around it.

Sincerely,
Darlene Graf

From: Alice Beetz <aliceb@ncat.org>
To: <jfulcher@ci.fayetteville.ar.us>
Date: 3/9/2009 3:25 PM
Subject: Re: Jennings Plus Neighborhood

Jesse,

This is a quick note to ask that you not approve an apartment building for our neighborhood.

We hope that you will hold the line at South Street so that there is a buffer between downtown

activity and our family style neighborhood can be maintained.

Traffic from such an apartment building would surely become a problem since there isn't a good

way to enter Archibald Yell going north. We would probably experience a lot of cars coming

south to 6th St. Because it's downhill, most drivers don't go slowly down to 6th.

Please help preserve the neighborhood we treasure!

Thanks,

Alice Beetz
512 S. East Ave.
Fayetteville, AR

PS: I have a question: It would be easy for me to walk to my workplace that's just west of the

Square. However, crossing Archibald Yell is very scary to a pedestrian. There used to be a

sidewalk continuing up from East, but now I try to cross at Block.

However, it's hard. I'm a bit

disabled, so running doesn't work for me.

It seems that a lot of S. Fayetteville walkers are affected by this problem.

Could there be a cross walk?

Thanks for getting back to me on this.

Alice

To: City of Fayetteville Planning Dept.

Re: Proposed rezoning of Winkler properties on South College and East South

As a person who lives and works in South Fayetteville, I was quite pleased with both the process and the result of the meetings that determined the new zoning requirements for the Walker Park neighborhood. A lot of time and thought went into the decisions that resulted in the current zoning map, and both city representatives and the great majority of neighborhood residents felt the map as it stands right now reflects the vision that those residents have for their neighborhood.

There is an excellent reason for having the boundaries between those areas considered neighborhood conservation and those those designated downtown general remain where they are, at least in respect to the lots under consideration. Business 71 is a natural boundary. A very short block from the property in question business 71 sweeps around the curve of Archibald Yell with four lanes of traffic. At that juncture South College Avenue becomes a narrow two lane residential street. That intersection, at which Mountain St., Rock St., Archibald Yell and South College meet, was described to me by a member of the Fayetteville Police Department as one of the most dangerous intersections in Fayetteville. As recently as last year there was an attempt to design some kind of traffic calming measure for that area, but no one could devise anything that wouldn't cause unacceptable problems elsewhere in the neighborhood. Tripling the population on a corner that can't be more than about 400 feet from that intersection can do nothing but exacerbate an already existing problem.

Though there is no doubt that there are structures suffering from deferred maintenance in the neighborhood (particularly on that first short neighborhood block directly north of the site of the proposed rezoning) this is certainly not true of the neighborhood as a whole. I in fact heard many positive comments from out of state workers cleaning up after the ice storm regarding what an attractive neighborhood this is. A picture of my next door neighbor's house appeared in a national publication doing a story on the best affordable houses in the U.S. This particular street at least is in no way "depressed", and we are within less than half a city block of the proposed apartment building. The picture of the concrete box in the Winkler folder certainly does show a building that's the biggest eyesore within a square mile, but I don't see that packing twelve units on less than 2/3 of an acre across the street will help that. It will only harm the rest of the neighborhood. Since a picture is famously worth a thousand words, I'm including pictures of structures within sight of the property as a counterbalance to the pictures provided by the Winklers, with explanations of where they are on the back.

The property owners state that they don't intend for these units to be student housing. I wouldn't think it was legal to discriminate against students, but in any case that's beside the point. People making even an adequate living are not going to live long in a 400 square foot space. Student or not, they will be relatively transient and have no investment in this neighborhood. There are many different aspects of affordable housing. The vision for this neighborhood was clearly affordable houses, not warehousing as many people as possible in the smallest possible space. This area has not been improved by rental spaces. Indeed, those eyesores that still exist are generally rental units. This neighborhood has been improved by individuals who have bought houses and steadily worked to improve them, homeowners more interested in a certain quality of life than in living in a McMansion. I've been watching this happen in a slow but steady way for the last 25 years. It would be a literal shame for the City of Fayetteville to

From: <anarc13@sbcglobal.net>
To: <jfulcher@ci.fayetteville.ar.us>
Date: 3/9/2009 10:24 PM
Subject: zoning

Mr. Fulcher,

I am not in favor of the Winkler rezoning request for property on South St.

It would create traffic congestion and danger. This is also not compatible with the kind of neighborhood this is.

Arden Kate Fayetteville resident

February 23, 2009

Planning Commission
City of Fayetteville
Administration Building
Fayetteville, Arkansas 72701

This letter is in response to the proposed rezoning of the corner of South and College (RZN 09-3217).

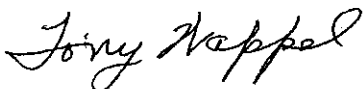
I am opposed to this rezoning for two reasons:

1. In 2007 and 2008 hundreds of residents of the Walker Park Neighborhood participated in the Walker Park Master Plan charettes. All parties involved, including the City Council of the City of Fayetteville, agreed that this part of South Street should be zoned Neighborhood Conservation. I understood that South Street would be the boundary line between the Downtown General and Neighborhood Conservation zones. The majority of us living on South Street are generally ok with this, even knowing that someday the north side of our street could radically change. However, we want to maintain this line so the remainder of our neighborhood doesn't gradually turn into a massive apartment complex. There are many fine single family homes here that have been and/or are currently being restored to very livable conditions. **Allowing apartments to CREEP into the current NC zoning district will just devalue our properties. Another "domino property" could fall next year and then the next year and the NC zoning district in our neighborhood would be ruined.**

2. This portion of South Street is much narrower than the rest of the Street when measured with the allowed on-street parking. The property in question sits right near a blind curve. Like the rest of the street, this portion of South Street has a lot of traffic at 8:00 am and 5:00 pm. As in all of Fayetteville, motorists speed through this area and on many occasions I have had near miss head-on collisions. **Making this area more dense would make the TRAFFIC EVEN MORE DANGEROUS since this was intended to be a low-volume winding neighborhood street.**

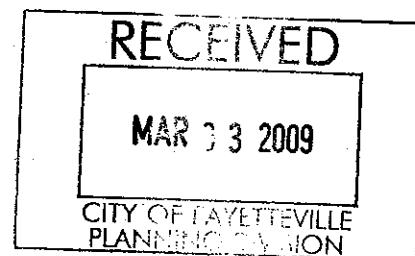
In closing, I understand Mr. Winkler's desire to redevelop his property. **There is a recently approved development currently underway less than a block south at the corner of 4th & College using the NC zoning designation. This NC zoning is appropriate and compatible with the neighborhood and can obviously be profitable to a developer such as Mr. Winkler.**

Respectfully,



Tony Wappel

11 East South Street
Fayetteville, Arkansas 72701



Meeting Minutes

RZN 08-2971: (WALKER PARK NEIGHBORHOOD): Submitted by THE CITY OF FAYETTEVILLE. THE SUBJECT PROPERTIES ARE ROUGHLY BOUNDED BY ARCHIBALD YELL BLVD., HUNTSVILLE ROAD, MORNINGSIDE DRIVE, 15TH STREET AND S. SCHOOL AVENUE. The properties are zoned RMF-24, MULTIFAMILY - 24 UNITS/ACRE, C-2, THOROUGHFARE COMMERCIAL AND P-1, INSTITUTIONAL and contain approximately 303.45 acres. The request is to rezone the various properties within the boundaries of the Walker Park Neighborhood to NC, Neighborhood Commercial (128.19 acres), DG, Downtown General (107.41 acres), and MSC, Main Street Center (19.94 acres.)

Karen Minkel, Senior Long Range Planner, gave the staff report, recommending forwarding the rezoning to City Council. Minkel reviewed the comments received by staff from property owners in the area, some of which would like to see changes to the map.

Public comment:

Dorothy Ashworth, citizen, owns property at 636 S. Wood Ave. and stated that she had never received information about this. She opposes the rezoning for her property, which is a house on one acre currently zoned RMF-24. Her family purchased the house as an investment, and the proposed zoning would not allow her to develop.

Alan Ostner, citizen, and president of Jennings Plus Neighborhood Association, stated that he represents a great number of neighbors and that this proposal is progressive and more accurately represents the way the area has developed. The neighborhood is primarily single-family residential on small lots, 2 ½ times the density of conventional subdivisions. As neighborhood president, this map was reviewed by the Jennings Plus association, with 35-40 members present. Certain parts got unanimous approval, while others did not. Residents were in favor of almost all green (Neighborhood Conservation) areas. Blue (Downtown General) was supported around Jefferson almost unanimously. The response to blue along Hwy 71 was mixed. Some thought it was appropriate, while some thought it should be more dense. The intersection at 15th and 71B received nearly unanimous approval. People who lived in Bayat were not happy at all. They felt that the blue between Wood & Willow was too dense. The blue at Huntsville & Morningside was perceived as too large. The Blue area behind Walgreens received nearly unanimous disapproval. Nearby neighbors thought that Walgreens being commercial and the Sycamore Lofts were sufficient and zoned appropriately, but to domino across Locust on this east side was inappropriate. This area is mostly low-slung apartments or single-family homes that have been there a long time. The group thought it would be more fair to make the area dark green down to 6th. It seemed more appropriate to keep the area south of 6th green. Other things the neighborhood talked about included: 1) When asked if they only had a yes or no vote, most people said it was not perfect, but yes, the proposed rezoning was better than the current situation. If they had a chance to alter it, they said they would, in different ways. 2) Residents also commented on being perplexed by the recent addition and subsequent removal of crosswalk on Archibald Yell and South St. 3) They asked if the street designations were changing with this rezoning or if that was later? They thought several streets really had a problem with dangerous cut-through traffic.

Aubrey Sheperd, citizen, stated he owns a tiny house on a tiny lot on E. South St. He agreed that the small single-family lots downtown are a wonderful thing. He discussed neighborhood involvement, flooding, drainage, disturbance, and what this involves with future connections between human uses and vegetation. He liked the Master Plan effort and is glad it was done locally. There is a reason where in every case you should try to minimize the amount of ground disturbed, in order for it to control stormwater naturally. He was not sure people around Jefferson were aware of the rezoning and counseled the City to proceed with caution.

Trey Morrison, citizen, owns lots 107 or 109 on 6th Street, and stated that he had been working on a project for 8 months with staff. He added that changing the zoning would make him start over. He requested that the property be rezoned to Downtown General instead of Neighborhood Conservation to salvage some of the work he has done.

Mark Sugg, citizen, owns property in planned area. He first had questions for staff regarding new roads and lots in the Walker Park area. He stated that he participated in the City Plan 2025 charette, with which city staff did an outstanding job. He owns some property east of Jefferson Square, between 6th & 7th. He stated that the east side of Willow should be Downtown General to complete the square block. He questioned the Neighborhood Conservation zoning on the east side of Morningside. With a high school potentially locating east, he thought that Downtown General might be more appropriate. He saw no reason for the block at Huntsville and Morningside to be zoned Downtown General. The southeast corner, a large Downtown General area, is already developed with senior housing. He stated that along 15th and Morningside, Downtown General is appropriate, but not as deep into the neighborhood as it will be at Huntsville and Morningside. He did not see a need to have Downtown General that deep into the neighborhood. He did hope that the rezoning would go forward.

Pat Antell, citizen, lives in the area, on College Ave. She stated that the area is single-family homes and asked how close her property would be to development zones. She stated that the area is a neighborhood, which is why she had lived there so long. She could stand on her porch and talk to neighbors on both sides and wanted to know more about how neighborhood could develop, what's appropriate, and what is not. Her home is paid for, and she would like to see value added. Her main concern is proliferation of inexpensive rental units, which will increase the traffic. She stated that these streets are not made for that type of traffic. She also valued the trees in the neighborhood. She would like to be involved and kept aware of events in the future.

Lib Horn, citizen, stated that she was one of 200 that participated in the charette. She commended staff for the job they did. She lives on 6th Street in the Walker Park neighborhood and takes pride in the neighborhood. She stated that they have front porches and they visit. She stated that they need affordable and mixed housing due to a problem of providing housing to people who need help.

No additional public comment was received.

Commissioner Trumbo asked about nonconforming uses.

Jeremy Pate, Director of Current Planning, described the ordinance. The Plan tries to make most uses conforming, but some will be nonconforming. A provision exists where if a non-conforming use is destroyed, it cannot come back forward. The goal is to make more uses and structures that are conforming.

Commissioner Trumbo asked about Mr. Morrison's concerns.

Pate stated it was something for the Planning Commission to consider in their decision.

Commissioner Trumbo asked about the area on Morningside, and the areas that are RMF-24 that will become Neighborhood Conservation.

Minkel stated that 10 units per acre was the maximum density allowed in Neighborhood Conservation for only single and two-family units by right.

Commissioner Trumbo asked about Downtown General zoning on Huntsville Road, in regards to why it is so deep at Huntsville and Morningside, and why it is necessary.

Minkel stated that the Downtown General at Huntsville and Morningside, and the Downtown General that extends north from 15th, were to reflect existing uses within those areas.

Commissioner Trumbo asked about street designations.

Minkel said they would be changing after the rezoning has gone through. At that point, staff would go back and look at the streets.

Commissioner Anthes brought up confusion about the zoning designations and what they mean. Several comments about Downtown Commercial indicated a perception of Downtown General as a commercial zone, which it is not. Its purpose is a flexible zone and has a mix of uses that are not allowed in straight residential zoning. It is meant to be more intense than Neighborhood Conservation but still primarily residential. She wondered if staff could comment on the zoning districts and clarify them for the audience. There were also comments made about this being a development plan and not wanting apartment buildings next to a single-family property. This is actually a downzoning in most areas, which also broadens uses allowed, so it is not a single-use zoning district anymore. Also, staff has done an incredible job of getting the word out about the planning process and the rezoning.

Minkel described the existing zoning, and the proposed zoning districts.

Commissioner Anthes stated she would like to hear comments about nonconforming uses and existing structures.

Pate discussed how property owners could always request a conditional use permit, variance, or

rezone on a case by case basis.

Commissioner Anthes stated she thinks staff has done an excellent job and has formalized the intentions of the Illustrative plan. She hoped residents would read the zoning descriptions and asked to discuss some of the discrepancies between the map and the zoning proposed.

Minkel stated the illustrative plan was conceptual only, and there were a few instances where, if Neighborhood Conservation allowed rowhouses it would certainly be appropriate. The concern was that there were some areas that are shown as having rowhouses – there were some key areas in the Illustrative Plan that had rowhouses – but staff didn't feel it would necessarily be appropriate to have a restaurant in the middle of that neighborhood. That is why blue does not extend father up into those key areas that did show greater density or different uses than you see in Neighborhood Conservation. There was a decision that had to be made as to whether you extend Downtown General zoning into those neighborhoods and then see whether a professional office or restaurant came in place of the rowhouses, which served as a border between the single-family homes and more dense uses conceptually in the Illustrative master plan.

Commissioner Anthes stated that on 6th St, coming from Huntsville heading west, as you cross Wood and head towards Jefferson Square, is an area with a higher density pattern shown on the Illustrative plan. In her mind, that area is one of those areas that could handle perhaps a higher density than Neighborhood Conservation. It is what's happening there and that will be a major intersection. She would like to see staff look at something more intense. She also discussed the Morningside Drive property, which will likely be more dense. It is the site recommended for a high school, but it is only a matter of time before that property develops and will likely have a higher density level. Blue along its length is a valid consideration. At the intersection of 11th and Washington Avenue, there are areas that link blue with the park and she wondered if there was any way to look at that as an intersection. She stated that she understood the comments about Walgreens, but in looking at Downtown General, she didn't see that the zoning would be too high. Staff could also focus in on the area east of Jefferson Square and perhaps make nodes that would make sense with the illustrative plan.

Commissioner Trumbo agreed with Commissioner Anthes regarding Morningside, saying we need to look at the future use there, especially if it's a high school coming in, and concurs that 6th & Wood seemed like a place for a commercial node, or a more intense use than Downtown General. He stated that he appreciates staff looking at this. If the area continued to be built around the existing RMF-24 density it would not be the type of neighborhood desired by the community.

Commissioner Anthes stated that she liked the fact that 15th & S. School is called out as having higher traffic, as the Main Street Center zoning reflected a commercial node there. The Downtown General was good as a transition zone along S. School. She asked a question regarding specific areas that the Planning Commission would like looked at further and whether staff would prefer for the Planning Commission to look at these are more closely or allow the City Council to do that.

Minkel stated that ideally the more concerns addressed now meant less later on.

Motion:

Commissioner Anthes made a motion to table the rezoning until the May 12th, 2008 Planning Commission meeting. **Commissioner Trumbo** seconded the motion. **Upon roll call the motion passed with a vote of 7-0-0.**

New Business:

RZN 08-2971: (WALKER PARK NEIGHBORHOOD): Submitted by THE CITY OF FAYETTEVILLE. THE SUBJECT PROPERTIES ARE ROUGHLY BOUNDED BY ARCHIBALD YELL BLVD., HUNTSVILLE ROAD, MORNINGSIDE DRIVE, 15TH STREET AND S. SCHOOL AVENUE. The properties are zoned RMF-24, MULTI FAMILY – 24 UNITS/ACRE, C-2, THOROUGHFARE COMMERCIAL AND P-1, INSTITUTIONAL and contain approximately 303.45 acres. The request is to rezone the various properties within the boundaries of the Walker Park Neighborhood to NC, Neighborhood Conservation (128.19 acres), DG, Downtown General (107.41 acres), and MSC, Main Street Center (19.94 acres). Planner: Karen Minkel

Karen Minkel, Senior Long Range Planner, gave the staff report, stating that the Planning Commission conducted a work session on May 6, 2008 to discuss issues from the last Planning Commission meeting. The following areas were included in the discussion: 1) Morningside Drive (Downtown General too large or too small); 2) 6th Street and Wood Avenue (Downtown General appropriate to create a node); 3) Willow Avenue and 6th Street (Downtown General appropriate to complete Jefferson Square); 4) 4th Street and Washington Avenue (Downtown General appropriate to match Illustrative Plan); 5) 11th Street and Willow [not an existing street] (Downtown General appropriate to match illustrative plan, too much Downtown General); 6) Parcels behind Walgreens (Downtown General or Neighborhood Conservation); and 7) South School Avenue (Main Street Center area made larger). Individual parcels that were brought to staff's attention by property owners were also discussed: 1) Trey Morrison – 2 parcels SE corner of Church Avenue and 6th Street; 2) Mark Sugg – 3 parcels on 7th Street b/w Wood and Willow; 3) Dorothy Ashworth – 1 parcel NE corner of 7th Street and Wood Avenue; and 4) Marc Crandall – 1 parcel on Wood Avenue between 7th Street and 15th Street. Staff is recommending that if the zoning map is changed, staff would like to re-mail the neighbors to give ample notification.

Randy Nix, citizen, stated he lives at 1372 S. College Ave, and wished to speak in favor of the rezoning. He said that the concept of neighborhood is very important in this city. He and his wife looked for 2 years for a permanent and last home, and found exactly what he wanted in the Walker Park Neighborhood. It is a multi-generational, multi-ethnic neighborhood, and suits their style. The affordability of the neighborhood was very attractive to them. They were able to buy a home, bring it up to City standards, while keeping it small, which is often hard to find in this city. A smaller home and smaller yard means a large discretionary income for us at the end of a month. It is close to the town center and close to the University. The rezoning will continue to enhance the sustainability of a true neighborhood.

Rob Lewis, citizen, stated he was the owner of the City Lumber Company on S. School Ave. He wanted to make sure his business is still in compliance with the rezoning. It's been on S. School since 1959 and has been in Fayetteville for 82 years. He said his understanding is that Downtown General is primarily residential, with some businesses allowed. This may be the case with the Jefferson School area but it is not the same for S. School, which is all businesses. According to the Downtown Master Plan, Main Street Center was to be a core area that had a 1/2-mile radius; if 15th & School, and 6th & School are to be Main Street Center, then a half-mile radius would overlap. This

would place City Lumber in a Main Street Center zone.

Rick Woods, representative for Marc Crandall, who owns 900-914 S. Wood Avenue stated that he was not here to challenge the rezoning in its broad scheme, but was here to discuss the spot zoning comment. He asked that Mr. Crandall's property be zoned Downtown General to reflect the existing use, which is multi-family. The proposed rezoning would affect the ability to finance, sell, and will alter the property value. He cited a zoning case in Little Rock where the zoning ordinance was challenged and considered a taking. He wanted these properties to be Downtown General to save trouble and further legal costs.

Commissioner Graves asked if staff could address the City Lumber question regarding the use.

Minkel stated that staff is researching the use currently to determine if the use is industrial or commercial, the latter of which would be allowed by a Conditional Use Permit.

Commissioner Graves asked if the City Attorney could speak to the rezoning of a property that creates a nonconforming use, when it is conforming now.

Kit Williams, City Attorney, discussed compatibility and spot zoning. The Planning Commission needs to look carefully at each property owner's situation and how fair or unfair it is to change the rules for a property owner. Normally a down-zoning is not considered a taking on undeveloped land. As long as substantial value remains in the property, the Supreme Court has found typically that it is not a constitutional violation. The Planning Commission needs to look very carefully at each case and try to work with property owners that have existing property that is developed.

Commissioner Anthes asked Mr. Woods if some of the units are separate lots and have been sold.

Woods stated that they were sold as condominiums, not separate lots.

Commissioner Winston asked if it is possible to split the units into separate lots.

Marc Crandall, owner, stated it was not possible, that he has attempted that option.

Commissioner Anthes stated that in the downtown rezoning there was more up-zoning than down-zoning. She asked if the City has allowed multiple property owners to come together and rezone with one application and fee.

Williams stated that yes, the City has allowed this in the past, but this is a neighborhood rezoning and so now is the time to review these cases, instead of placing the burden on the property owner later. The Planning Commission did not want property owners to come back again. No ordinance says you can't spot zone. You can take that into consideration, but it is not the only thing. You can take the development into account also. You must ask if the existing use is compatible with what is around it.

Jeremy Pate, Director of Current Planning, discussed incompatibility of uses within various zoning districts and stated that these decisions are policy decisions. The challenge with a Downtown General zoning district in this particular area is not that multi-family is incompatible but other uses that are allowed may be. For example, would a City Lumber be appropriate in this location, surrounded by single family residential uses? This is staff's concern, for the compatibility not of what is there currently, but what is allowed with a new zoning district.

Williams stated that one suggestion would be to use an existing multi-family district, with a lower density. Condos would be as-of-right but you would know you wouldn't see a service station sometime in the future.

Crandall stated the zoning was currently RMF-24 and he had 7 units on one-half acre. He would be amenable to a multi-family zoning that accommodates that.

Commissioner Trumbo stated he would like the multi-family in Neighborhood Conservation in some cases, and perhaps it could be revisited as a conditional use permit.

Commissioner Myres stated that she understood staff's concerns but was open to looking at anything that works and is most efficient for achieving the goals of the Plan, whether it's allowing multi-family as a conditional use or using some sort of multi-family zoning district.

Motion:

Commissioner Lack made a motion to modify the map for the Crandall parcel to be rezoned to the lowest density of multi-family zoning available. **Commissioner Anthes** seconded the motion.

Commissioner Graves stated he would like to be more specific, and would recommend RMF-12. This zoning district would be slightly lower than the 7 units on one-half acre, but would likely not constitute a taking.

Commissioner Anthes confirmed that this would come back to Planning Commission after the notification, so that this is not necessarily the final recommendation.

Commissioner Cabe stated he was okay with Downtown General at that location and living with an eclectic neighborhood.

Commissioner Anthes stated she also likes the downtown zones, but because this is so embedded in that neighborhood conservation area and the neighbors expressed strong feelings about the established neighborhood, she is thrilled that the multi-family zoning district is an option.

Upon roll call the motion to modify the Crandall property to multi-family zoning of lower density passed with a vote of 9-0-0.

Commissioner Trumbo stated that on the City Lumber property, we are waiting on a determination

of whether it is industrial or commercial.

Minkel stated that this was correct.

Motion:

Commissioner Anthes made a motion to accept the changes as noted on the May 12 draft rezoning map, with the addition of the previous motion, just approved. **Commissioner Myres** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Commissioner Myres stated she was in favor of accepting the working group's recommendations on parcels B & C.

Commissioner Graves asked about the Sugg and Ashworth properties.

Minkel stated that the Ashworth parcel has a single-family residence. The Sugg property includes a parcel that is vacant and two parcels that possibly have small multi-family structures or a duplex.

Trumbo asked what Commissioner Anthes' thoughts are on adding multi-family back into Neighborhood Conservation. This might create an option for looking at properties individually.

Commissioner Anthes stated that if you look at the Illustrative Plan that has been adopted, there are some areas of high density next to areas of single family detached. Obviously staff had to make a choice on what to recommend to zone these properties, and some of those don't necessarily fit exactly with the Illustrative Plan. A Conditional Use Permit for multifamily in Neighborhood Conservation would add a tool to allow the predictability, but still the mixture of housing choices.

Kennedy asked if staff is going to evaluate all of the uses up and down S. School to determine if the uses there are allowed, like with City Lumber.

Minkel stated that staff has notified everyone, and assumes that if no one is contacting us, that they are OK with the rezoning.

Pate stated that it is very likely many of the businesses up and down S. School do not have Certificates of Zoning Compliance. While researching each and every one may provide more information, it may also bring up large issues of code compliance. Staff is not prepared to conduct that investigation at this time, and our enforcement policy is typically complaint-driven.

Commissioner Anthes asked if there are ways to waive fees or provide relief for a time associated with this rezoning.

Williams stated that yes, City Council could do that if they wanted to so.

Motion:

Commissioner Cabe made a motion to table the rezoning indefinitely. **Commissioner Myres** seconded the motion. **Upon roll call the motion was approved by a vote of 9-0-0.**

All business being concluded, the meeting was adjourned at 6:33 PM.

New Business:

RZN 08-2971: (WALKER PARK NEIGHBORHOOD): Submitted by THE CITY OF FAYETTEVILLE. THE SUBJECT PROPERTIES ARE ROUGLY BOUNDED BY ARCHIBALD YELL BLVD., HUNTSVILLE RD., MORNINGSIDE DR., 15TH STREET AND S. SCHOOL AVENUE. The properties are zoned RMF-24, MULTI FAMILY – 24 UNITS/ACRE, C-2, THOROUGHFARE COMMERCIAL AND P-1, INSTITUTIONAL and contain approximately 303.45 acres. The request is to rezone the various properties within the boundaries of the Walker Park Neighborhood to NC, Neighborhood Conservation (124.34 acres), DG, Downtown General (101.35 acres), RMF-18, Multi-Family – 18 units/acre (0.48 acres) and MSC, Main Street Center (28.62 acres).

Karen Minkel, Interim Director of Long Range Planning, gave the staff report, and background. She discussed questions raised by PC members in a previous meeting regarding specific properties, including correspondence received from individual neighbors.

Dorothy Ashworth, citizen, owns property at 636 Wood Ave. She stated that the property is a little over an acre and was purchased in 2005 with the intention of someday possibly developing it. The property adjoining to the north is proposed to be zoned as Downtown General, and the property adjoining to the east is zoned as a PZD; townhomes are going in there and it's somewhat commercial. She would like to have the option to develop rather than the Neighborhood Conservation where you are more limited as to what you can do with the property.

Steve Winkler, stated he has four parcels involved on the south side of South St from College to Washington, surrounded entirely by Downtown General. The nature of the property is going to be consistent with what is across the street. He purchased the land in 1995 with the RMF-24 zoning. His intent is to pursue development. The homes on the property are livable but have no future. The value of the property is in the land, not the existing single-family homes.

No additional public comment was received.

Commissioner Anthes asked for the staff recommendation on the additional requests.

Minkel stated she thinks that in terms of Mr. Little's property, which is in the middle of the NC, staff would recommend leaving it Neighborhood Conservation; it is in the middle of established single-family homes. The other two cases, the Ashworth and Winkler properties, have a case to be made for either side. They are compatible with the zoning districts around them, and at the Planning Commission work session, the Ashworth property was discussed and the Planning commissioners went back and forth on it because the existing uses around it would make it compatible if it were Downtown General. In the case of the Winkler property, it was surrounded by other zoning districts where Downtown General would make it compatible, and that block has not seen the restoration work that has happened on the single family homes on the South St. block just west of it. Downtown General might allow for redevelopment in the future of that block, which might be a benefit to the neighborhood. So these are both cases where you could make a case either way and staff could be

comfortable with the Downtown General or Neighborhood Conservation zoning districts for those two instances.

Motion:

Commissioner Anthes made a motion to forward the request to City Council with a recommendation for approval, based on the map with changes, with the south side of South Street between College and Washington (the Winkler property) designated as Downtown General. **Commissioner Lack** seconded the motion.

Jeremy Pate, Director of Current Planning, stated that the Planning Commission should be aware that the map in front of them was the one they were voting on, which included the changes that were made over the last few meetings, with the amendments recommended in the motion.

Commissioner Lack stated that although he wasn't at the work session where the property south of Wood and 6th was discussed, when he looked at the property there, the topography was a determining factor for him in terms of why he wouldn't necessarily recommend that it is the appropriate planning move to deepen the Downtown General. The slope there suggests that the part best suited for the Downtown General zoning would be the parcels closer to 6th St., which are already in this map depicted that way. He had some reservation about what we call the Winkler Property on South St. in that there seems to be an edge there now; the properties to the north side of South Street seem to be of a different character and not of that same residential character that the South side depicts in lot and usage. So I have some reservations about that but also go back to honoring an ideal of transect zoning and why not necessarily zoning by street, but allowing street to be compatible and usable on both sides. That's where I can find resolution with that one.

Commissioner Trumbo stated that when the Downtown Master Plan was approved, the City Council took out multi-family as a conditional use, and that was a mistake. He would vote for this motion, but thought the City Council should re-look at allowing multi-family in Neighborhood Conservation. They will have a lot of people questioning the rezoning of multi-family to neighborhood conservation, so the City Council should look at that.

Upon roll call, the motion passed with a vote of 8-0-0.



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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5151 as Recorded in the office of the City Clerk

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

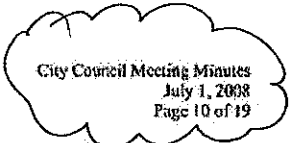
City Attorney Kit Williams read the ordinance.

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

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

Kit Williams: Six months would be fine with me.

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



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

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

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

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

Karen Minkel: That is correct.

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

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

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

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

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

Alderman Ferrell: For nonconforming?

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

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

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

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

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

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

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

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

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

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

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

Alderman Lucas: What was South Street originally?

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

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

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

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

This ordinance was left on the First Reading.

Arkansas Department of Aeronautics Grant: A resolution authorizing the Fayetteville Executive Airport staff to apply for a grant in the amount of \$68,235.00 from the Arkansas Department of Aeronautics to fund an Airfield Security Project.

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

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

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

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

Mayor Coody: Correct.

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

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

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

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

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

City Attorney Kit Williams read the ordinance.

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

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

Karen Minkel: Right.

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

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

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

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

A discussion followed on the different zoning districts.

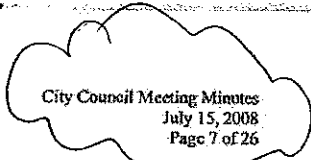
Steve Winkler, property owner pointed to the area they are talking about on the map. He said the objection at a previous meeting had to do with street width and the alley. He stated he measured the streets. He described the area to the Council, the streets in the area, and the street widths. He stated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

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

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

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

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



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

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

Jimmy Glenn: Yes. Owner occupied.

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

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

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

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

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

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

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

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

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

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

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

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

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

City Attorney Kit Williams read the ordinance.

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

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

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

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

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

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

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

DRAFT

RZN 09-3217: (WINKLER / SOUTH & COLLEGE STS., 524): Submitted by STEVE & MICHELE WINKLER for property located at 300 S. COLLEGE AVENUE AND 145 E. SOUTH STREET. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.25 acres. The request is to rezone the subject property to DG, DOWNTOWN GENERAL.

Jesse Fulcher, Current Planner, gave the staff report, describing the request. This property was part of the Walker Park Master Plan adopted in 2008. In that Plan this property was slated to be zoned NC, Neighborhood Conservation. During review of that Plan, the Planning Commission recommended in favor of the applicant's request to have the property zoned DG, Downtown General. Once this request was in front of the City Council, the Council changed it to Neighborhood Conservation and that it how it was approved with the overall Walker Park Neighborhood Master Plan. The applicant has now come forward with his own individual request to have the Commission and Council look at his own property in the setting of this neighborhood. The original request was to have the 0.63 acres be zoned Downtown General, but staff expressed some concerns with compatibility, transition and density for rezoning that entire tract, which was all the property between S. College and Washington Avenue. The applicant has amended his request to be 0.25 acres approximately, that's only one tract between Washington and College. Staff feels that rezoning this small tract at a corner location along a fairly highly traveled street, College Avenue, bordered to the north by Downtown General, and catty-corner from Downtown General, would be appropriate both in use and intensity, and felt it also still managed to create an appropriate transition between those uses, this street and the existing neighborhood zoned NC to the south and east of this property. We felt that it was in line with the City Plan 2025 and the Walker Park Master Plan, both of which encourage a variety of housing types and trying to keep non-residential uses, which would be allowed by right by the Downtown General zoning district at corner locations. We felt that this rezoning, if left at the corner location, would be an appropriate change in zoning. We have recommended approval of this rezoning request. I did provide an additional packet of letters we received from the neighborhood. All those came in this weekend or today after our agenda meeting on Thursday. We did include all the meeting minutes from the previous Walker Park discussions for Planning Commission & City Council for your review.

Steve Winkler, applicant, stated he has been here before, and there's just one change made since then, we're not seeking the entire 0.68 acres but only the corner lot. I might also note that it says it's zoned NC, you might be aware that there's an appeal pending in Circuit Court for that. But it is for 0.25 acres. I have nothing to add to Staff's report. There is opposition to this. We took your recommendation to the City Council last time, and then we were denied because of neighborhood opposition evidently. We've tried to zero in on what the opposition is. We've talked to neighbors, we went to a neighborhood association meeting with the architect last Saturday to try and get some feedback and neighborhood participation. We think there are four categories of objection. One is the traffic. Another is that they didn't like the sketches that we had, which was very preliminary, just to show it's a modern-type building, three stories high. They thought it was ugly. I also asked whether it was the structure itself or the people within the structure that they didn't like, because there's a societal bias against people who rent. The other main objection that was people didn't want

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change. They want this to be set in the zoning in which it is. We don't want to change anybody else's zone, only the property we own. I think the City Plan 2025 is the best tool the City could have to get through these times.

Tony Wappel, neighbor, stated that his biggest concern with the rezone is that for several months last year and the year before we were all involved in the charrette process to set the future for the Walker Park neighborhood. People took lots of time to participate in that. City staff and the City Council approved the way we had it set up with Neighborhood Conservation, and this proposed Downtown General where Mr. Winkler is wanting to rezone was not ever considered until the very end in which a group of us signed a petition to stop it, and the City Council agreed, they said no this should remain Neighborhood Conservation. So my biggest concern is, are you really going to stand by the citizens that participate in the charrette process, or are you going to change it every time somebody with money wants to build apartment buildings. Otherwise what's the point of the charrette process? So, my only comment is to stick to the original plan and keep it Neighborhood Conservation.

Mike Hillis, neighbor, stated he believes he speaks for most of the neighborhood when he says he is opposed to the development. We have nothing like this apartment building in the neighborhood, we're all owner-occupied.

No further public comment was received.

Commissioner Cabe asked Mr. Williams if the Planning Commission needs to consider the fact that this issue is currently involved with an appeal in Circuit Court.

Kit Williams, City Attorney, stated that the Commissioners should not consider that.

Commissioner Lack stated that with the height regulations in Downtown General, my concern is knowing the slope. I'm not opposed to the higher density at the corners or right across from the other parcels zoned Downtown General or the transect zoning which is generally considered to be more appropriate at the back property lines, those things are all in favor of this. I am more concerned about the fact that the downhill side – because this is a sloping site – would have an amplified height ramification. If I could ask staff to go over the way the height would be measured, because my recollection of that is that it's measured from the natural grade at the lowest point of the building, which means that at the most south portion of the building the maximum height would be measured from that location.

Fulcher stated that the height is measured from the existing natural grade, so since the south side of the site would have the highest side of the building, that being the lowest portion of the site. So the 56 feet, or four stories, would be measured at that point, being the lowest portion of the site and the north being the highest portion of the site.

Commissioner Lack stated that the south property being the one most affected by that would be no different than if it were a flat site because it is that south property line, or south edge of the building,

that would regulate the height, and there would not be that amplification.

Andrew Garner, Senior Planner, stated that when you measure the height over a site, if the grade changes through the site, the maximum height of that building can change to follow the topography of the site as well. You measure it from that natural grade as the points change along so the envelope of the building height changes to follow that.

Commissioner Winston asked if it is appropriate to add a condition if we were to approve a zoning change, that any structure on this property would have to follow the height restrictions of Neighborhood Conservation zoning?

Williams stated that when a rezoning is brought before you, you cannot place additional restrictions on it. The zoning would be approved pursuant to the zoning ordinance. Occasionally you will find, especially in the past with broader zonings like RSF-1 or 2, an applicant asking to exclude certain uses or agree that the building will not cover more of the site, save trees, height, etc., with a Bill of Assurance. It can be offered by the applicant but it cannot be requested. We have no such Bill of Assurance here and we don't see them very much anymore because a lot of that is covered by PZDs, which are enforceable.

Commissioner Winston asked if a PZD would be just as appropriate as Downtown General for this location.

Fulcher stated that a PZD could be requested. Generally you look for a PZD to be used due to unique circumstances, maybe to change setbacks, height regulations, etc. and because of the setbacks allowed on this property, which are build-to zones on two sides, you can really build what he needs to and has a flexibility built into the zoning already. So we didn't feel that a PZD would be an appropriate request.

Williams stated that he doesn't feel you can demand a PZD. If somebody is requesting another type of zoning, then that is the request and for you to act upon that request rather than trying to request him to come back with a PZD.

Commissioner Myres stated she knows that we are considering just the rezoning request and not any plans that the applicant has to build on this, but I'm curious looking at the lot size, which is a quarter-acre, and some of the requirements under Downtown General for parking lots and setbacks and this sort of thing, and wondering how large a structure could be placed on this that would house 8, 10, 12 people and still have enough places for them to park. So there seems to be a lot of restrictions that are going to limit the size. I agree with Commissioner Lack that when you have four corners of an intersection that are already zoned one way then it doesn't seem strange to create a node that has essentially the same zoning on three separate corners. I'm generally in favor of this. I appreciate the neighbors' comments. I have no conclusions to make, I'll see what else others have to say.

Commissioner Anthes stated that when we see a rezoning request, we don't see the development

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proposal, so we have no idea other than what's been stated tonight what's planned for this site. So it's a pure rezoning request in front of us. As the Commissioner who made the motion to alter the map for Downtown General in this area based on the arguments that were made at the time when we were looking at the whole map, I can say that the reason I was really interested in what would happen in this area is this is a really unique link between S. College and S. Washington and connects to Huntsville Rd., and it's a unique situation in the City of Fayetteville. We don't have those kind of kooky street patterns where they get straightened out a lot. I thought it could be a really interesting project to see what could develop along that edge of that link knowing that Downtown General is still primarily a residential zone. It allows for some higher intensity use and higher intensity residential use and some commercial like a café or something. But it's not a commercial zoning district. Unfortunately, what I'd hoped would happen is those parcels would come along as a PZD that would create a front to South Street that would be a really interesting project that the neighbors would see as benefiting their area. While I agree with what Commissioners Lack and Myres had to say about corners and higher-intensity mixes at corners and what those corner properties can be, why I'm hesitating now is that the applicant has stated that they want to put a single-use multi-family residence on that corner, and I don't know that that in and of itself is fantastic in that location. The other thing is that the decision was made a short time ago by City Council to make this Neighborhood Conservation. I guess I'd like some comments from staff, since they recommended we forward this change to City Council, what do you think is different about what the Winklers are proposing now versus what they were asking for at the time of the mass rezoning that would change City Council's mind, since they are the policy-setting body and we are only the recommending body?

Jeremy Pate, Director of Development Services, stated that we asked the same question of ourselves, because a Council decision is a policy decision. One of the primary components is when we were looking at this originally it was several hundred acres. We're not looking at your typical zoning findings for a rezoning application on an individual property-by-property basis. We discussed this property amongst six others that had potential changes. I can guarantee you that someone within the Walker Park Neighborhood Master Plan will also come back forward and make rezoning requests as well, so we have to honor those on a case-by-case basis and review those accordingly. Looking at our City Plan 2025, our general policies, and guiding tools that we have, and also the Master Plan we've created. So, the zoning is certainly not set in stone, no zoning ever is, it's always something that a future City Council can change. It's a very short time from when that decision was made, but we have to look at it in context of what would be the findings that we go through support ultimately the recommendation that we make. So that's our first step, to look through those five or six findings that we have and see if it supports that recommendation ultimately.

Commissioner Graves stated that in follow up to the last comments that Commissioner Anthes made, I am not going to be in support of the rezoning request, and it primarily is because of the City Council action and the charrette process and the recent nature of it. This isn't a property that's been zoned this way for 10 years or 15 years and now someone's coming in asking to make a change. My concern with what Jeremy just stated is that while it is true that the Walker Park Neighborhood was zoned more on a large-scale basis, this is a property that was looked at specifically. There may be other properties within that MP that come forward and want to make a change to how they were zoned under that MP, but they may be a property that wasn't considered at that time. This is

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property was that brought up and looked at specifically, this body made a recommendation about it, and City Council set policy another way. So we now have feedback from the citizens of the area, and what they want to see in the design process, and it's not Downtown General. We have guidance from City Council in what they want to see, and it's not Downtown General. I just can't in good conscience, under those circumstances, vote to change the zoning when it's only been a year.

Commissioner Trumbo asked what the zoning was a year and a half ago prior to the most recent rezoning.

Fulcher stated that much like the majority of the area it was RME-24.

Commissioner Graves stated that the City Council had the definitions of DG and what the uses were in front of them when they decided to overrule this body on these parcels. They knew what it had been, they knew what the owner wanted it to be, and they still made the decision that they made.

Commissioner Cabe stated he would like to mirror Commissioner Graves' comments. The citizens spoke through the charrette process, City Council spoke by denying the rezoning earlier, and I too won't be able to support this.

Commissioner Winston stated he went to the neighborhood meeting and got a good feeling of what their reaction to it was and it wasn't necessarily strongly against, they were there to listen, to hear, to ask questions and that sort of thing. Most of those people have written letters saying they are opposed to this. A lot of those people have been involved with the Walker Park Neighborhood Master Plan, and I agree with Commissioner Graves that it hasn't had a chance to work yet, and it's too early to be making a change that goes against what the majority of the neighborhood and City Council have asked for. At the same time, I want to say that I agree with higher densities, multi-use, buffer zones, and nodes that have a great potential to be more than they are right now. That said, I will be not supporting this rezone.

Commissioner Kennedy stated he would probably be in support of this. If we say on one hand that the downtown amenities need to be available to more people, and on the other hand we say we have to keep this a single-family or two-family neighborhood. As we said, we're not looking at the exact development but as a general rule, I think that maybe a Downtown General zoning district in this spot would be something that we should support. We could probably criticize and see what comes up with when we see a development plan, but I think at this point, I'm in support of a rezone here that would allow more units in that neighborhood and benefit from the amenities that are there.

Commissioner Lack stated that his favor of the rezone would be without regard for issues such as what it had been zoned. I think in the past the blanket rezone was constitutional in its arrangement, its public meetings. I think the way all of that was taken care of was good. I think the idea of Downtown General is something I supported at the time because I felt it made good planning sense because that is what we are here to look at. I think we're still here to look at that from a policy standpoint, the same as we were at that time. As Mr. Pate has stated, at that time they looked at the findings, reasoned from the findings that it made sense according to the ordinance, and

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recommended it. Certainly, there is some interpretation there as there for us and for Council as well.

I believe our position to be to administer that as much as staff has said to look at the logic of that from an ordinance standpoint, and I think that is our only real task. I think that while I very much respect the action and decision of City Council, I don't know that I would say that that necessarily set into motion a formal policy with regard to this site that made any modifications to the UDC, or any modifications to the way that we would look at this site. I just wanted to make sure that I clarify that I do respect the actions of City Council with regard to the decision made on this site originally, but I feel from a planning standpoint that it does make sense.

Commissioner Graves stated that any Commissioner in favor of the rezoning, my suggestion would not be that they are doing anything wrong, I think this body has the ability, as it did the first go-around, to make recommendations to the City Council. This body may very well make the same recommendation that it did last time, and that is that this should be Downtown General as opposed to NC. My suggestion is that we are in a unique position here in having a lot more information than we normally have because of the charrette process and because of the City Council's action with regard to this particular property. We normally don't have that type of guidance and advance of a rezoning request about what the City Council thinks of the requested change. That's my rationale for voting against it tonight because I have that information. It's not to suggest that someone who wants to vote the other way is doing something beyond the power of this body, because I don't think that they are.

Commissioner Anthes asked staff what is the further approval process of the project if the proposed zoning is approved?

Pate stated that it would be a Site Improvement Plan, which is an administrative review that goes through staff review and through our Technical Plat Review process, which is utility companies and staff, and then building permit review.

Motion:

Commissioner Cabe made a motion to deny the request. **Commissioner Winston** seconded the motion.

Commissioner Trumbo stated he was going to vote against this motion. I respect what everybody has had to say on both sides. I tend to agree with Commissioner Anthes, I liked the original recommendation that we sent out from this body that was denied. I still agree with Commissioner Myres that this is a good node and a good place for Downtown General. Whether I'm supposed to or not, I do take into consideration the charrette process and the people against it, but also the property owner who did own some multi-family property here that has been changed since. I don't know if I should include that in my reasoning, but that is a factor. Those are my comments, and the reason I will be voting against this motion. Any other comments?

Upon roll call the motion failed by a vote of 4-5-0, with Commissioners Myres, Kennedy, Trumbo, Lack, and Anthes voting no.

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Commissioner Kennedy made a motion to forward the request to City Council with a recommendation of approval. **Commissioner Myres** seconded the motion. Upon roll call the motion passed with a vote of 5-4-0, with Commissioners Cabe, Bryant, Graves, and Winston voting no.

DRAFT

Maps

NW COR.
SW 1/4
15-16-30

LOT HUMBERED TWO (2) IN BLOCK ONE (1) OF COMBS ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, LESS AND EXCEPT THE FOLLOWING, TO-WIT: BEGINNING AT A POINT IN THE NORTHWEST CORNER OF THE ABOVE DESCRIBED LOT TWO (2) AND RUNNING THENCE EAST 30 FEET; THENCE RUNNING SOUTHWESTERLY IN A 30 FOOT RADIUS TO A POINT IN THE WEST LINE, SAID POINT BEING 30 FEET SOUTH OF THE NORTHWEST CORNER THEREOF RUNNING THENCE NORTH TO THE POINT OF BEGINNING.

OWNER: STEVE WINKLER

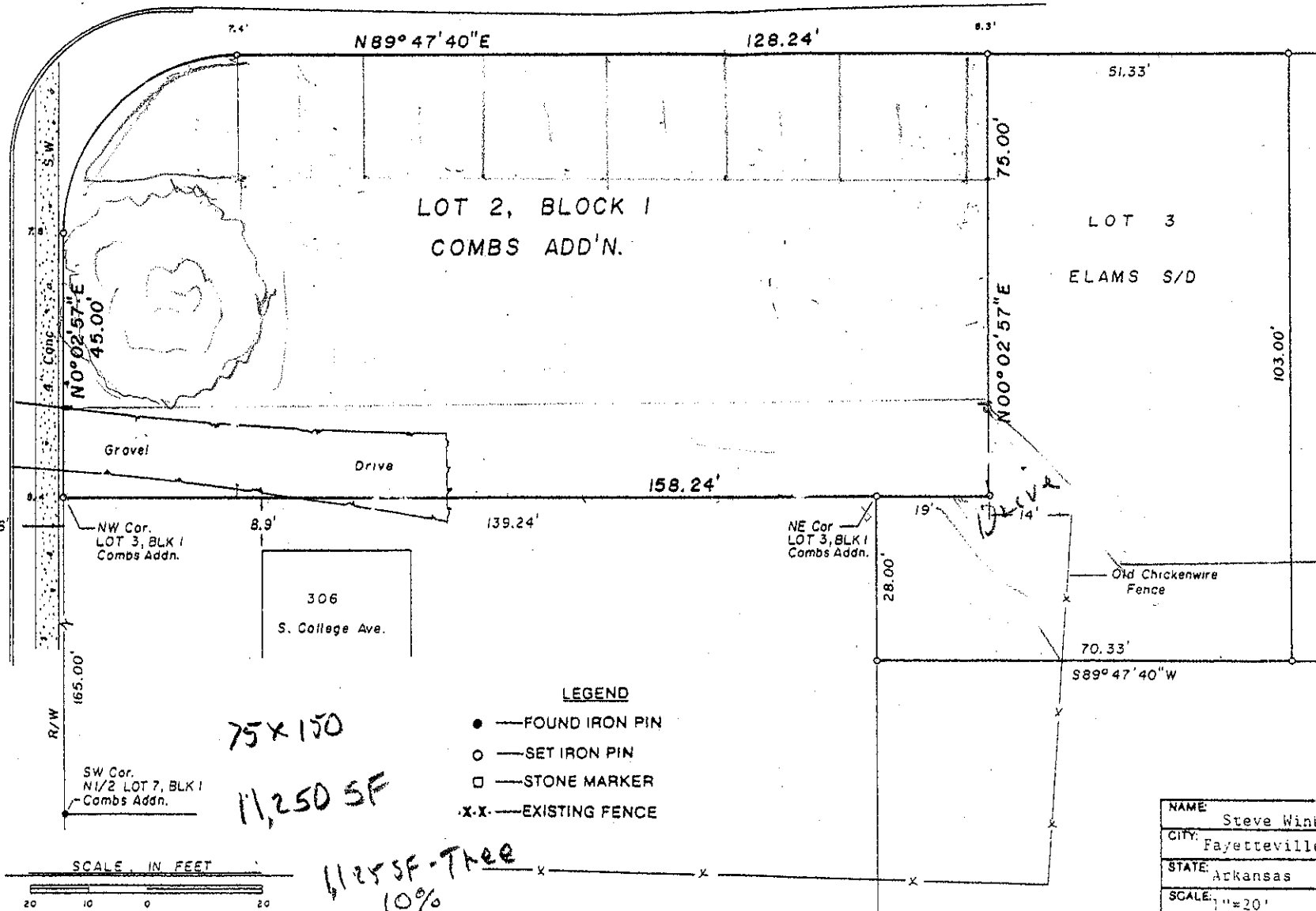
300 S. College Ave
SOUTH Phase I STREET



C. 5
RZN 09-3217 (Winkler)
Page 66 of 120
300 S. College Ave.
Fayetteville, Arkansas
501 444 8784
Fax: 444 0964

NOTE: THIS PROPERTY DOES NOT
FLOOD HAZARD AREAS INL
DETERMINED FROM THE FI
ARKANSAS, AND INCORPOR
05143C0092 C, EFFECTIV

2640.82'
COLLEGE AVE.
SOUTH



ST. MON.
SW COR
15-16-30

NAME	Steve Wink
CITY	Fayetteville
STATE	Arkansas
SCALE	1"=20'



Proposed Downtown General

Three parcels remain Neighborhood Conservation

E SOUTH ST

ALLEY 119

E SOUTH ST

S COLLEGE AVE

S WASHINGTON AVE

0 37.5 75 150 225 300 Feet

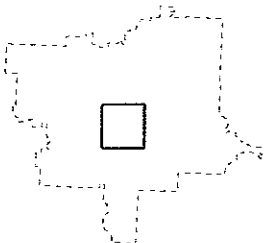
RZN09-3217

WINKLER/ SOUTH & COLLEGE STS.

One Mile View



Overview



Legend

Subject Property

RZN09-3217

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

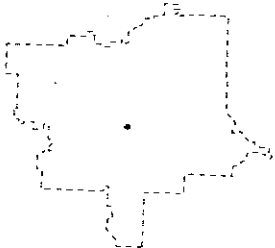
RZN09-3217

WINKLER/SOUTH & COLLEGE STS.

Future Land Use



Overview



Legend

Subject Property

RZN09-3217

Streets

Existing

Planned

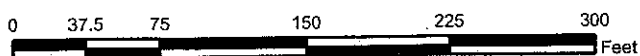
Boundary

Planning Area

Overlay District

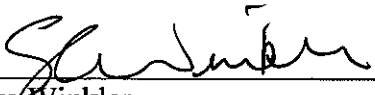
Outside City

Legend



I Steve Winkler request the below item be placed on the City Council Agenda for May 19, 2009

RZN 09-3217: (WINKLER / SOUTH & COLLEGE STS., 524): Submitted by STEVE & MICHELE WINKLER for property located at 300 S. COLLEGE AVENUE AND 145,173,184 E. SOUTH STREET. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.25 acres. The request is to rezone the subject property to DG, Downtown General. Planner: Jesse Fulcher



Steve Winkler



Date

Lisa Branson - Rezoning near Walker Park

From: City Clerk
To: Aldermen
Date: 3/27/2009 4:46 PM
Subject: Rezoning near Walker Park
CC: Branson, Lisa

City of Fayetteville
City Clerk's Office
113 W. Mountain
Fayetteville, AR 72701
479-575-8323

>>> Coralie Koonce <livanlern2002@yahoo.com> 3/27/2009 4:33 PM >>>

Dear Ma'am,

I am upset to learn that after so many neighborhood people worked and agreed on how to zone the area around Walker Park, the Planning Board just disregarded their wishes.

Would you please convey my displeasure to all the members of the Council. Why does the City invite citizens to participate in planning their neighborhood when an unelected Board has the power to undo anything they decide?

Thank you very much,
Coralie Koonce

From: Marian Kunetka <kunetka@uark.edu>
To: <city_clerk@ci.fayetteville.ar.us>
Date: 3/27/2009 2:17 PM
Subject: Winkler property rezoning

I was told that you would forward letters written to the entire City Council.

I have lived in South Fayetteville for ten years. I love my South Fayetteville neighborhood. My home is across the street from Walker Park and I am able to exercise as often as I would like.

I attended the "charettes" for the Walker Park neighborhood planning. Neighbors came together and worked with the city planners to come up with what we thought was the best thing for the future of our community. It took us several meetings to come to a plan that would work for all residents and the city planners. I was so excited when I read the article in "This Old House" about the process we went through and how forward thinking the plan was. I found it very gratifying that this excellent and well-read magazine viewed South Fayetteville as the number one place in the country, not just Arkansas but in the entire country to purchase a home (Kudos to Fayetteville city government). The Winkler request for a rezoning in order to build an apartment building on property that is designated "single family homes" is a slap in the face to hundreds of people that took the time to work on the new neighborhood plan. If you visit the neighborhood around the Winkler property you will see nothing but single family homes.

I ask the City Council to refuse this request for rezoning.

Please keep our neighborhood on the intelligent plan for the future. I will be at any Council meeting where this is discussed and I am sure a majority of my neighbors will attend also.

Marian Kunetka
706 South College Ave
Fayetteville, AR 72701
home (479) 444-0174
cell (479) 799-9869

Marian Kunetka
Arkansas Archeological Survey
2475 N. Hatch Ave.
Fayetteville, AR 72704
(479) 575-6552
(479) 575-5453 - Fax
kunetka@uark.edu
<http://www.uark.edu/campus-resources/archinfo/forms.html>

From: Alice Beetz <aliceb@ncat.org>
To: <"city_clerk "@ci.fayetteville.ar.us>
Date: 3/27/2009 1:40 PM
Subject: Re: Winkler re-zoning request

Dear City Clerk:
Please deliver this message and copy to other city council members.
Thank you,
Alice Beetz

Dear Brenda Thiel and Adella Gray,

I'm a resident of your ward and participated in the Walker Park charette.
I was so excited about the process and pleased with the results! You know.
You were there.

This new large apartment building is not in line with that plan.
I am concerned about the increased traffic in the neighborhood--especially
about increased pressures on the difficult intersections of South and
Archibald
Yell and the most dangerous, Rock, College, and Archibald Yell. But also
about more traffic on my street.

Please vote to protect the Neighborhood Conservation Zone by holding
the line at South Street. This proposed unit is too big for the
neighborhood!

Your constituent,
Alice Beetz
512 S. East Ave.
Fayetteville, AR

From: "Brenda Thiel" <bthiel@cox.net>
To: "Lisa Branson" <lbranson@ci.fayetteville.ar.us>
Date: 4/22/2009 7:46 PM
Subject: FW: No Apartments on South & College please!

Please forward to all Aldermen.

Thanks,
Brenda Thiel

-----Original Message-----

From: Robert Boyd [mailto:robbojaz@yahoo.com]
Sent: Monday, March 23, 2009 2:51 PM
To: bthiel@cox.net
Subject: No Apartments on South & College please!

Mrs. Alderman Thiel,

Please support the Walker Park Neighborhood Planning charettes and do NOT let them build apartments on my street. I feel Fayetteville is overrun with apartments everywhere. Thank you for your time.

Sincerely,

Robert Boyd
509 S. College Ave.
Fayetteville, AR
521-8850

Lisa Branson - FW: rezoning for Steve Winkler

From: "Brenda Thiel" <bthiel@cox.net>
To: "Lisa Branson" <lbranson@ci.fayetteville.ar.us>
Date: 4/22/2009 7:46 PM
Subject: FW: rezoning for Steve Winkler

Please forward to all Aldermen.

Thanks,

Brenda Thiel

-----Original Message-----

From: Jimmy Glenn [mailto:nailwood7542@yahoo.com]
Sent: Tuesday, March 17, 2009 3:50 PM
To: bthiel@cox.net
Subject: rezoning for Steve Winkler

I must ask again for the denial of this rezoning request. Winkler continues to advocate the use of South St. as an artery to exit this project which will only lead to increased traffic on Block and East. There are children on both streets and a daycare on East.

Thank you for your consideration, Jimmy Glenn

Lisa Branson - FW: Winkler Upzone

From: "Brenda Thiel" <bthiel@cox.net>
To: "Lisa Branson" <lbranson@ci.fayetteville.ar.us>
Date: 4/22/2009 7:47 PM
Subject: FW: Winkler Upzone

Please forward to all Aldermen.

Thanks,

Brenda Thiel

-----Original Message-----

From: Ciceroner@cs.com [mailto:Ciceroner@cs.com]
Sent: Monday, March 16, 2009 10:00 AM
To: bthiel@cox.net; ward1_pos1@ci.fayetteville.ar.us
Subject: Winkler Upzone

Don't worry, I,m not going to talk your ear off this time. I just got a copy of the paperwork from the Planning Division, and there are a number of things in there that could be proven untrue with a ten minute walk around the neighborhood. Has anyone from the planning department actually done that? I was also wondering why there was only one letter from a neighborhood resident included when I know for a fact there were at least three, and likely more than that. We used to get letters to alert us when things like this were up for consideration. The city doesn't do that anymore? The only thing I saw that makes sense is that both sides of the street should be in the same zone. The intersection that makes a natural boundary is where Archibald Yell splits off from college; south of that there is a pronounced neighborhood feel. Truth is, considering what happens here every rain storm, development on that slope could turn Walker Park into Walker Swamp, but that's an issue for another day.

Roselyn Cicerone
25E. South St.

Lisa Branson - FW: rezoning of Walker Park neighborhood, College and South

From: "Brenda Thiel" <bthiel@cox.net>
To: "Lisa Branson" <lbranson@ci.fayetteville.ar.us>
Date: 4/22/2009 7:47 PM
Subject: FW: rezoning of Walker Park neighborhood, College and South

Please forward to all Aldermen.

Thanks,

Brenda Thiel

-----Original Message-----

From: Liz Stover [mailto:lizstover@sbcglobal.net]
Sent: Saturday, March 14, 2009 4:38 PM
To: bthiel@cox.net
Subject: rezoning of Walker Park neighborhood, College and South

Ms. Thiel,

I am writing regarding the proposed development (12 studio apartments) at the corner of South St. and S. College. As I understand, the development will include 12 units with approximately 400 sq. feet each. Each unit will house 1 person per unit. The projected rents will be up to \$510 per month (not sure on whether utilities are included).

First, I am very concerned that the city is already considering rezoning in a neighborhood where length meetings and activities were set up to decide on the appropriate zoning for this area. This chipping away will quickly result in a defacto "unzoning" of what was just zoned. Below are some concerns I previously expressed to the Planning Commission:

1. The approval of such a development will set a precedent for other such developments encroaching on our single family neighborhood, which will make the neighborhood less desirable for people wanting to live in affordable single family environments. The buffer will be seriously diminished, and the increase in traffic, noise, litter etc. will have a negative effect on those of us who desire quiet, friendly, and stable environments.
2. Mr. Winkler stated that the Planning Commission agreed that the development would not result in a significant increase in traffic. While it may be true that each development such as this will not in and of itself create a significant increase, the cumulative effect will be great. Each little increase will add incrementally to the areas of concern.
3. The project has been presented as a solution to a shortage of workforce housing near the downtown area and that these units would cater to families making 50-80% of median household income. However, if the units are limited to 1 resident, the more correct target population would be those making 50-80% average per capita income, which is significantly lower, and I would guess that a \$510 studio apartment is not affordable to those people.
4. Furthermore, the project has been presented as being compatible with the 2025 Plan for Fayetteville in that it addresses the concern of urban sprawl. While in the short term this may be true, if these types of units start popping up on every block or two, many of the single-family residents will find such neighborhoods to be less desirable and will relocate further away; this contributes to sprawl. I don't believe I've heard any desire for our city to be dominantly a rental community or high density only. Fayetteville must acknowledge that different residents value different things and there should be a livable place for all of us. The building of multiple family units can quickly swallow up a neighborhood, as we have seen in other locations around town. Quality of life is important and is measured differently by different people.

5. I am curious as to how many apartment buildings are located within a block or two of the developer's residence if he in fact, even lives in the Fayetteville area. I am assuming that he himself is not adding to urban sprawl and is commuting from some outlying area.
6. Having lived in this neighborhood for thirteen years, I have witnessed the increased traffic, noise, and litter that development has brought. I pick up trash on a daily basis that is tossed from vehicles speeding down Block Street. Try crossing Archibald Yell during rush hour when one would be walking to and from work (part of our 2025 Plan); each successful crossing is a minor miracle. Adding additional dwellings will only serve to increase these problems.
7. Lastly, our residents value the diversity in our neighborhood and the relative quiet streets where we can stroll, garden, and mingle. We are not opposed to new ideas (or to renters) but we also do not want to lose the very character that we so value and that brought us to this neighborhood. Having a variety of neighborhood types in town is important to maintaining diversity.

The joy of living in Fayetteville is that people usually feel their voices have been heard and sometimes it makes a difference. I encourage you to vote against the proposed zoning change.

Thank you for your time and thoughtful consideration.

Sincerely,

Liz Stover, LSW, MEd
POB 295
Fayetteville, AR 72702

Lisa Branson - FW: Winkler

From: "Brenda Thiel" <bthiel@cox.net>
To: "Lisa Branson" <lbranson@ci.fayetteville.ar.us>
Date: 4/22/2009 7:48 PM
Subject: FW: Winkler

Please forward to all Aldermen.

Thanks,

Brenda Thiel

-----Original Message-----

From: Ciceroner@cs.com [mailto:Ciceroner@cs.com]
Sent: Tuesday, March 10, 2009 4:07 PM
To: bthiel@cox.net; ward1_pos1@ci.fayetteville.ar.us
Subject: Winkler

Dear Ms. Thiel and Ms. Gray

My name is Roselyn Cicerone and I am one of your many constituents with what we perceive as a real problem. As I'm sure you know, the planning department decided last night to overturn the provisions of The Walker Park Neighborhood Master Plan that was put in place less than a year ago and represents the combined effort of hundreds of people. The rationale for doing so was to give one person the right to the kind of financial exploitation that he had expected when he bought in what he considered to be a depressed area.

When I first expressed interest in my property at 25 E. South before buying it back in 1984, just about everyone told me I wouldn't want to buy in this area. When I looked at the neighborhood the first time I thought they were crazy. Yes, at that time every single house on this block was in distress. Maybe it took someone who was born and raised in San Francisco and already valued walkability and charm to see both the value in a neighborhood two blocks from the Square and in wonderful old hipped roof wrap around porch houses that needed a little TLC. This was the first of the improved properties on this stretch, but once other people recognized the possibilities many others followed. The result is a street that had the out of state insurance adjuster who was here recently saying "Is this some kind of Arts area. This is such a nice neighborhood.", and a picture of the house next door in a national publication in an article about the best affordable neighborhoods in the country. This is also the street that is most under threat from the proposed rezoning.

I was not at last night's meeting, but my husband tells me that most of the committee was so dismissive of neighborhood concerns that he had no confidence that they had even bothered to read the many e-mails and letters that residents had sent. One member stated that since the zoning was different when the property was bought, Mr. Winkler should get to do whatever he wants. One of the reasons the zoning has changed is that the neighborhood association I belong to formed to change it once we realized that the neighborhood was becoming a desirable location for a large spectrum of the middle class. The process blossomed into something beyond the Jennings plus association and eventually involved the entire Walker Park area. My view of last night's decision is they wanted to demonstrate that trying to wring as much money as possible out of an area on the part of a person who doesn't live here is to be rewarded, but putting time money and work into revitalizing a neighborhood on the brink of becoming derelict should be punished. I'm not being histrionic. I've talked to two different families that were thinking of buying in this area who both said they'd look elsewhere if the planning department OK'd that building. One of the two would have been practically right across the street, and of course nobody wants to look at a tenement every day. I definitely consider a multistory building housing a relatively transient population in very small quarters a tenement, though Mr. Winkler said it would be a cute, well insulated tenement. The other party was not looking at a spot that would be in the siteline of the building, but they didn't have any confidence that the City would support the integrity of the neighborhood. Neither do I. Our property values just went down over night. This is being punished.

I don't want to imply that there are no longer any derelict buildings in this neighborhood. Of course there are. Streven Winkler owns at least one of them himself, and the rest of them are owned by other absentee landlords. I do know though that if the vision of those people had been in ascendance instead of the vision of those of us who have been putting this neighborhood on its feet, you would have never bothered with a Walker Park Master Plan because the neighborhood wouldn't have been worth the effort. Rewarding him and punishing us makes a sick joke of the "Keep Fayetteville Funky" promotion.

Mr. Winkler is, I believe, requesting a zone change for .63 acres, but is putting his 12 units on only .25 acre. Once the zoning change goes in he could do anything with the rest of it. Instead of the old R24 zoning we fought so hard to get rid of, we end up with the equivalent of R48. He is constantly invoking the 2025 plan in respect to urban sprawl and infill. Young singles willing to live in a single 400 square foot room and who move frequently are not likely to have any kind of lasting affect on urban sprawl until they reach the point that they want to settle down a bit and find a house they can affordably rent or buy. In this neighborhood when that time comes they are likely to find an apartment building sitting where they could have bought a house. The Winkler proposal has already likely added to urban sprawl in the case of the two prospective house buyers mentioned above, and will probably continue to do so. And of course this won't be the end.

If my property is devalued and I can't trust the city to protect the integrity of the neighborhood I so like living in, my best avenue for recouping my losses is to apply for the same rezoning just recommended for the Winklers. Many of my arguments could be exactly the same. Promote infill, reduce urban sprawl, invoke the 2025 plan. True I couldn't argue that I started out buying here just for the money, but I could substitute the argument that since it was the planning department that lowered the value of my property they should feel ethically obliged to help. Just the seven structures on this very short block could instead, using the 12 units per 1/4 acre formula, house more than a hundred people. Now there's infill for you, and hello 4th St. If we really got this ball rolling we could erode the neighborhood all the way from South St. to 6th in time for the 2025 plan to kick in.

Do you know of any way we can help this? Brenda has, I believe, been helpful to us in the past and Adella at least inspired enough confidence in her quick pre-election visit to also receive my vote. There's already a petition going around the neighborhood and we will be trying to schedule a neighborhood association vote. If Mr. Winkler and his sister really are members of our neighborhood association they will of course be notified so they can cast the two "yes" votes, but I know at least at one time the east side of College was the boundary of the association just east of us. If that's so, he'd belong to that one. Few people in that one will actually have to look at his building.

If you think we are worth helping and know of anything that will help our case when we come before the City Council, please let me know. One piece of information I do need is whether the folder that was at the planning department is delivered to the council complete with letters and e-mails and pictures from the residents that were there. If not we can re-do them. My apologies for going on so long and also for the likely flurry of typos.

Roselyn Cicerone
25 E South St.

Lisa Branson - FW: Walker Park Neighborhood in THIS OLD HOUSE Magazine!

From: "Brenda Thiel" <bthiel@cox.net>
To: "Lisa Branson" <lbranson@ci.fayetteville.ar.us>
Date: 4/22/2009 7:48 PM
Subject: FW: Walker Park Neighborhood in THIS OLD HOUSE Magazine!

Please forward to all Aldermen.

Thanks,

Brenda Thiel

-----Original Message-----

From: Tony [mailto:awap63@yahoo.com]
Sent: Tuesday, March 10, 2009 7:29 AM
To: bthiel@cox.net
Subject: Fw: Walker Park Neighborhood in THIS OLD HOUSE Magazine!

Brenda,

Just one more reminder why South & College should not be re-zoned Downtown General.

Read the email from last summer below and pay attention to the very last paragraph highlighted in red....
The City cant advertise itself one way and then do things that contradict itself.

Thanks.

Tony
(thats a picture of my house by the way)

--- On Sun, 7/6/08, alan ostner <alan.ostner@sbcglobal.net> wrote:

From: alan ostner <alan.ostner@sbcglobal.net>
Subject: Walker Park Neighborhood in THIS OLD HOUSE Magazine!
To: "Adella Gray" <adellag@cox.net>, rwood@nwaonline.net, "Jeremy Pate" <jpate@ci.fayetteville.ar.us>, alan.ostner@sbcglobal.net, "Jennifer Cusick" <jcusick@ntsaa.org>, "Franklin Evarts" <franklin@ozarkvideo.com>, "Stella Farrar" <memestella@yahoo.com>, "Jimmy Glenn" <jimmyglenn@sbcglobal.net>, "Darlene Graf" <dgraf@fayar.net>, "Jeremy Hess" <jhcuzn@cuzn.com>, "Lib Horn" <libhorn@cox.net>, "Gary Hutcherson" <drwriterguy@netscape.net>, "Chele James" <MFMetalWorks@aol.com>, "Molly Jensen" <MJensen@walton.uark.edu>, "Arden Kate" <anarc13@sbcglobal.net>, "Andrew Kilgore" <andrewkilgore@cox.net>, "Cindy King" <cking@nwacc.edu>, "Marian Kunetka" <kunetka@uark.edu>, "Rob Lewis" <rlew@cox.net>, "Margaret Lloyd" <margaretlloyd@yahoo.com>, "Patricia Mikkelson" <livablefutureproject@gmail.com>, "Chester Naramor" <cnaramor@cox.net>, "Susan Nix" <SNix@walton.uark.edu>, "Randy Nix" <segr13@ai5.net>, "Louise Rozier" <rozier@uark.edu>, "Richard Russell" <rrussell@bof.com>, "Rob Sharp" <rob@sharparch.net>, "Aubrey Shepherd"

<aubreyshepherd@hotmail.com>, "Liz Stover" <livinglizard@hotmail.com>, "Tony Wappel"
<awap63@yahoo.com>
Date: Sunday, July 6, 2008, 10:26 PM

Hello All-

In case you missed it, the Walker Park Neighborhood is listed in the current online version of This Old House magazine as one of the Top Places to Buy an Old House in the South!!! This is quite a remarkable achievement and speaks well for our neighborhood and town.

I don't believe the local newspapers have covered this yet so I am letting them know.

Just click on the following link to read the full article:

http://www.thisoldhouse.com/toh/photos/0,,20208091_20473074,00.html

Congratulations Walker Park Neighbors!!!!

Alan Ostner
President
Jennings-Plus Neighborhood Association

Best Places in the South to Buy an Old House

 walker park in fayetteville, arkansas

The Neighborhood

Set in the Ozark Mountains, and home to the University of Arkansas, Fayetteville boasts hundreds of massive old homes, many of which have been gobbled up and restored. But in the Walker Park neighborhood you can get in on the ground floor. Young families, singles, and retirees are renovating this up-and-coming area's homes. Lots of amenities are within walking distance, including the 74-acre namesake park. Fayetteville's public schools rank high in the state, and area employers include Wal-Mart, Tyson Foods, and J.B. Hunt, a Fortune 500 trucking company.

The Houses

Modest bungalows and Arts and Crafts-style homes abound, and several streets are lined with pristine shotgun-style houses and Victorian-era cottages.

The Prices

You can get a shotgun for as little as \$60,000. And no matter what the size or style home you seek, it's hard to spend more than \$200,000.

Why Buy Now?

The neighborhood is undergoing a renaissance, property values are rising, and Fayetteville just completed a master plan to encourage

single-family ownership and fund facade improvements in Walker Park.

From: "Brenda Thiel" <bthiel@cox.net>
To: "Lisa Branson" <lbranson@ci.fayetteville.ar.us>
Date: 4/22/2009 7:49 PM
Subject: FW: South & College re-zone revisited

Please forward to all Aldermen.

Thanks,
Brenda Thiel

-----Original Message-----

From: Tony [mailto:awap63@yahoo.com]
Sent: Monday, March 09, 2009 8:33 PM
To: bthiel@cox.net
Subject: South & College re-zone revisited

Hi Brenda,

This is Tony Wappel at 11 East South Street. I just attended a Planning Commission meeting tonight where the Planning Commission very narrowly approved the re-zoning of Steve Winkler's property at 300 South College from Neighborhood Conservation to Downtown General. I know there are a few on the planning staff that support this re-zone, BUT during the Walker Park Neighborhood Master Plan charettes, this was never discussed among the hundreds of charette participants. As you may well remember, last summer when this change was originally proposed (right before the neighborhood master plan was to be approved), we had several residents of the neighborhood sign a petition opposing this last minute change. The City Council agreed with us.

Now this has come up again and it extremely irritating for us long-time residents. The Walker Park Neighborhood Master Plan is less than 6 months old and has not been given a fair chance to work. I am afraid that if this re-zone goes through, everybody who was once zoned RMF 24, including myself, will argue they have a right to re-zone too. A re-development on the corner of 4th and College was recently approved and it is being done under the Neighborhood Conservation zoning without any difficulty; thus there should be even less difficulty with the larger lot on the corner of South & College.

PLEASE, when this matter comes before the City Council in a couple weeks, help convince your fellow legislators to vote no against this rezone. Give the charette process, the Walker Park Neighborhood Master Plan and the Neighborhood Conservation zone time to work as they are supposed to!! Making changes so quickly will just make a mockery of Fayetteville's charette planning process.

Thanks again for listening and keep up the good work!!

Tony Wappel
11 East South Street
236-2548

PS: The City has done a great job with Ice Storm Recovery.

Lisa Branson - Fwd: Re: Walker Park Neighborhood

From: City Clerk
To: Branson, Lisa
Date: 4/2/2009 5:59 PM
Subject: Fwd: Re: Walker Park Neighborhood

>>> City Clerk 4/2/2009 5:58 PM >>>

Thanks for your email. A copy has been forwarded to the City Council, Mayor, and Planning Division. Have a great day!

City of Fayetteville
City Clerk's Office
113 W. Mountain
Fayetteville, AR 72701
479-575-8323

>>> "NewMarket Naturals" <newmarketnaturals@newmarketnaturals.com> 4/2/2009 4:27 PM >>>

Greetings, my wife Hamsa and I own the Nature's Water commercial property at 275 Huntsville Rd. in the Walker Park Neighborhood and attended a couple of the charettes where input was asked for by those of us in this area regarding future planning. We are surprised to learn that the planning commission seems to have ignored recommendations from its staff and citizens in the area pertaining to the corner of South and College by redesignating it from Neighborhood Conservation to Downtown General. The residents of Walker Park Neighborhood as well as the City Council previously agreed this intersection should be zoned Neighborhood Conservation and that South Street would be the boundary line between these two aforementioned zones. It is my understanding that this area was to remain free of apartments. This would preclude the proposed 3 story, 12 unit apartment complex one block south of the intersections of College, Rock and Yell. I believe now as I did when the initial planning took place that that this area remain free of apartments to help preserve the home residential flavor of the area. I will appreciate if my views are included in the conversation regarding this issue.

Thank you,
Morty Newmark
521-7786 (daytime)

From the online version of This Old House Magazine, July 2008:
http://www.thisoldhouse.com/toh/photos/0,,20208091_20473074,00.html

Best Places in the South to Buy an Old House



The Neighborhood

Set in the Ozark Mountains, and home to the University of Arkansas, Fayetteville boasts hundreds of massive old homes, many of which have been gobbled up and restored. But in the Walker Park neighborhood you can get in on the ground floor. Young families, singles, and retirees are renovating this up-and-coming area's homes. Lots of amenities are within walking distance, including the 74-acre namesake park. Fayetteville's public schools rank high in the state, and area employers include Wal-Mart, Tyson Foods, and J.B. Hunt, a Fortune 500 trucking company.

The Houses

Modest bungalows and Arts and Crafts-style homes abound, and several streets are lined with pristine shotgun-style houses and Victorian-era cottages.

The Prices

You can get a shotgun for as little as \$60,000. And no matter what the size or style home you seek, it's hard to spend more than \$200,000.

Why Buy Now?

The neighborhood is undergoing a renaissance, property values are rising, and Fayetteville just completed a master plan to encourage single-family ownership and fund facade improvements in Walker Park.

(Do we really support the above statement or does This Old House Magazine need to print a retraction?)

From: <rosecsmith@gmail.com>
To: <webmaster@ci.fayetteville.ar.us>
CC: <city_clerk@ci.fayetteville.ar.us>
Date: 4/25/2009 8:25 PM
Subject: [Form mail from AccessFayetteville] - Zoning in Walker ParkNeighborhood

From: Rose Smith
Email: rosecsmith@gmail.com
To: city_clerk@ci.fayetteville.ar.us
Subject: Zoning in Walker Park Neighborhood

Message:

Dear Civil Servants of Fayetteville,

My name is Rose Smith and I am a homeowner in the Walker Park Neighborhood. I am writing to voice my concern regarding zoning changes in my South Fayetteville neighborhood. I am EXTREMELY opposed to apartments being built on the corner of South & College. As a participant in the 2008 planning charettes, I am saddened and disappointed to hear that the Walker Park Neighborhood master plan is already being changed. This is unacceptable!

Fayetteville citizens and Walker Park neighborhood members have spoken clearly--Keep the Walker Park Neighborhood zoned as neighborhood conservation.

Please distribute this letter to all aldermen.

Best,
Rose Smith

March 16, 2009

Mayor Lioneld Jordan
113 West Mountain Street
Fayetteville, Arkansas 72701

Dear Mayor Jordan:

My name is Tony Wappel and I live at 11 East South Street. I am writing you to offer some insights into my opposition to the Planning Commission's March 9th approval of the proposed re-zoning on the corner of South Street and College Avenue.

I first moved to Fayetteville in 1986 to get my masters degree in public administration. I rented a one bedroom apartment on North Duncan Avenue for 11 years. In 1997, when I finally decided to buy a house, I decided to look for one in an established neighborhood within walking distance to the square, the University of Arkansas, and my place of employment. Unfortunately, at the time, the only neighborhood I could afford was in south Fayetteville and the only type of house I could afford was an old fixer upper. My friends told me I was nuts for not only buying in south Fayetteville but for buying one that was ready to be torn down. I decided South Street wasn't so bad so I bought my first house at # 7 East South Street. I am sooooo glad I did. South Street and the neighboring College, East, and 4th Streets have a lot of wonderful residents, both owners and renters alike. Although South Street gets a lot of morning and evening traffic, for the most part it is a very peaceful neighborhood and is very pedestrian and bicycle friendly. The many neighbors have become even better neighbors and friends, as witnessed by how everyone helped one another during the recent ice storm.

Between 1997 and 2000 I completely restored the 100 year old fixer upper at # 7. By 2002, many folks believed the rental property next door to me at # 11 East South might be torn down, so I offered to buy it and bring it back to life like I did with # 7. Like the majority of us, I couldn't afford two houses so I sold # 7 and put what profit I made into # 11 East South (another 100 year old fixer upper) and restored it. To my surprise, last year This Old House Magazine published a photo of my house in a story they published in their online version about how Fayetteville is a wonderful place to purchase and restore old historic houses (see attached article). I was tickled my house was featured, but truth be know, I was just taking care of my property the best I could and had no idea my house was being considered for such recognition.

In 2007 the City of Fayetteville started condemnation proceedings on the property at 39 East South Street (yet another 100 year old fixer upper.) Once I heard this, I immediately contacted local preservation expert Paula Marinoni and we convinced the city to halt condemnation proceedings and allow Hammer & Chisel to purchase this property in an attempt to save it. The work they are doing is absolutely brilliant and is very complimentary to the neighboring properties. 39 East South Street (a former grocery store and plumbing supply house) will soon be home to a small office and/or apartment. Today, when I look from one end of South Street to the other, the street is almost completely restored with very affordable, attractive, livable and low density single family structures. I believe the whole

neighborhood should be this way. A neighborhood of smaller parcels and dwellings allows more people the chance to own their own home and/or home based business. A neighborhood of apartment complexes and commercial developments allows only a few people to own property, making it almost impossible for the rest of us to "share the wealth."

Now that you see where I am coming from, I want to say that if the city really supports the revitalization of south Fayetteville, as was indicated in the Walker Park Neighborhood Master Plan and in the This Old House Magazine article, it needs to support the efforts of those folks that actually live in this part of town and not those that are mere speculators. In 2008 hundreds of actual residents of south Fayetteville supported the Walker Park Neighborhood Master Plan charettes and concluded that South Street should be the boundary line between Neighborhood Conservation and Downtown General. **The Fayetteville Planning Staff needs to respect these sentiments and give the Walker Park Neighborhood Master Plan a chance to work.** At the March 9th Planning Commission meeting I was very disturbed when one of our commissioners said she supported the Downtown General zone just because she was curious to see what kind of development might occur there. I felt like she really had no idea what might happen here if it were rezoned Downtown General. That experimental approach is simply wrong; as it would affect not only our neighborhood in ways we can't even imagine, but also our lives and investments. If the City Council allows apartments to be built at this intersection, not only will the charette process be viewed as a farce, it will set off a never-ending domino effect in which more and more adjoining parcels will fall to apartment complexes. This in turn, will completely change the fabric of the neighborhood and contradict Fayetteville's own goal of revitalizing the stock of affordable single-family residences in south Fayetteville. When the first apartment complex goes up, I will be the first of many residents to abandon Fayetteville, as I will no longer be able to support a city that does not support the hard work of its own citizens. Please help convince our City Council to keep the corner of South & College in the Neighborhood Conservation zone.

Respectfully,

Tony Wappel
11 East South Street
Fayetteville, Arkansas 72701

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(Do we really support the above statement or does This Old House Magazine need to print a retraction?)

City Clerk - Winkler Upzone May 19th city council agenda

From: <Mikehills2000@cs.com>
To: <city_clerk@ci.fayetteville.ar.us>
Date: 5/3/2009 6:23 PM
Subject: Winkler Upzone May 19th city council agenda
CC: <bthiel@cox.net>, <ward1_pos1@ci.fayetteville.ar.us>

Please distribute this email to the mayor and all of the city council members. Thank You very much.

Hello Mayor Jordan and Councilmembers, especially members Thiel and Gray who represent my ward.

I'm writing this email to oppose the rezoning of a property on the corner of South St. and South College to Downtown Commercial so the owner can build a 12 unit apartment building and make my neighborhood more ugly. They tell me that you will be considering this issue during your May 19th meeting. Please vote no.

My name is Michael Hills and I've lived in Fayetteville since 1974--when there were only 26,000 of us. I've lived at 25 East South St.--half a block from the proposed development--since 1983. I've seen a lot of changes in these 35 years.

In the '70's a friend of mine, Lynn Armstrong, who still lives here in the Walker Park area, had his nascent recycling business declared a public nuisance by city authorities and shut down. Now look--Fayetteville Recycles! It all reminds me of that cartoon where a fish with legs evolves into a guy in a suit. We've even recently elected a mayor who is not a businessman or developer and a city council that solicits feedback. Better than that, we have planners who speak to and for the people whose daily lives are impacted by their decisions. Most of us don't miss the city manager plutocracy that we used to have and are proud to live in a city that aspires to direct democracy.

In the '70's the powers that were decided that South Fayetteville would be an industrial area and zoned it that way. South Street got an R24. My neighbors and I formed the Jennings Plus Neighborhood Association to challenge that zoning and to change it to reflect the nature of the positive development we saw happening. We have become a neighborhood of owner-occupied, affordable, fixer-upper small houses in a safe, well located, tree friendly area. We especially wanted to protect ourselves from the blight of ugly, noisy apartment complexes we saw taking over the streets on our boundaries. We wanted to be zoned single-family home occupation and were thrilled and gratified when the city developed (with our input) the Walker Park master plan and did just that. Everyone was happy about this except the owners of the South College/South St. lots mentioned above--they had plans and protested. The council considered their arguments last July and voted 7-0 to uphold the integrity of the city's vision.

B-level horror movies usually have a moment when the supposedly dead maniac/monster pops up and shouts, "I'm back!" Revisiting this issue is a lot like that for us neighbors. It's our quality of life and sweat equity vs. the bottom line of an absentee owner. It should be no contest. Thanks from a citizen of Fayetteville for once again doing the right thing.

From: "segr13@ai5.net" <segr13@ai5.net>
To: <city_clerk@ci.fayetteville.ar.us>
CC: <bthiel@cox.net>
Date: 5/4/2009 10:18 AM
Subject: Walker Park area charette

The ciyt's planning staff seems to have been empowered to override the decisions enacted in the wake of the Walker Park charette meetings and outcomes. So...why should those of us who participated in the charettes have bothered? It now seems that the charette process was just a scam. To see our efforts tossed to the wind only highlights a reason to disbelieve the city's sincerity of citizen involvement.

Form over substance is a manipulative ruse carried out at all levels. I'm sorely disheartened to find out that the city seems to be resorting to such a "low-ball" tactic...if it becomes a fact that our citizen input is so readily treated as meaningless.

Why bother to establish reasonably delineated zoning guidelines if they are so casually made void?

The next time the appeal is made to "get involved," I, for one, will have to "consider the source." Are you folks on the hill so sure you want to muddy the good will so carefully established at this point?

A quick drive around our fair city so quickly eatablishes the reality of mushrooming apartment developemnts. What we so clearly stated in the charettes is the desire for our neighborhood to be facilitated in evolving toward a settled "community" of owner-occupants, low density housing, walking trails, sidewalks, and an expression of the American dream such as we might be able to afford.

My wife and I moved into this neighborhood for very specific reasons. We spoke up at the charettes for very specific reasons. We appeared before the City Council during the hearings following the charette process. Please don't allow our and our neighbor's participation in this civic and orderly process to be made a joke. I think all concerned will come to regret this move should it be allowed to proceed. Boundaries established through a deliberative process have been established. Let "Downtown" be downtown and "Neighborhoods" continue to develop as neighborhoods.

Randy and Susan Nix
1372 So. College Ave.
Fayetteville, AR 72701
444-8576
841-6631

To: City of Fayetteville City Clerks Office

Attached is the petition against the encroachment of Downtown General zoning into the borders of the Walker Park Neighborhood Conservation zone. There are 22 pages, with a total of 282 signatures. Any duplicate signatures, as well as any that weren't accompanied by an address, were crossed out before they were counted. Though the petition reads "the undersigned citizens of Fayetteville" and does not specify a particular neighborhood, all but perhaps a dozen signers are Walker Park residents. The remaining few represent people from adjoining Ward 1 neighborhoods. We request that copies of the signed petitions be provided to each alderman, as well as the Mayor, when documents pertaining to this zoning are being assembled for review. Thank You

STICK TO THE PLAN! GIVE THE WALKER PARK NEIGHBORHOOD MASTER PLAN A CHANCE

To The City Council of the City of Fayetteville:

We, the undersigned citizens of Fayetteville, request that the Fayetteville City Council maintain the Neighborhood Conservation Zone for the corner of South St. & College Avenue, as finalized in the Walker Park Neighborhood Master Plan, by overturning the recent decision by the Planning Commission to re-zone that intersection Downtown General. Hundreds of residents participated in the charrette planning process in 2008 and to overturn their vision when the Walker Park Neighborhood Master Plan is not even a year old is simply unacceptable. Please stick to the plan and give it a chance to work!

Respectfully,

Name

Address

Shirley West	1016 Wood Ave
Sarge West	" "
Mahmud	418 E 12th St
Tom Murphy	629 McKinnon
Shirley West	629 McKinnon
Quannah Jordan	108 Wood Ave
Amber Jordan	1108 Wood Ave
Danny Stewart	1174 So Wood Ave
Samuel	37 E. South
Dean Ostner	312 S. Black
Sara Hawk	507 S Church
Cheryl Dabbard	1418 S. College
Stacy + Clide	1312 S. College
Mallon	1008 S. College
Jessie Bryant	408 S. College

2

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Respectfully,

Name

Address

Ryan Kelly

39 E South St.

MATT CHAMPAGNE

39 E South St.

Meredith Fields

319 S. Washington Ave.

Aumshino Yata

433 S. Washing Ave

Patricia Serrano

517 S Washington Ave

Rada Waldrep

517 S Washington Ave

Molly Clark

531 S. Washington Ave

Josh Wilson

531 S. Washington Ave.

Ambrey Shepherd

3 E. South St

Douglas Bomrose

241 E. Huntville Rd

Moshe Nauman

275 Huntville Rd

Adam Newman

322 S. Combs

Mary Worthy
Virginia Chase

327 COMBS

3

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Respectfully,

Name

Address

Mary V. Behm

101 W 4th St

Laura C. Wiggins

101 W 4th St

Chester Maramor

439 So. Church

Doris Maramor

439 S Church

Jessie Golden

314 S. Block

Mike Melin

7 W. South St.

Franklin EVANTS

11 W. SOUTH ST

Andrew J. Hays

~~3601 W. Wore Rd~~
~~3601 S. East St~~
3601 W. Wore Road

Richard S. Smith

Joel Yermack

410 S. EAST AVE

7th St

7 E 5th St.

Joann Southern

104 W. 5TH

Mike Kendall

105 W 5th

Cindy King

105 W 5th St.

(4)

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Respectfully,

Name

Address

Syrinna Byers

215 E. 13th

~~Jeffery L. Loret~~

215 E. 13th

~~John Kerry~~

257 22 St. —

Catharine Martin

222 E Ella St.

Thomas Denton

Fannie Barker

112 S. Hill Ave

Dary L. Stacy

112 S Hill Ave

Karen K Stacy

28 West 7th St

Daniel Sandefur

616 S. Block

Janice Pense

110 W. 7th St.

Lynn Lassing

724 S. Church

David Loran

700 S Church

Glenn Drake

722 S. Locust

Georgina Drake

" "

5

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Respectfully,

Name

Address

Betty Ramsey

830 Locust

Robert A. Cude

522 S Locust

Brady Carman

440 S. Locust

Alan ~~Smith~~

260 W. MLK

Wanda Atkinson

1200 W. MLK

Lois Mortensen

130 W. 6th St.

~~Eric Virtue~~

1401 S Washington Ave

Daniel Larson

2431 W Orlando Dr. #8

Eric Zechman

1248 S. Washington

Sylvia Goddes

1134 Washington

Owen Hornback OWEN HORNBACK Ave.

Brittany Williams

1090 WASH.
1074 S Washington Ave

Sandra Graves

1074 So. Washington

Kelley Deaves

1074 So. Washington

Harold R. Graves

1034 S. Washington

Keith Schwarz

1034 S. Washington

Courtney Williford

Courtney Williford

(6)

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Respectfully,

Name

Address

Brandon Backus

Brandon Backus

845 S Wood

Betty Smith

BETTY SMITH

777 Wood

Leatrice Smith

Leatrice Smith

777 S. WOOD

Valetta Collins

Valetta Collins

751 S. Wood

Jordan Villusana

Jordan Villusana

751 S. Wood

Jeffrey Prince

Jeffrey Prince

751 S. Wood

Rocky Prince

Rocky Prince

751 S. Wood

Kim Cook

Kim Cook

636 S. Wood

Rickey Cook

Rickey Cook

636 S. Wood

Pat Maloney

Pat Maloney

638 S. Wood

Bonnie Watson

Bonnie Watson

1921 Helen St.

James Starks

Marlin Starks

⑦

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Respectfully,

Name

Address

Emma Conley

209 E 7th St.

P.C. Conley

Same

Col Baucom

223 East 7th St.

Austin Norman

Fayetteville, AR

Aquelin Wright

962 S. Silverado #206

Mary Ann Johnson

34 East 6th Street

Debra

444 Wood St Fayetteville

Shirley A. Bridge

957 S Wood Ave Fayetteville

Mark

935 S. Wood -

Jeff

905 S. Wood

SAGE BILLIG

1000 Wood Ave Fayetteville

1000 Woods Ave Fayetteville

James S. Thomas
84

863 S. Wood Ave
Fayetteville, AR.
849 S. Wood

8

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Respectfully,

Name

Address

Stella Larran

238 W 6th

Jay Smith

1114 S DUNCAN

Diane Ferguson

529 So Sherman

Lauren Kaufman

1101 S. Duncan Ave.

Beth Presley

4301 Ozark Trail

Leah Rector

1515 Hildale (03)

Sherry Dean

109 W. 4th St.

Chris Hughes

109 W. 4th St.

Matthew K. Davis

26 E. 4th St.

Jimmy Dean

513 S. East

David Scoggins

1327 S. Washington Ave.

David Scoggins

1327 S. Washington Ave.

Win Hall Wini Hall 1309 S. Washington #2

9

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Respectfully,

Name *John Circobone*

Address

327 COMBS AVE

<i>Mary Brodnax (GARY BRODNAX)</i>	<i>117 N. Church</i>
<i>Matt Kennedy</i>	<i>MATT KENNEDY 307 S. Washington</i>
<i>LaVada Walla</i>	<i>LaVada Walla 300 S. Washington</i>
<i>Andrew Elder</i>	<i>355 S. Combs</i>
<i>Mary Stewart</i>	<i>11 11</i>
<i>Austin Whelan</i>	<i>1009 Elmhurst ave</i>
<i>L Armstrong</i>	<i>912 ELMHURST</i>
<i>Nancy Harris</i>	<i>912 Elmhurst</i>
<i>Stonice Warford</i>	<i>660 E Fairlane</i>
<i>David & Duffie</i>	<i>665 Fairlane</i>
<i>Kathy Wells</i>	<i>665 Fairlane</i>

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Respectfully,

Name	Address
Irene Williams	449 McClinton
Jasper Bryant	945 S. Elmwood
Roxanne Brecheen	18 E. 4 th St.
Brian Lattison	18 E. 4 th St.
Paul A. Payne	15 E. 4 th St
Kara G. Beckman	114 W. 5 th
Myley Huff	50 E 5th
Rebecca Call	12 E. South Street
Mary Trulock	541 Assembly Rd.
Deirdre Shepherd	3 E. South
Stan Lancaster	823 Morningside
Patricia Polk	611 Mornin
Samantha Natt	603 McClinton
Emma Curry	567 McClinton

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Respectfully,

Name

Address

Georgia Brown	1018 S College
Dale Atwood	822 S College
Lillie Hughes	1101 Curtis Jay as
Ronald Vega	1005 S. HILL.
William Corder	713 S. Church
Raymond D. Mitchell	1150 - Bonnie Lane
Tom Shepherd	712 S. College Ave.
Yanayola	708 S College Ave.
Jon Tegeler	702. S College Ave
Pyony Stephens	769 S. Washington
Betty Barts	703 S. Washington
Betty Bacon	223 E. 7 th

**STICK TO THE PLAN!
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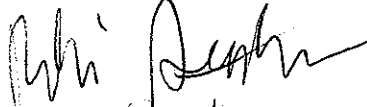
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Name

Address

	Jennifer Lancaster	823 Morningside
	CAROL BRODNAX	117 N. Church
	CHRISTINA QUINN	678 NW Fairlane
Charlotte Vail	Charlotte Vail	1221 Chinaberry Lane
	Jane Keen	929 Morningside
	RALPH H. NESSON	1007 Morningside Dr.
	Robin Stepp	1015 MORNING SIDE
Albert Williams	Albert Williams	669 E. McClintock
Jelicia McComb	Jelicia McComb	669 E. McClinton
	Jason Horley	657 E. McClinton
Desma Hanley	Desma Hanley	657 E. McClinton



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Respectfully,

Name

Address

<i>Darlene Graf</i>	<i>dgraf@fay.ar.net</i>	<i>7 E. South St.</i>
<i>Steven Rosen</i>	<i>S7Rtrdragon2@AOL.net</i>	<i>533 Schuch Ave</i>
<i>Anthony (Dorsey)</i>		<i>522 Schuch Ave</i>
<i>John Blackwell</i>	<i>322</i>	<i>5 COMBS</i>
<i>Leah Finson</i>	<i>124tango@yahoo.com</i>	<i>12 W. South St</i>
<i>Matt B...</i>		<i>12 W. South St.</i>
<i>Kathleen McClelland</i>		
<i>Lynn A. Hammer</i>		<i>7 E MLK Jr. Blvd.</i>
<i>LYNN A. HAMMER</i>		<i>15 E MLK JR BLVD</i>
<i>Karen Stude</i>	<i>21 E Martin Luther King BLVD</i>	
<i>Mary Ralston</i>	<i>27 E 6th St Apt 1</i>	
<i>Marius Bous</i>	<i>MARIUS BOUS</i>	<i>36 E Sarah St</i>
<i>Robert A Ross</i>	<i>ROBERT ROSS</i>	<i>525 BLOCK ST, FAY.</i>
<i>DONNA RAMEY</i>	<i>Donna Ramey</i>	<i>314 E SUTTON ST, FAY.</i>

(14)

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Name

	Address
Enrique A. Serrano Hdz.	1020 S. Janelle Ave. Fayetteville, AR 72701
Vladimir Serrano	1021 S Janelle Ave, Fay. AR 72701
YOLANDA SERRANO	1020 S. JANELLE AVE.
JOSE L. SERRANO	FAYETTEVILLE AR. 72701
Hannah McLawium	936 S. Janelle Ave Fayetteville, AR
Jodd Graham	903 Janelle " " 72701
Diana Hernandez	1001 Janelle ave. Fayetteville, AR 72701
Romeo Hernandez	" " 72701
Diana Idalia Hernandez	" " " 72701
Richard Carr	504 McClinton 72701
Loy Carr	504 McClinton St. 72701
Rheta Pryor	517 E McClinton 72701
Ycrell Watson	999 Wood Ave 72701
Ernestean	504 E. McClinton 72701
Jeffery L. Carr	109 E. Rock, St. Fayetteville, AR. 72701

316 S. College Ave.

16

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Name

Address

Robert Starks

306 ELLA

~~306 ELLA~~

Bennu Denton

305 Union Ave #1

Chabé Mattheis 4293 Broomsage Dr. Fayetteville

~~1121 4th St~~

~~1121 4th St~~ - 1927

~~1121 4th St~~

Heidi Widder 1410 S. Washington 692 W 15th

Don Lee 1410 S. Washington Fayetteville

Lutun Belin 1380 S. Washington

Sangbin 203 E 13th

Tammie Holt 221 E 13th

David Holt

221 E 13th

Sonia Olvera

224 E 13th

Lindsey Zechman 1248 S. Washington

(17)

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Name

Address

Michael Hill	25 E South St.
Sarah Bobst	311 S. College Ave.
Mike Bobst	" "
Mike Shum	405 S College Ave
Don Nybert	425 S. College Ave
Cody Kunk	414 S. College Ave.
Brad Helms	412 S. College Ave.
David Elliott	408 S. College Ave
Shawn Tucker	404 S. College
Wally Brown	324 S. College
Rachel Moore	316 S College
Tony Meppel	11 E South St.

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Name

Address

<i>Paul Cole</i>	1309 S. WASHINGTON
Thomas Dennis	1277 Washington
DIANA MCSTARRIN	1274 S. Washington Ave
Chris Jordan	FAYETTE
Shane Reed	1255 S Washington Ave.
Rachel Dant:	117 E. ELLA ST
Susan Nix	117 E ELLA ST.
Randy Nix	1372 So College Ave.
Liz Stover	1372 So College Ave
Carolyn G. G. G.	38 W. 4 th Fayetteville, AR
Monica Cooper	72201
D. Knight	532 So. Washington
Carol Clifton	531 S. Washington Ave.
Alex Ellis	340 East Sixth st
	412 E. MLK Blvd. 72701
	531 S. Washington Ave.

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Name

Address

Clodie gale
Angarai L. McComen

1050 Washington
ave Fayetteville 72701
850 S. Washington Ave.
72701
850 S. Washington 72701

Paul McBowen Paul McBowen

Jonathan D. Hladik Jonathan W. Hladik

814 S. Washington

Gaelyn M. Sperry FELYN-SPERRY 800 S. Washington

Matt Caldwell Matt Caldwell 786 S. Washington

Rebecca Hamrick Rebecca Hamrick 785 S. Washington
Ave.

Chris L. Jackson 785 S. Washington

Jane Hunt 943 S. Washington

C.J. Gates 473, Washington

Steven W. Wahl 1091 S. Washington

(20)

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Name

Harada West

Address

Thomas Altman

429 E 6th
583 WOOD

Molly Jensen 312 S. Block Ave Fayetteville
Molly Jensen 72701

Megan Garner 307 S. College Ave Fayetteville AR
72701

Jon Schleuss 307 S. College Ave Fayetteville AR
72701

Sarah McLelland 7 E 6th St. Fayetteville, AR 72701

Margaret Smith 619 So. Wickard Fayetteville 72701

Ron A. Hollingshead (Ron A. Hollingshead)
1665 Carolyn Fayetteville, AR
72701

(21)

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Name

Address

MARIAN KUNETKA
MARK Nicholson
Tam BROWN
Rachel McDonald
arthur wilburn
Susan Pokorniak

Lisa Sharp

Eugenia Zuroski Jenkins
Julia M. Collins
Chris Zuroski

Richard A. Powell

706 S. College
424 S. Church
424 S. Church
422 S. Church
111 W-4TH ST.
3 W. 4th St

3 E 4th St

19 E 4th St.
33 E 4th St.
33 E 4th St.

401 S. College

22

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Name

Address

Gay Allen

308 COLLEGE FAYETTEVILLE

Rebecca Cicerone

25 E. SOUTH ST

Patricia Walker

23 W. 5th Street Fay, AR 72701

Coralie Koonce

101 W. 5th ST Fay AR 72701

Aly D. Lind

108 W. 5th ST Fay AR 72701

Ceryl Winkler

106 W. 5th ST 4U, AR 72701

Louise Rother

11, W South Fay, AR 72701

JEREMY HESS

15 W. SOUTH FAY, AR 72701

MARGARET TREIBER

15 W. SOUTH ST. " " 72701

Andrew Kilgore

527 S. Black Ave Fay, AR. 72701

Kiley

529 S. Black Ave Fay, AR. 72701

Tika Dalgryn

523 S. Church Ave Fay AR 72701

Jennifer Gusch

521 S. Church Fay AR 72701

City Clerk - Letter to the Mayor

From: <Ciceroner@cs.com>
To: <city_clerk@ci.fayetteville.ar.us>
Date: 5/5/2009 11:16 AM
Subject: Letter to the Mayor

I originally sent this letter to the Mayor a couple of weeks ago. After I left your office I dropped by his office to double check that he got it, and his secretary said that it couldn't hurt to have it distributed to all the alderpeople.

My name is Roselyn Cicerone and I live and work at 25 E. South St, very near the site of the proposed 3 story apartment building the Planning Commission just paved the way for with a zoning change. I know my neighbor Tony Wappel just wrote to you, and while I wholeheartedly agree with everything he said, I'd like to add the perspective of someone who came here years ahead of Tony. My husband, Mike Hills, dragged me from my native San Francisco to Fayetteville 25 years ago because he had roots here and loved it. The people who were within 15 years of my age at the time (20 to 50) were all out inventing Arkansas' version of urban sprawl, and left their grandparents in these charming little houses that they had neither the money or the energy to maintain above minimum habitability. Most of the neighborhood was falling down, but we were actually fool enough to buy, and do some serious reconstruction on, a former church to be both our home and my home occupation (ballet studio). I wanted to like Fayetteville, and most affordable neighborhoods had no character at all. The Historic District was not an option.

As time went on these properties came up for sale and in many instances were bought up by people with an eye for future development, who bought large chunks, and in other instances by people who saw enough potential in this neighborhood to invest in some serious renovation and were making improvements one property at a time. Some of the people who bought multiple properties did a good job at maintaining nice looking, comfortable buildings, and some did the minimum. The result is that you can have a block that just about always evokes unsolicited positive comments on the part of first time visitors, (amazement, actually, on the part of Fayetteville natives who have been raised to think of the neighborhood as a dump), directly adjacent to a block that's clearly depressed. What's going on here is, Mr. Winkler sees this neighborhood differently than the homeowners. He sees a building that's clearly screaming "temporary low income housing" as an improvement over what's here now, and if you drew a 300 ft circumference circle around his properties you could make an argument for that. I have no prejudice against low income people; I've been one all my adult life. When I've talked to some of the renters around here about Mr. Winkler's proposal their response is they could find much better deals all over Fayetteville, and would never pay what he says he'll be charging to live in one room. It may only be Eliza Doolittle who just "wants a room somewhere". Most people, even us low income types, aspire to more than that.

As I've been wandering the neighborhood with this year's petition, I'm finding there are still residences that recent heirs are in the process of putting on the market, and others will be soon. The local population thought that the Walker Park Master Plan was the city's agreement to make this a neighborhood of affordable housing, not affordable warehousing. As those houses go on the market potential buyers would have to know that the City was going to protect their investment with the promised zoning. No one will want to buy, or spend any money maintaining, a house next to a building like the one the planning division just cleared the path for, and that type of thing always has a ripple effect. Now that lots of people are getting over their McMansion mania, an inexpensive fixer upper, or a perfectly fixed up modest home that PROMISES a nice neighborhood (excuse my capitals) may be just what the 21st century ordered, instead of the maximum infill that 5 out of 9 of the planning commission seems to think is the best use for this neighborhood. I believe that kind of housing actually contributes to urban sprawl. The main thing driving urban sprawl is young first time buyers who have moved past a willingness to live in a 20 by 20 room and want to settle down for a while, but are forced towards the outskirts of town because the inner neighborhoods are being occupied by small apartments or unaffordable houses. For Mr. Winkler to present a building like this as some kind of solution for urban sprawl is either misguided or disingenuous. This is one of the last neighborhoods anywhere near the center of town where a person of relatively modest means can put in some sweat equity and end up with the piece of the American dream that so many cities can no longer provide. When I walk around my short square block I'm looking at 3/4 of the houses that have either had major renovation, been built new from the ground up, or are currently undergoing renovation, since I've arrived here. It takes a while one property at a time. We hoped the Walker Park plan would provide the breathing space for this neighborhood to prove itself. That's not going to happen if the planning division attempts to encroach on the borders twice a

year.

I know that the City Government is dealing with many vitally important decisions and that this rezoning is not a front burner issue, and that I have already taken up more than my share of your time. But . . . if we have a few of those beautiful days next week and you're moved to take a lunch time walk, I'd love to walk you around a couple of blocks to show you what I mean. We're only a 5 minute walk from your office (if that), so if you decide to do that give me a call at 521-2453. Be prepared to step lively if you cross Archibald Yell at Block. It's a real "the quick or the dead" crossing. Thank you for your time.

Roselyn Cicerone
Fayetteville Dance Center
25 E. South St.

Social Media and the City of Fayetteville

Why does it matter?

In a time when there are more people with cell phones and Internet connections than have subscriptions to a newspaper or watch a government channel, limiting ourselves to conventional means of communicating can no longer constitute a good faith effort to engage citizens in the democratic process. It's not that conventional media is no longer useful, it's that it's no longer the most effective way of reaching large numbers of people, especially if you want to turn those citizens into voices and volunteers.

That's the most important part, but there's more to it than that, social media presents an opportunity to rethink the way we manage information all throughout our government. Incorporating social media will encourage us to adopt a central system for creating documents and managing their publication, reducing budget requirements. In addition, the same system for citizen communications can be used for internal communications, helping our staff become more productive by making interdepartmental collaboration more efficient. (Note: Though this potential for integration exists, this resolution deals only with citizen communications.)

Sticker shock?

The move to central management can happen over time, and nearly all of the services and tools are free to use. At least initially, the investment of IT staff resources is relatively low. Configuring most of these services for efficient management is a small job; it is comparable to installing a few programs for a few staff members. As the administration develops and refines its communications strategy, it may decide additional and careful investment will provide worthwhile benefits.

Possible Technologies

Short term

In the short term, keeping up to date with City events, meetings, and initiatives will become more convenient by integrating a number of tools near at hand. A new City blog, existing newsletters, news releases, and Facebook publication can all be managed centrally with a minimum investment in staff time for configuration. This small initial investment will produce immediate benefits by eliminating duplicated effort to publish the same information across multiple channels, websites, and mediums.

The City may begin to investigate the use of Twitter and voice and video conferencing services to supplement and improve the customer service experience.

The technologies used in the short term may include RSS feeds and service API's.

Medium term

Medium term goals could help foster FOIA compliant communication among City divisions and departments and citizen committees and associations. This may be accomplished in parallel with a retrofit to the City's website and underlying software. Imagine a place where departments and citizen committees could share, collaborate and access their documents via the web from anywhere. The documents would be searchable by keyword, author, and other fields; access would be controlled by authentication; and information would be easily discoverable for FOI requests. It would dramatically improve productivity.

The technologies used in this section may include WebDAV, online-managed groupware, and an

extend-able content management system. Some custom programming may be required, but many free solutions exist, and in many cases we do not need to reinvent the wheel.

Long term

Amazing things are possible in the long term. In the future, citizens may be able to find notices and announcements relevant to their neighborhood by entering their address into a website. Citizens may be able to find out where the bus is by using their cell phone. Citizens may be able to view a list of volunteer opportunities and work with each other in an online environment.

There are lots of ways this technology may develop over time, but it's hard to predict anything specific. Developing a communications strategy for the city is necessary if we want to make sure our staff is always communicating as efficiently as possible, and that is the process that will determine what investments and improvements to city communications are the most worthwhile.

Send comments to citycouncil@matthewpetty.org

**Citizen Petition to the Fayetteville City Council
Regarding a Rezoning Request**

The undersigned are asking the City Council to support the recommendations of the Planning Staff and Planning Commission and vote to approve the property owner's request their quarter acre parcel on the southeast corner of S. College Ave. and E. South St be zoned Downtown General.

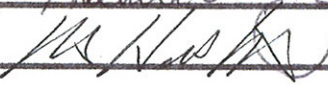
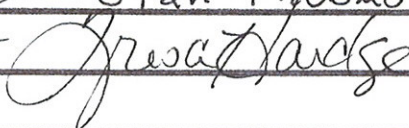
Background:

In 1994 a Fayetteville couple purchased a .63 acre tract of land two blocks southeast of the Fayetteville Square zoned for high density multi-family structures. In June 2008 they received a post card from the City informing them that their property was included in the proposed Walker Park Neighborhood Master Plan and would be zoned Neighborhood Conservation which prohibits multi-family structures.

They appealed to the Planning Commission. The Planning Staff recommended and the Planning Commission approved a Downtown General zone allowing multi-family use for their property. The City Council voted to reverse the decision of the Planning Commission at the request of several area residents.

The property owners then appealed the Council's decision to the Circuit Court which stayed further action in order for the owners to apply for a rezoning. The owners reduced their request to .25 acres and paid the rezoning application fee. The Planning Staff, a second time, found multi-family land use appropriate for the location and the Planning Commission approved the request for Downtown General zoning.

This issue will be before the City Council again. The property owners want to develop their property consistent with the goals of the 2025 Plan. (High density revitalization, green built, affordable, linked to the transportation network). The planning staff has twice recommended a Downtown General zoning. The Planning Commission has twice approved Downtown General zoning.

Printed Name	Signature	Date
G. Denele Campbell		5-12-9
Robert HATFIELD		5-12-9
Stan Phebus	STUART SANDERS CG1738	5-12-09
Stan Phebus	Stan Phebus	5-12-09
TRESA HADADGE		5-12-09

Printed Name	Signature	Date
MARK C. RISK	<i>Mark C. Risk</i>	4/28/09
Nancy Langbein	<i>Nancy Langbein</i>	4/28/09
Ed Langbein	<i>Ed Langbein</i>	4/28/09
Larry D. Kewndg	<i>Larry D. Kewndg</i>	4/29/09
Ashley Flowers	<i>Ashley Flowers</i>	5/12/09

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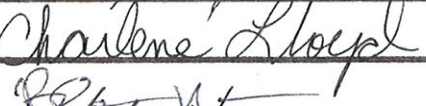
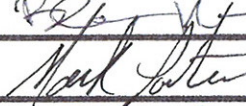
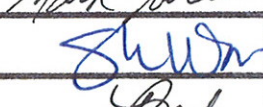
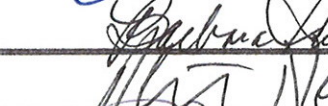
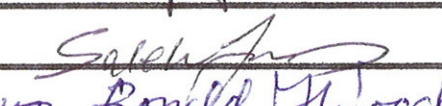
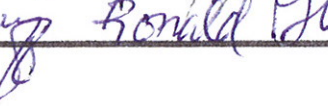
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Printed Name	Signature	Date
Eric Lloyd		4-23-09
Charlene Lloyd		4-23-09
Bluc Wilson		4-23-09
Mark Poff		4-27-09
Steven Worden		5/4/09
Barbara Hubbard		5/8/09
Robert Nevalich		5/12/09
JERRY GANTHROP		5/12/09
Saleh Faur		5-12-09
Ronald Woodrup		5-12-09

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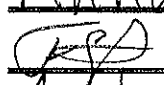
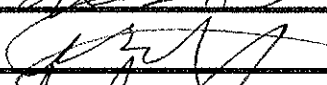
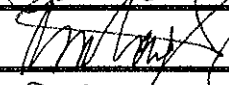
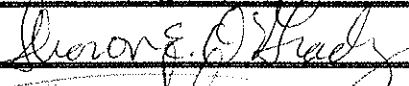
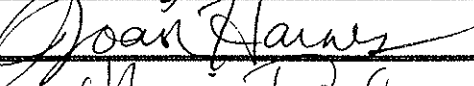
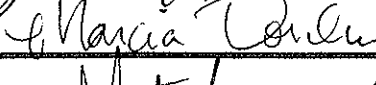
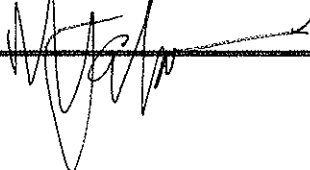
Background:

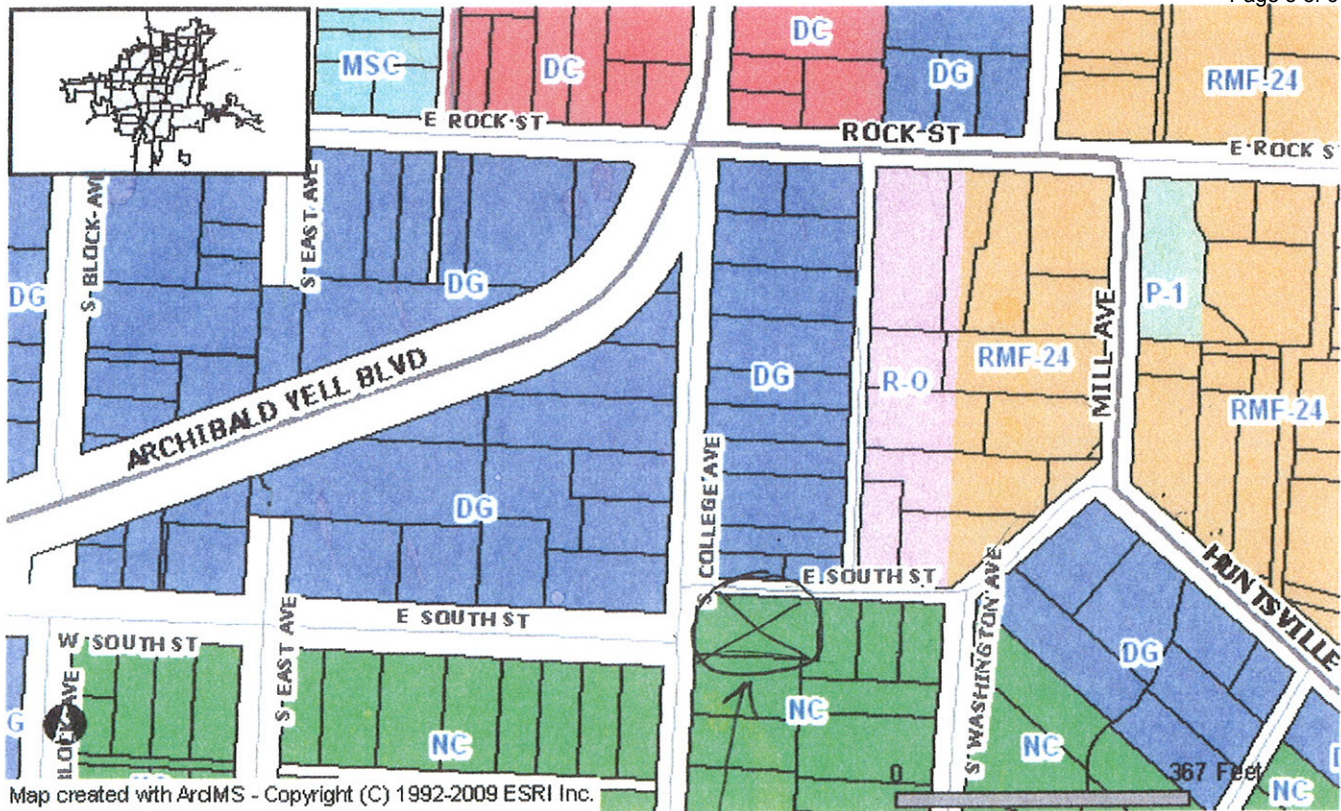
In 1994 a Fayetteville couple purchased a .63 acre tract of land two blocks southeast of the Fayetteville Square zoned for high density multi-family structures. In June 2008 they received a post card from the City informing them that their property was included in the proposed Walker Park Neighborhood Master Plan and would be zoned Neighborhood Conservation which prohibits multi-family structures.

They appealed to the Planning Commission. The Planning Staff recommended and the Planning Commission approved a Downtown General zone allowing multi-family use for their property. The City Council voted to reverse the decision of the Planning Commission at the request of several area residents.

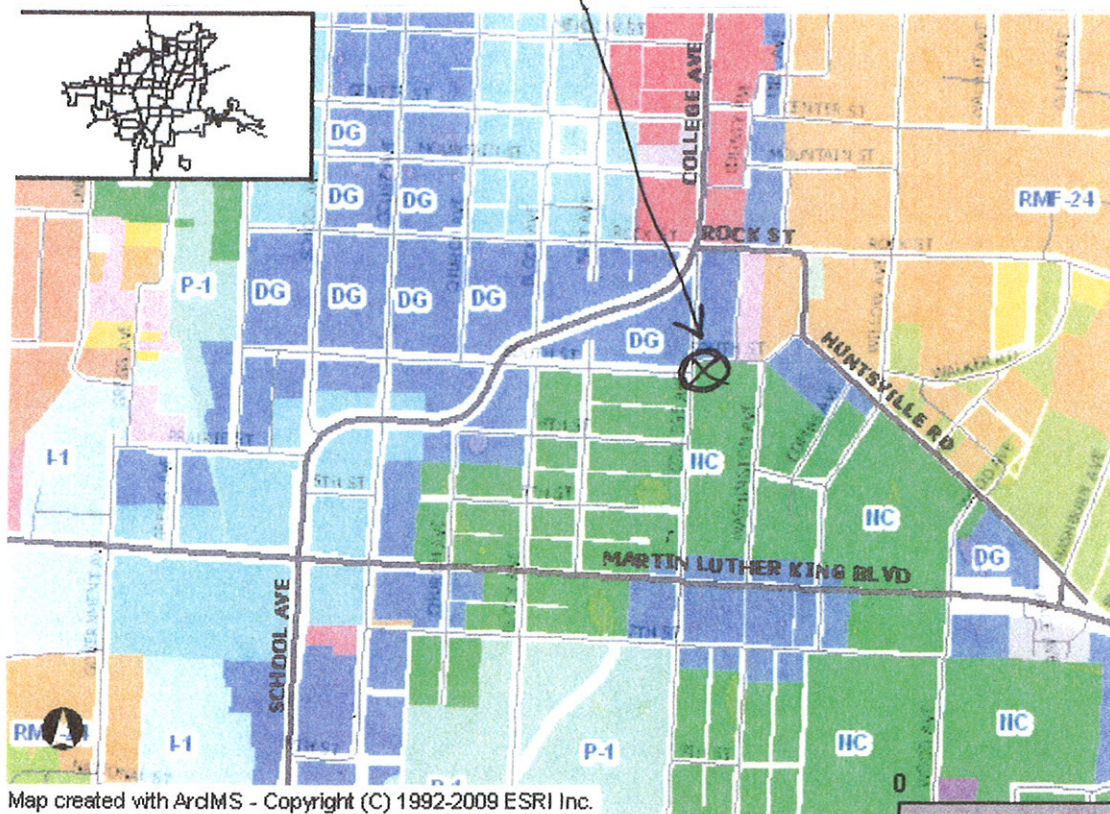
The property owners then appealed the Council's decision to the Circuit Court which stayed further action in order for the owners to apply for a rezoning. The owners reduced their request to .25 acres and paid the rezoning application fee. The Planning Staff, a second time, found multi-family land use appropriate for the location and the Planning Commission approved the request for Downtown General zoning.

This issue will be before the City Council again. The property owners want to develop their property consistent with the goals of the 2025 Plan. (High density revitalization, green built, affordable, linked to the transportation network). The planning staff has twice recommended a Downtown General zoning. The Planning Commission has twice approved Downtown General zoning.

Printed Name	Signature	Date
Anna Sills		5/3/09
		5/3/09
Michael Potter		5/3/09
Robert Mortenson	ROBERT MORTENSON	05/05/09
Sharon O'Grady		5/5/09
Joe Stevens		5/5/09
Jim WILKINS		5/11/09
JOAN ZARNESS		5/13/09
MARCIA DONLEY		5/13/09
Margot Jackson		5-13-09



300 S. College Ave.



AGENDA REQUEST

FOR: COUNCIL MEETING OF MAY 19, 2009

FROM:

ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Establish A Marijuana Policy Review Panel

APPROVED FOR AGENDA:


Matthew Petty
Alderman

5-12-2009
Date


Kit Williams
City Attorney (as to form)

May 8, 2009
Date

ORDINANCE NO. _____

**AN ORDINANCE TO ESTABLISH A MARIJUANA POLICY
REVIEW PANEL**

WHEREAS, §130.02 **Arrests and Prosecution of Marijuana Cases** of the Fayetteville Code is the codification of an initiated ordinance passed by the City voters on November 4, 2008; and

WHEREAS, the City Council desires to create a Marijuana Policy Review Panel to ensure §130.02 is implemented to the greatest extent possible.

**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 enacts a new Article XX **Marijuana Policy Review Panel** in Chapter 33 **Departments, Boards, Commissions, and Authorities** of the Fayetteville Code as shown below and rennumbers the current Article XX to Article XXI:

“XX Marijuana Policy Review Panel

“§33.321 Marijuana Policy

“(A) There is hereby established the Marijuana Policy Review Panel. The Marijuana Policy Review Panel shall work to ensure that §130.02 **Arrests and Prosecution of Marijuana Cases**’ stated purpose to make ‘misdemeanor marijuana offenses, when the marijuana was intended for adult person use, the City of Fayetteville’s lowest law enforcement and prosecutorial priority’ is implemented to the greatest extent possible.

“(B) The Marijuana Policy Review Panel shall be appointed by the City Council (except one Alderman shall be appointed by the Mayor). The remaining seven members shall be drawn from the various professions described below, unless no such professional applies for the position in which case the position can be filled by an at-large resident:

- “(1) Member of City Council
- (2) Fayetteville Police Chief or designee
- (3) City Attorney or designee
- (4) Drug Policy Advocate
- (5) At-Large Resident
- (6) Drug/Alcohol Abuse Prevention Counselor
- (7) Public Defender
- (8) Criminal Defense Attorney

“(C) The City Council Member shall serve at the pleasure of the City Council during his or her term of office. The Chief of Police, City Attorney or their designees shall serve during their terms of office. The remaining five members shall serve three year terms.

“(D) The Marijuana Policy Review Panel shall submit a comprehensive, written report with recommendations to the City Council twice a year beginning six months after the receipt of the third monthly written report from the Fayetteville Police Department and Fayetteville City Attorney’s Office pursuant to subsection (E).

“(E) The Fayetteville Police Department shall deliver a written monthly report of all misdemeanor marijuana arrests and citations in which the marijuana was intended for adult personal use to the Marijuana Policy Review Panel. The City Attorney’s Office shall deliver a written monthly report of all of its prosecutions of those arrests and citations to the Marijuana Policy Review Panel.

“(F) This entire code section shall expire or be repealed and of no further force or effect automatically upon the expiration of three years after its initial passage.”

PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

