

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
July 5, 2011**

A meeting of the Fayetteville City Council will be held on July 5, 2011 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:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Walton Arts Center Foundation Appointment – Mayor and Chancellor of the University of Arkansas appointment** – Three directors shall be jointly appointed by the Mayor of the City of Fayetteville, and the Chancellor of the University of Arkansas, Fayetteville. Subject to the approval of the City Council and the Board of Trustees of the University of Arkansas.

DALE CAUDLE WAS APPOINTED.

Agenda Additions:

- 1. Settlement Agreement with Earl and Murlene Webb:** A resolution approving a settlement agreement with Earl R. Webb and Murlene Webb concerning condemnation litigation filed as part of the Cato Springs Road Improvement Project in a total amount of \$34,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 107-11

A. Consent:

1. Approval of the June 21, 2011 City Council meeting minutes. **Approved**
2. **Fayetteville Police Department Donations:** A resolution to thank several donors to the Fayetteville Police Department and to approve a budget adjustment in the amount of \$4,880.00 recognizing the donations.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 108-11

3. **Wal-Mart Foundation and Facility #5737:** A resolution to thank the Wal-Mart Foundation and Facility #5737 and accept its \$1,000.00 donation to the Fayetteville Police Department for CPR training and certification.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 109-11

4. **Bid #11-40 Fochtman Enterprises, Inc.:** A resolution awarding Bid #11-40 and authorizing a contract with Fochtman Enterprises, Inc. in the amount of \$92,377.40 for construction of a parking lot at Bryce Davis Park, and approving a fifteen percent (15%) project contingency.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 110-11

5. **Youth Bridge, Inc.:** A resolution approving a lease with Youth Bridge, Inc. for property located at 1932 South Garland pursuant to the Community Development Block Grant Public Facility Lease Program.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 111-11

6. **Government Channel Budget Adjustment:** A resolution approving a budget adjustment in the amount of \$750.00 representing revenue from public access television fees collected by the public access television contractor.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 112-11

7. **Amend Resolution No. 160-10:** A resolution amending Resolution No. 160-10 approving an amendment to the Access Management Plan Agreement, as prepared by the Arkansas Highway and Transportation Department, for State Highway 265.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 113-11

8. **Taylor Settlement Agreement:** A resolution approving a settlement agreement with Murphy R. Taylor and Betty N. Taylor concerning condemnation litigation filed as part of the Crossover Road Water and Sewer Improvement Project in a total amount of \$27,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 114-11

9. **Edward Byrne Memorial Justice Assistance Grant:** A resolution to accept an Edward Byrne Memorial Justice Assistance Grant for the 4th Judicial District Drug Task Force in the amount of \$164,444.66 for federal funding and \$32,999.93 for state funding.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 115-11

B. Unfinished Business:

1. **City Plan 2030:** A resolution approving and adopting City Plan 2030 and the future land use map as the comprehensive land use plan. *This resolution was tabled at the June 21, 2011 City Council meeting to the July 5, 2011 City Council meeting.*

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 116-11

2. **Revised Master Street Plan:** A resolution approving and adopting a revised Master Street Plan and street cross-sections. *This resolution was tabled at the June 21, 2011 City Council meeting to the July 5, 2011 City Council meeting.*

TABLED TO AUGUST 16, 2011 CITY COUNCIL MEETING.

3. **RZN 11-3806 (South of Zion Road and East of Taliesin Lane/Woodbury):** An ordinance revoking R-PZD 06-2190 (Woodbury) rezoning that property described in rezoning petition RZN 11-3806, for approximately 9.26 acres, located south of Zion Road and east of Taliesin Lane, from R-PZD, Residential Planned Zoning District 06-2190, to NC, Neighborhood Conservation. *This ordinance was left on the Second Reading at the June 21, 2011 City Council meeting.*

TABLED TO JULY 19, 2011 CITY COUNCIL MEETING.

4. **RZN 11-3807 (Southwest Corner of Razorback Road and 15th Street/Champion Club Condos):** An ordinance revoking R-PZD 07-2551 (Champions Club Condos) and rezoning that property described in rezoning petition RZN 11-3807, for approximately 4.42 acres, located at the southwest corner of Razorback Road and 15th Street, east of the Crowne Apartments, from R-PZD, Residential Planned Zoning District 07-2551, to UT, Urban Thoroughfare. *This ordinance was left on the Second Reading at the June 21, 2011 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5416

5. **RZN 11-3835 (3710 West Martin Luther King Boulevard/Zaifi):** An ordinance rezoning that property described in rezoning petition RZN 11-3835, for approximately 1.20 acres, located at 3710 West Martin Luther King Boulevard from C-1, Neighborhood Commercial to CS, Community Services. *This ordinance was left on the Second Reading at the June 21, 2011 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5417

6. **Appeal RZN 11-3831 (209 W. Martin Luther King Blvd.):** An ordinance rezoning that property described in rezoning petition RZN 11-3831, for approximately 2.64 acres located at 209 West Martin Luther King Boulevard from RMF-24, Residential Multi-Family, 24 units per acre to C-1, Neighborhood Commercial. *This ordinance was left on the First Reading at the June 21, 2011 City Council meeting.*

THIS ITEM WAS LEFT ON THE SECOND READING.

C. New Business:

1. **RZN 11-3824 (East of Intersection of College and Township/Summit Place):** An ordinance rezoning that property described in rezoning petition RZN 11-3824 (Summit Place), for approximately 30.13 acres, located east of the intersection of College and Township Avenues from RSF-4, Residential Single Family four units per acre to NC, Neighborhood Conservation subject to a Bill of Assurance.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5418

2. **ADM 11-3655 Building Code:** A resolution to request that Mayor Jordan have city staff examine city building codes and recommend amendments to further promote sustainable practices and energy conservation for City Council consideration.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 117-11

3. **Thomas Condemnation and Possession:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Zara L. Thomas, trustee of the Zara L. Thomas Revocable Trust U/D/T November 20, 1998, needed for the University of Arkansas Farm Trail Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 118-11

4. **Rogers Group, Inc. v. City of Fayetteville:** A resolution to authorize the City Attorney to appeal the award of attorneys fees and costs in the Rogers Group, Inc. v. City of Fayetteville case.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 119-11

Announcements:

Adjournment: 9:20 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

Subject:	Roll				
<u>Alderman Gray was absent</u>	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	Absent			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Mayor Jordan	✓			

8-0

Subject:	Walton Arts Center Foundation Appointment – Mayor & Chancellor of the UofA appointment				
Motion To:		Approve	Dale Caudle appointed		
Motion By:		Ferrell			
Seconded:		Lewis			
<u>Dale Caudle Appointed</u>	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	Absent			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Mayor Jordan				

7-0

Subject:		Add: Settlement Agreement with Earl Webb &			
Motion To:		Add to Agenda	Passed		Marlene Webb
Motion By:		Petty	Ferrell		
Seconded:		Boudreaux	Tennant		
<u>Passed</u> 107-11	Ferrell	✓	✓		
	Adams	✓	✓		
	Lewis	✓	✓		
	Gray	Absent	Absent		
	Boudreaux	✓	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	✓	✓		
	Mayor Jordan				

7-0

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Boudreaux				
	Kinion				
	Petty				
	Tennant				
	Mayor Jordan				

Subject:	Consent				
Motion To:					
Motion By:		<i>Approve</i>			
Seconded:		<i>Petty</i>			
		<i>Tennant</i>			
<i>Minutes Approved</i>	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	<i>Absent</i>			
<i>passed 108-11 thru 115-11</i>	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Mayor Jordan				

70

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Ferrell				
	Adams				
	Lewis				
	Gray				
	Boudreaux				
	Kinion				
	Petty				
	Tennant				
	Mayor Jordan				

Subject:	City Plan 2030				
Motion To:		<i>Approve</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>Adams</i>			
B. 1 Unfinished Business <i>Passed</i> <i>116-11</i>	Ferrell	<i>N</i>			
	Adams	<i>✓</i>			
	Lewis	<i>✓</i>			
	Gray	<i>Absent</i>			
	Boudreaux	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Mayor Jordan				

6-1

Subject:	Revised Master Street Plan				
Motion To:		<i>Table to August 16, 2011</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>Ferrell</i>			
B. 2 Unfinished Business <i>Table to August 16, 2011</i>	Ferrell	<i>✓</i>			
	Adams	<i>✓</i>			
	Lewis	<i>✓</i>			
	Gray	<i>Absent</i>			
	Boudreaux	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Mayor Jordan				

7-0

Subject:	RZN 11-3806 (South of Zion Road and East of Taliesin Lane/Woodbury)				
Motion To:		3rd Read	Table to 7-19-11		
Motion By:		Boudreaux	Ferrell		
Seconded:		Lewis	Lewis		
B. 3 Unfinished Business Tabled to 7-19-11	Ferrell	✓	✓		
	Adams	✓	✓		
	Lewis	✓	✓		
	Gray	Absent	absent		
	Boudreaux	✓	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	✓	✓		
	Mayor Jordan				

7-0

7-0

Subject:	RZN 11-3807 (Southwest Corner of Razorback Rd. & 15 th Street/Champion Club Condos)				
Motion To:		3rd Read	Pass		
Motion By:		Lewis			
Seconded:		Ferrell			
B. 4 Unfinished Business Passed 5416	Ferrell	✓	✓		
	Adams	✓	✓		
	Lewis	✓	✓		
	Gray	Absent	absent		
	Boudreaux	✓	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	✓	✓		
	Mayor Jordan				

7-0

7-0

Subject:		RZN 11-3835 (3710 West Martin Luther King Boulevard/Zaifi)			
Motion To:		3rd Read	Pass		
Motion By:		Petty			
Seconded:		Ferrell			
B. 5 Unfinished Business <u>passed</u> 5417	Ferrell	✓	✓		
	Adams	✓	✓		
	Lewis	✓	✓		
	Gray	absent	absent		
	Boudreaux	✓	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	✓	✓		
	Mayor Jordan				

7-0

7-0

Subject:		Appeal RZN 11-3831 (209 W. Martin Luther King Blvd.)			
Motion To:		2nd Read			
Motion By:		Ferrell			
Seconded:		Lewis			
B. 6 Unfinished Business Left on the Second Reading	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	absent			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Mayor Jordan				

7-0

Subject:		RZN 11-3824 (East of Intersection of College and Township/Summit Place)			
Motion To:					
		2nd Read	3rd Read	Pass	
Motion By:					
		Lewis	Lewis		
Seconded:					
		Ferrell	Ferrell		
C. 1 New Business <u>Passed</u> 5418	Ferrell	✓	✓	✓	
	Adams	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	Absent	Absent	Absent	
	Boudreaux	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Mayor Jordan				

7-0

7-0

7-0

Subject:		ADM 11-3655 Building Code			
Motion To:					
		Approve			
Motion By:					
		Petty			
Seconded:					
		Adams			
C. 2 New Business <u>passed</u> 117-11	Ferrell	✓			
	Adams	✓			
	Lewis	✓			
	Gray	Absent			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Mayor Jordan				

7-0

Subject:		Thomas Condemnation and Possession			
Motion To:		Approve			
Motion By:		Boudreaux			
Seconded:		Petty			
C. 3 New Business <u>passed</u> 118-11	Ferrell	N			
	Adams	✓			
	Lewis	✓			
	Gray	Absent			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	N			
	Mayor Jordan				

5-2

Subject:		Rogers Group, Inc. v. City of Fayetteville			
Motion To:		Approve			
Motion By:		Boudreaux			
Seconded:		Adams			
C. 4 New Business <u>passed</u> 119-11	Ferrell	N			
	Adams	✓			
	Lewis	✓			
	Gray	Absent			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Mayor Jordan				

6-1



TO: Mayor Jordan

Kit Williams
City Attorney

THRU: Sondra Smith, City Clerk

Jason B. Kelley
Assistant City Attorney

FROM: Kit Williams, City Attorney

DATE: July 6, 2011

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of July 5, 2011

- 1. Cato Springs Settlement:** A resolution approving a settlement agreement with Earl F. Webb and Murlene Webb concerning condemnation litigation filed as part of the Cato Springs Road improvement project in a total amount of \$34,000.00.
- 2. Fayetteville Police Department Donations:** A resolution to thank several donors to the Fayetteville Police Department and to approve a budget adjustment in the amount of \$4,9880.00 recognizing the donations.
- 3. Wal-Mart Foundation and Facility #5737:** A resolution to thank the Walmart Foundation and Facility #5737 and accept its \$1,000.00 donation to the Fayetteville Police Department for CPR training and certification.
- 4. Fochtman Enterprises, Inc.:** A resolution awarding Bid #11-40 and authorizing a contract with Fochtman Enterprises, Inc. in the amount of \$92,377.40 for construction of a parking lot at Bryce Davis Park, and approving a 15% project contingency.
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Mayor Lioneld Jordan
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Added at
Agenda Session
6/28/11

City of Fayetteville Staff Review Form

A. 9
Edward Byrne Memorial
Justice Assistance Grant
Page 1 of 26

City Council Agenda Items
and
Contracts, Leases or Agreements

7/5/2011

City Council Meeting Date
Agenda Items Only

Greg Tabor
Submitted By

Drug Enforcement
Division

Police
Department

Action Required:

Acceptance of the Edward Byrne Memorial Justice Assistance Grant for federal and state funding of the 4th Judicial District Drug Task Force in the amount of \$164,444.66 and \$32,888.93, respectively.

\$ 457,316.00
Cost of this request

\$ 525,650.00

Drug Enforcement
Program Category / Project Name

2930-2960
Account Number

\$ 287,816.87
Funds Used to Date

Drug Enforcement
Program / Project Category Name

08064-1112
Project Number

\$ 237,833.13
Remaining Balance

Drug Enforcement
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Department Director

Date

6-28-11
Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

Date

6-28-2011
Original Contract Number:

Finance and Internal Services Director

Date

Received in City 06-28-11 P02:26 RCVD
Clerk's Office

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date



Comments:



www.accessfayetteville.org

A. 9
Edward Byrne Memorial
Justice Assistance Grant

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police 

Date: July 5, 2011

Subject: Grant Acceptance for 4th Judicial Drug Task Force

PROPOSAL:

The 4th JDTF's total projected budget for the 2011-2012 JAG grant period is \$457,316. The State Office of Intergovernmental Services has approved grant funding in the following amounts: federal - \$164,444, state - \$32,889, and local match - \$21,926. The JAG grant defines required local matching funds based on a percentage split of 75/15/10 in awarded federal and state funds plus local funds. To receive the federal and state portion of the Justice Assistance Grant, the 4th JDTF must commit to a match of at least \$21,926.00. However, Fayetteville provides additional funds in the amount of \$132,324 plus overtime and covert funds to maintain the same level of effectiveness for the Drug Enforcement program. The other member agencies also contribute additional funds totaling \$105,733.

The 2011-2012 fiscal year grant award is the same amount as funded in the 2010-2011 grant period. Attached, please find the grant document which includes the Project Budget Narrative to further explain the operation covered by this grant, and all certifications, assurances and conditions.

RECOMMENDATION:

Staff recommends acceptance of the 2011-2012 Justice Assistance Grant for federal and state funding in the amount of \$164,444 and \$32,889, respectively, for the primary funding source of the 4th Judicial Drug Task Force. If you should have any comments or questions regarding this grant acceptance, please contact me at extension 500 or Judy Cohea at extension 581.

BUDGET IMPACT:

The budget will be sufficient for the balance of 2011 and will remain stable in 2012.

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE 4TH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$164,444.66 FOR FEDERAL FUNDING AND \$32,999.93 FOR STATE FUNDING

WHEREAS, the Edward Byrne Memorial Justice Assistance Grant in the amount of \$164,444.66 (federal) and \$32,888.93 (state) is available to the 4th Judicial District Drug Task Force with city matching funds of at least \$21,926.00; and

WHEREAS, the City of Fayetteville has budgeted \$132,324.00 for the 4th Judicial District Drug Task Force this year.

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 accepts an Edward Byrne Memorial Justice Assistance Grant for the 4th Judicial District Drug Task Force in the amount of \$164,444.66 (federal) and \$32,888.93 (state) and pledges a match of at least \$21,926.00 for the Task Force.

PASSED and APPROVED this 5th day of July, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

APPLICATION FOR FEDERAL ASSISTANCE

A. 9
Edward Byrne Memorial
Justice Assistance Grant
Page 4 of 26

1. TYPE OF SUBMISSION: Application ☐ Construction ☒ Non-Construction		Pre-application ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED 	Applicant Identifier 																												
5. APPLICANT INFORMATION Legal Name: City of Fayetteville, Arkansas Organizational DUNS: 075657742 Address: 100-a West Rock Street City: Fayetteville County: Washington State: AR Zip Code: 72701 Country: United States			3. DATE RECEIVED BY STATE 	State Application Identifier 																												
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 71-6018462			4. DATE RECEIVED BY FEDERAL AGENCY 	Federal Identifier 																												
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)			Organizational Unit: Department: Fayetteville Police Department Division: 4th Judicial District Drug Task Force Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: First Name: Judy Middle Name Last Name: Cohea Suffix: Email: jcohea@ci.fayetteville.ar.us Phone Number (give area code): (479) 587-3581 Fax Number (give area code): (479) 587-3570																													
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: TITLE (Name of Program): Edward Byrne Memorial JAG Program 16-738			7. TYPE OF APPLICANT: (See back of form for Application Types) C. Municipal Other (specify)																													
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): Washington and Madison Counties			9. NAME OF FEDERAL AGENCY: Department of Justice																													
13. PROPOSED PROJECT Start Date: 07/01/2011 Ending Date: 06/30/2012			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: 4th Judicial District Drug Task Force																													
15. ESTIMATED FUNDING: <table border="1"> <tr> <td>a. Federal</td> <td>\$</td> <td>164,444.66</td> <td>.00</td> </tr> <tr> <td>b. Applicant</td> <td>\$</td> <td></td> <td>.00</td> </tr> <tr> <td>c. State</td> <td>\$</td> <td>32,888.93</td> <td>.00</td> </tr> <tr> <td>d. Local</td> <td>\$</td> <td>21,925.95</td> <td>.00</td> </tr> <tr> <td>e. Other</td> <td>\$</td> <td></td> <td>.00</td> </tr> <tr> <td>f. Program Income</td> <td>\$</td> <td></td> <td>.00</td> </tr> <tr> <td>g. TOTAL</td> <td>\$</td> <td>219,259.54</td> <td>.00</td> </tr> </table>			a. Federal	\$	164,444.66	.00	b. Applicant	\$		.00	c. State	\$	32,888.93	.00	d. Local	\$	21,925.95	.00	e. Other	\$		.00	f. Program Income	\$		.00	g. TOTAL	\$	219,259.54	.00	14. CONGRESSIONAL DISTRICTS OF: a. Applicant 3rd b. Project 3rd	
a. Federal	\$	164,444.66	.00																													
b. Applicant	\$		.00																													
c. State	\$	32,888.93	.00																													
d. Local	\$	21,925.95	.00																													
e. Other	\$		.00																													
f. Program Income	\$		.00																													
g. TOTAL	\$	219,259.54	.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.			16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. Yes. ☒ THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE: 07/01/2011 b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372 ☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW																													
a. Authorized Representative Prefix First Name: Lioneld Middle Name Last Name: Jordan Suffix b. Title: Mayor c. Telephone Number (give area code): (479) 575-8330 d. Signature of Authorized Representative e. Date Signed			17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? ☐ Yes If "Yes" attach an explanation. ☐ No																													

STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES



Department of Finance and Administration

1515 West Seventh Street, Suite 400
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.dfa.arkansas.gov>

June 6, 2011

Mr. Lioneld Jordan
Mayor
4th JD Drug Task Force
100A West Rock
Fayetteville, AR 72701

Re: Grant No. J10-014 \$164, 444.67 from JAG

Dear Mr. Jordan:

The Justice Assistance Grant that funds your drug task force will be continued at its current funding level commencing July 1, 2011. Your grant award # and the amount of that award that ends June 30, 2011, appears above. That continuation will be contingent upon a review that will be taking place by the Law Enforcement Committee of the Arkansas Alcohol and Drug Abuse Coordinating Council over the next few months, and adjustments to the grants could be made based on that review.

We have enclosed the award document for your signature, but even though the competitive application process will not be necessary for this year, you will need to execute all the forms that are required each year as a part of your acceptance of the funds. Diana will be e-mailing you new forms for preparation of the budget, requests for reimbursement and some instructions on how to submit your request for reimbursement. Be watching for those, because we are going to use ONLY those forms this year. After receipt of your executed award document, we will follow up with the standard assurances and special conditions documents that you will need to return to us, and we should be ready to move into the new grant year funds on July 11, 2011. To do that though, you will need to direct your staff to return the necessary grant documents as quickly as possible.

We will also need a copy of any MOUs that you have in place with city or county governments.

I strongly suggest that you assure that your fiscal officer and any other staff who are responsible for the preparation of reimbursement requests, and the documentation that must accompany that request, be familiar with the Federal Financial Guide. It is available on line at:

http://www.ojp.usdoj.gov/financialguide/09_financial_guide.pdf. There may be additional rules set by the AADAC law enforcement sub-committee, but the Federal Financial Guide should be your first source of information. These are the stringent rules that we are bound by as the grantee in this program, and we pass through those requirements to the sub-grantees.

Diana Wilson is the JAG grant coordinator for your program, and I encourage you to contact her directly if you have questions about the overall budgeting performance of your DTF. She wants to assist each of you in being successful in the use of your money, and is always available to you should you need her. Her e-mail is diana.wilson@dfa.arkansas.gov; her work number is 501-682-5022. If she is working outside of her main office, members of her staff are always able to contact her within a short time, and she will give you a call back quickly.

As many of you have heard, there will be significant federal funding reductions in the Byrne JAG award to the states. However, in keeping with the practice of state government we conservatively manage these

Purvis/DTF continuation letter
June 6, 2011

A. 9
Edward Byrne Memorial
Justice Assistance Grant
Page 6 of 26

awards and we are hopeful that we will be able to maintain the current level of funding available for sub awards over the next couple of years. Please remember that these are competitive awards and there is no guarantee of continued funding from year to year.

As many of you have heard, there will be significant federal funding reductions in the Byrne JAG award to the states. However, in keeping with the practice of state government we conservatively manage these awards and we are hopeful that we will be able to maintain the current level of funding available for sub awards over the next couple of years. Please remember that these are competitive awards and there is no guarantee of continued funding from year to year.

I look forward to working with each of you in the coming year.

Best regards,



ANN PURVIS
Administrator
Office of Intergovernmental Services

AP/dw
cc: 2011 DTF grant files



**ARKANSAS DEPARTMENT OF
FINANCE AND ADMINISTRATION**

OFFICE OF INTERGOVERNMENTAL SERVICES

1515 West Seventh Street, Suite 400
P. O. Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.state.ar.us/dfa>

☒

JAG

☐

RSAT

☐

LLEBG

Edward Byrne Memorial
Justice Assistance Grant (JAG) Program

CFDA #:16.738

1. SUBGRANTEE NAME AND ADDRESS (Including Zip Code)

The Honorable Lioneld Jordan,
City of Fayetteville
100-A West Rock Street
Fayetteville, Arkansas 72701

4. SUBGRANT NUMBER: J 11-014

5. START DATE: July 1, 2011
END DATE: June 30, 2012

2. MODIFICATION EFFECTIVE DATE:

6. AWARD DATE: July 1, 2011

7. ACTION: ☒ Initial
☐ Modification

2A. MODIFICATION AMOUNT \$

FEDERAL \$
STATE MATCH \$
LOCAL MATCH \$

8. AWARD AMOUNT \$219,259.54

FEDERAL \$164,444.66
STATE MATCH \$ 32,888.93
LOCAL MATCH \$ 21,925.95

3. COMMON NAME: 4th Judicial District Drug Task Force

4. Project Description: Identify arrest and prosecute individuals who are manufacturing, selling, or transporting drugs in or through the Programs jurisdictional area of operations. – Maintenance, Operations and Equipment Project.

9. SPECIAL CONDITIONS (check if applicable)

☒

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS SET FORTH IN IT'S APPLICATION AND ALL CERTIFICATIONS, ASSURANCES AND SPECIAL CONDITIONS PREVIOUSLY AGREED TO.

This project is supported under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3750).

AGENCY APPROVAL		SUBGRANTEE APPROVAL	
10. TYPED NAME AND TITLE OF APPROVING IGS OFFICIAL Ann Purvis, Administrator Intergovernmental Services	12. TYPED NAME AND TITLE OF AUTHORIZED SUBGRANTEE OFFICIAL The Honorable Lioneld Jordan, City of Fayetteville		
11. SIGNATURE OF APPROVING OFFICIAL	13. SIGNATURE OF AUTHORIZED OFFICIAL	14. DATE	

**ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
ATTACHMENT D: 2010 APPLICATION BUDGET**

A. 9
Edward Byrne Memorial
Justice Assistance Grant
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APPLICANT ORGANIZATION City of Fayetteville, Arkansas

PROJECT TITLE 4th Judicial District Drug Task Force

Grant Number J 11-014

Budget Item	FEDERAL FUNDS	STATE MATCH	LOCAL MATCH	PROJECT TOTAL	Narrative Explanation of Budget Item
A. SALARY: List all positions for which funding is sought, include positions to be used as match. Include the number of hours worked per week, the salary rate, as well as a brief description of the job duties to be performed by each position. Grant funds and/or grant matching funds may not be used for CONFIDENTIAL FUNDS, unless the Authorized Official certifies that the DTF will comply with the Department of Justice regulations concerning Confidential Funds.					
1 DTF Supervisor, Brad Renfro	\$ 24,098.84	\$ 4,754.00	\$ 6,267.00	\$ 35,119.84	40 hrs/wk, \$58,803 salary, Supervises all DTF activities
2 DTF Investigator, Anthnoy Murphy	\$ 19,909.00	\$ 3,978.00	\$ 4,888.00	\$ 28,775.00	40 hrs/wk, \$45,884 salary, investigate narcotic cases
3 DTF Investigator, Jacob Lawson	\$ 17,668.00	\$ 3,394.00	\$ 5,237.00	\$ 26,299.00	40 hrs/wk, \$44,137 salary, investigate narcotic cases
TOTAL SALARY	\$ 61,675.84	\$ 12,126.00	\$ 16,392.00	\$ 90,193.84	
B. MANDATED BENEFITS: Mandated Benefits include FICA, Worker's Compensation and State Unemployment. FICA is calculated at 7.65% of total salary. Worker's Compensation and State Unemployment rates are determined by the respective agencies.					
7 FICA @ 1.45% X total salary	\$ 894.30	\$ 175.83	\$ 237.68	\$ 1,307.81	No Social security paid on DTF officers
8 Worker's Compensation for all Positions @ 2 %	\$ 1,233.52	\$ 242.52	\$ 327.84	\$ 1,803.88	Agency has no State Unemployment requirements
TOTAL MANDATED BENEFITS	\$ 2,127.82	\$ 418.35	\$ 565.52	\$ 3,111.69	
C. EMPLOYER BENEFITS: Include all other benefits offered to employee through group policies held by the applicant (i.e.: health insurance, retirement, etc.). Payments made directly to employees are not an allowable cost.					
10 Health insurance (\$226.17/month x 3 officers)	\$ 3,683.00	\$ 733.00	\$ 2,100.00	\$ 6,516.00	
11 Retirement (LOPFI - 16.84%)	\$ 7,552.00	\$ 1,509.00	\$ 2,868.43	\$ 11,929.43	
TOTAL EMPLOYER BENEFITS	\$ 11,235.00	\$ 2,242.00	\$ 4,968.43	\$ 18,445.43	
D. MAINTENANCE AND OPERATIONS: Include items essential to the effective implementation of activities identified within this proposal (i.e. staff travel, telephone, office rental, office supplies, car lease (car lease not to exceed \$600.00 per month) etc.).					
19 Alarm Service	\$ 417.00	\$ 83.00	\$ -	\$ 500.00	
20 Cellphones	\$ 3,605.00	\$ 771.00	\$ -	\$ 4,376.00	
22 Copier Expense	\$ 293.00	\$ 59.00	\$ -	\$ 352.00	
24 Evidence Collection Supplies	\$ 475.00	\$ 131.00	\$ -	\$ 606.00	
25 Office Supplies	\$ 234.00	\$ 47.58	\$ -	\$ 281.58	
27 Postage	\$ 47.00	\$ 9.00	\$ -	\$ 56.00	
28 Surveillance Equip. Service Fees	\$ 1,226.00	\$ 245.00	\$ -	\$ 1,471.00	
29 Vehicle Fuel	\$ 4,765.00	\$ 982.00	\$ -	\$ 5,747.00	
30 Vehicle Insurance	\$ 506.00	\$ 101.00	\$ -	\$ 607.00	
31 Vehicle Maintenance	\$ 1,175.00	\$ 137.00	\$ -	\$ 1,312.00	
TOTAL MAINTENANCE AND OPERATIONS	\$ 12,743.00	\$ 2,565.58	\$ -	\$ 15,308.58	

APPLICATION DEADLINE: MAY 22, 2010 AT 4:30 P.M.
Applications received after the 4:30 deadline will not be considered

**ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
ATTACHMENT D: 2010 APPLICATION BUDGET**

A. 9
Edward Byrne Memorial
Justice Assistance Grant
Page 9 of 26

E. PROFESSIONAL/CONTRACT SERVICES: Include any professional service needed to ensure success of the project. For each consultant enter the name, service to be provided and hourly fee. Estimate time worked on the project. If Contract Services is used for PERSONNEL - use the Personnel/Salary Category, but list that they are Contract Services.

34	Springdale Police Department	\$ 28,516.00	\$ 5,767.00	\$ -	\$ 34,283.00	
35	Washington County Sheriffs Office	\$ 26,651.00	\$ 5,485.00	\$ -	\$ 32,136.00	
36	Prairie Grove Police Department	\$ 20,996.00	\$ 4,185.00	\$ -	\$ 25,181.00	
	TOTAL PROFESSIONAL/CONTRACT SERVICES	\$ 76,163.00	\$ 15,437.00	\$ -	\$ 91,600.00	

F. TRAVEL/TRAINING: Itemize travel expenses of project personnel by purpose. Training for personnel (IN STATE ONLY). OUT OF STATE TRAVEL/TRAINING MUST BE APPROVED BY IGS/COMMITTEE.

38	travel/training (in state only) Out of state only approved in exceptional circumstances and only by request to IGS/AADAC 60 days prior to travel date	\$ 500.00	\$ 100.00	\$ -	\$ 600.00	
39		\$ -	\$ -	\$ -	\$ -	
	TOTAL TRAVEL/TRAINING	\$ 500.00	\$ 100.00	\$ -	\$ 600.00	

G. EQUIPMENT: List non-expendable items to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years and an acquisition cost of \$500.00 or more per item. Be specific and provide completed JAG inventory form after delivery

41		\$ -	\$ -	\$ -	\$ -	
	TOTAL EQUIPMENT COST	\$ -	\$ -	\$ -	\$ -	

H. TOTAL PROJECT BUDGET	\$ 164,444.66	\$ 32,888.93	\$ 21,925.95	\$ 219,259.54	
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2010 - 2011 Budget (Federal and State):

Maximum Eligibility Amount (FEDERAL) for 2010 - 2011:	\$164,444.66
Total State Match Requirement for 2010 - 2011:	\$32,888.93
Total Local Match Requirement 2010 - 2011:	\$21,925.95

Lionel Jordan
Authorized official (PRINTED)

Date

Authorized official (Signature)

Judy Cohea
Fiscal Officer (Printed)
Fiscal Officer (Signature)

Date

APPLICATION DEADLINE: MAY 22, 2010 AT 4:30 P.M.
Applications received after the 4:30 deadline will not be considered



ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
ATTACHMENT D-1 BUDGET NARRATIVE

A. 9
Edward Byrne Memorial
Justice Assistance Grant
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4th Judicial District Drug Task Force

A. Salary - \$182,141

DTF Supervisor (Renfro) – \$28.271 per hour x 2,080 hours = \$58,803

Fayetteville Officer (Murphy) – \$22.060 per hour x 2,080 hours = \$45,884

Fayetteville Officer (Lawson) – \$21.220 per hour x 2,080 hours = \$44,137

DTF Secretary (Murdoch) - \$16.018 per hour x 2,080 hours = \$33,317

B. Mandated Benefits - \$8,211

Medicare (Supervisor & Officers) – 1.45% of Supervisor & Officer Salaries

$1.45\% \times \$154,064 = \$2,641$

FICA (DTF Secretary) – 7.65% of Secretary Salary

$7.65\% \times \$33,317 = \$2,549$

Worker's Compensation – 2.03% of Supervisor & Officers Salaries

$2.03\% \times \$148,824 = \$3,021$

C. Employer Benefits - \$41,065

Health Insurance (Supervisor & Officers) - \$226.17 per month per employee

$\$226.17 \times 12 \text{ months} \times 3 \text{ employees} = \$8,142$

Health Insurance (DTF Secretary) - \$226.17 per month

$\$226.17 \times 12 \text{ months} \times 1 \text{ employee} = \$2,714$

Life Insurance (All Employees) - \$538

Long Term Disability Insurance (All Employees) - \$575

Accidental Death/Disability (All Employees) - \$36

Retirement (Supervisor & Officers) – 16.84% of Supervisor & Officer Salaries

$16.84\% \times \$148,824 = \$25,062$

Retirement (DTF Secretary) – 12.00% of Secretary Salary



ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
ATTACHMENT D-1 BUDGET NARRATIVE

A. 9
Edward Byrne Memorial
Justice Assistance Grant
Page 11 of 26

$$12.00\% \times \$33,317 = \$3,998$$

D. Maintenance and Operations - \$44,219

Alarm Service - \$74.50 per month

$$\$74.50 \times 12 \text{ months} = \$894$$

Cell Phones - \$848.56 per month

$$\$848.56 \times 12 \text{ months} = \$10,183$$

Cleaning Services - \$109.25 per month

$$\$109.25 \times 12 \text{ months} = \$1,311$$

Copier Expense - \$28.13 per month plus

$$\$28.13 \times 12 \text{ months} = \$338$$

Drug Screening (quarterly) for All Employees - \$24.50 per drug screen

$$\$24.50 \text{ per drug screen} \times 4 \text{ employees} \times 4 \text{ quarters} = \$392$$

Evidence Collection Supplies - \$1,500

Drug testing kits, latex gloves, evidence containers, evidence tape, evidence envelopes and bags, syringes, etc...

Fuel - 314.00 gallons per month at \$3.25 per gallon

$$314.00 \text{ gallons} \times 12 \text{ months} \times \$3.25 \text{ per gallon} = \$12,246$$

Office Supplies - \$1,500

File supplies, printed forms, desk supplies, toner cartridges, batteries, CDR/DVD's, etc...

Personal Liability Insurance - \$1,000 annual premium for DTF Officers

Postage - \$150

Certified and overnight postage charges

Surveillance Equipment Service Fees - \$545 per year per GPS Tracker

$$\$545 \text{ per year} \times 3 \text{ GPS Trackers} = \$1,635$$



ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
ATTACHMENT D-1 BUDGET NARRATIVE

A. 9
Edward Byrne Memorial
Justice Assistance Grant
Page 12 of 26

Vehicle Insurance - \$5,570 annual premium on DTF Vehicles

Vehicle Maintenance - \$7,500

Oil changes, brake jobs, tune-ups, tires, and other routine maintenance on DTF vehicles

E. Professional/Contract Services - \$179,230

Washington County Sheriff's Office - \$60,788

Investigator Salary - $\$18.110 \text{ per hour} \times 2,080 \text{ hours} = \$37,669$

FICA - $7.65\% \times \$37,669 \text{ annual salary} = \$2,882$

Retirement - $12.54\% \times \$37,669 \text{ annual salary} = \$4,724$

Health Insurance - $\$215 \text{ per month} \times 12 \text{ months} = \$2,580$

Worker's Compensation - $3.36\% \times \$37,669 \text{ annual salary} = \$1,265$

Life Insurance - \$150 annual premium for DTF Investigator

Telephone - $\$100 \text{ per month} \times 12 \text{ months} \times 1 \text{ DTF Investigator} = \$1,200$

Vehicle Insurance - \$540 annual premium for DTF vehicle

Fuel - $147.54 \text{ gallons per month} \times 12 \text{ months} \times \$2.84 \text{ per gallon} = \$5,028$

Vehicle Expense - routine vehicle maintenance = \$4,750

Springdale Police Department - \$66,609

Investigator Salary - $\$23.25 \text{ per hour} \times 2,080 \text{ hours} = \$48,360$

FICA - $7.65\% \times \$48,360 \text{ annual salary} = \$3,700$

Health Insurance - $\$232.92 \text{ per month} \times 12 \text{ months} = \$2,795$

Retirement - $13.92\% \times \$48,360 \text{ annual salary} = \$6,732$

Worker's Compensation - \$540 annual premium for DTF Investigator

Cellular Telephone - $\$103.46 \text{ per month} \times 12 \text{ months} \times 2 \text{ phones} = \$2,483$

Fuel - $58.69 \text{ gallons per month} \times 12 \text{ months} \times \$2.84 \text{ per gallon} = \$2,000$



ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
ATTACHMENT D-1 BUDGET NARRATIVE

A. 9
Edward Byrne Memorial
Justice Assistance Grant
Page 13 of 26

Prairie Grove Police Department - \$51,833

Salary - \$17.100 per hour x 2,080 hours = \$35,562

FICA - 7.65% x \$35,562 annual salary = \$2,720

Health Insurance - \$335.50 per month x 12 months = \$4,026

Retirement - 18.53% x \$35,562 annual salary = \$6,590

Uniform Allowance = \$1,000

Workers Comp - 1.97% x \$35,562 = \$701

Cell Phone - \$102.83 per month x 12 months = \$1,234

F. Travel/Training - \$2,450

In-state narcotics training

G. Equipment - \$0

None

H. Total Project Budget - \$476,933

Salary	\$182,141
Mandated Benefits	8,211
Employer Benefit	41,065
Maintenance and Operations	44,219
Professional/Contract Services	179,230
Travel/Training	2,450
Equipment	<u>0</u>
Total Budget	\$457,316

**ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION
JUSTICE AND ASSISTANCE PROGRAM
ATTACHMENT F: GOALS AND OBJECTIVES**

A. 9
Edward Byrne Memorial
Justice Assistance Grant
Page 14 of 26

APPLICANT NAME:

City of Fayetteville, Arkansas

PROJECT TITLE:

4th Judicial District Drug Task Force

GOAL		OBJECTIVE	COMPLETION DATE	MEASUREMENT
1	Maintain current staffing levels in order to continue efforts to disrupt drug trafficking in our jurisdiction	Obtain federal funds to support personnel expenses preventing elimination of jobs.	01/01/12	100 % of this objective will be met when funding is received
		Develop and utilize twenty confidential informants, identify ten drug trafficking organizations and disrupt five of them.	06/30/12	Monthly activity reports will measure our progress to meeting this goal
2	Follow up on intelligence gathered by local law enforcement agencies	To make cases resulting in seizure of illegal drugs and arrests of perpetrators	06/30/12	Monthly activity reports will measure our progress to meeting this goal
3	Pursue investigative leads on clandestine methamphetamine laboratories	Utilize intelligence reports and Leads on Labs to identify and locate meth labs	06/30/12	Monthly activity reports will measure our progress to meeting this goal



**ARKANSAS DEPARTMENT OF
FINANCE AND ADMINISTRATION**

OFFICE OF INTERGOVERNMENTAL SERVICES

1515 West Seventh Street, Suite 400
P. O. Box 8031
Little Rock, Arkansas 72203-8031
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<http://www.state.ar.us/dfa>

☒ JAG	☐ RSAT
	☐ LLEBG

Edward Byrne Memorial
Justice Assistance Grant (JAG) Program

CFDA #:16.738

1. SUBGRANTEE NAME AND ADDRESS (Including Zip Code)

The Honorable Lioneld Jordan,
City of Fayetteville
100-A West Rock Street
Fayetteville, Arkansas 72701

4. SUBGRANT NUMBER: J 11-014

5. START DATE: July 1, 2011
END DATE: June 30, 2012

6. AWARD DATE: July 1, 2011

7. ACTION: ☒ Initial
☐ Modification

2A. MODIFICATION AMOUNT \$
FEDERAL \$
STATE MATCH \$
LOCAL MATCH \$

8. AWARD AMOUNT \$219,259.54
FEDERAL \$164,444.66
STATE MATCH \$ 32,888.93
LOCAL MATCH \$ 21,925.95

3. COMMON NAME: 4th Judicial District Drug Task Force

4. Project Description: Identify arrest and prosecute individuals who are manufacturing, selling, or transporting drugs in or through the Programs jurisdictional area of operations. – Maintenance, Operations and Equipment Project.

9. SPECIAL CONDITIONS (check if applicable)

☒ THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS SET FORTH IN IT'S APPLICATION AND ALL CERTIFICATIONS, ASSURANCES AND SPECIAL CONDITIONS PREVIOUSLY AGREED TO.

This project is supported under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3750).

AGENCY APPROVAL		SUBGRANTEE APPROVAL	
10. TYPED NAME AND TITLE OF APPROVING IGS OFFICIAL Ann Purvis, Administrator Intergovernmental Services		12. TYPED NAME AND TITLE OF AUTHORIZED SUBGRANTEE OFFICIAL The Honorable Lioneld Jordan, City of Fayetteville	
11. SIGNATURE OF APPROVING OFFICIAL	13. SIGNATURE OF AUTHORIZED OFFICIAL	14. DATE	



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

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**Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions
(Sub-Recipient)**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

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

Lioneld Jordan, Mayor

Name and Title of Authorized Representative

Signature

Date

City of Fayetteville, Arkansas

Name of Organization

113 West Mountain Street, Fayetteville, Arkansas 72701

Address of Organization

CERTIFICATION OF EMPLOYMENT OF QUALIFIED PERSONNEL

By acceptance of this subgrant provided through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, I certify the following:

- 1) All personnel employed on a salaried or contractual basis, and who function as law enforcement personnel under my authority for the purposes identified in this grant will be currently certified by the Arkansas Law Enforcement Training Academy, are in training at the Arkansas Law Enforcement Training Academy, or have applied and are awaiting admission to the Academy.

For those personnel who are not certified and who are awaiting admission to the Academy, I agree to their participation in training activities designated as mandatory pre-Academy training by the Law Enforcement Committee of the Arkansas Alcohol and Drug Abuse Coordinating Council.

- 2) All personnel other than attorneys and law enforcement officers who are employed for purposes identified in this grant and who are paid from grant or grant matching funds have been determined to be qualified for the position they hold, based on my review of their education, training and experience.

Lioneld Jordan

Printed Name

Mayor

Title

Signature of Contracting Official

Date



CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

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

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4th Judicial District Drug Task Force

71-6018462

4. Typed Name and Title of Authorized Representative

Lioneld Jordan, Mayor

5. Signature

6. Date

CERTIFICATION FORM

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Recipient Name and Address: City of Fayetteville, 113 West Mountain Street, Fayetteville, AR 72701

Grant Title: 4th Judicial District Drug Task Force Grant Number: J 11-014 Award Amount: 219,259.54

Contact Person Name and Title: Missy Leflar Phone Number: (479) 575-8298

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP), its component agencies, and the Office of Community Oriented Policing Services (COPS) to prepare, maintain on file, submit to OJP for review, and implement an Equal Employment Opportunity Plan (EEOP) in accordance with 28 C.F.R §§ 42.301-.308. The regulations exempt some recipients from all of the EEOP requirements. Other recipients, according to the regulations, must prepare, maintain on file and implement an EEOP, but they do not need to submit the EEOP to OJP for review. Recipients that claim a complete exemption from the EEOP requirement must complete **Section A** below. Recipients that claim the limited exemption from the submission requirement, must complete **Section B** below. **A recipient should complete either Section A or Section B, not both.** If a recipient receives multiple OJP or COPS grants, please complete a form for each grant, ensuring that any EEOP recipient certifies as completed and on file (if applicable) has been prepared within two years of the latest grant. Please send the completed form(s) to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, N.W., Washington, D.C. 20531. For assistance in completing this form, please call (202)307-0690 or TTY (202) 307-2027.

Section A- Declaration Claiming Complete Exemption from the EEOP Requirement. *Please check all the boxes that apply.*

- | | | | |
|----------------------------|---|----------------------------|--|
| ☐ Q | Recipient has less than 50 employees, | ☐ Q | Recipient is an Indian tribe, |
| ☐ Q | Recipient is a non-profit organization, | ☐ Q | Recipient is an educational institution, or |
| ☐ Q | Recipient is a medical institution, | ☐ Q | Recipient is receiving an award less than \$25,000 |

I, _____ [responsible official], certify that
_____ [recipient] is not required to
prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R §42.302. I further certify that _____
_____ [recipient] will comply with applicable Federal civil rights
laws that prohibit discrimination in employment and in the delivery of services.

Print or type Name and Title

Signature

Date

Section B- Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review.

If a recipient agency has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to OJP for review as long as it certifies the following (42 C.F.R. § 42.305):

I, Lioneld Jordan [responsible official], certify that
the City of Fayetteville, Arkansas [recipient], which has 50 or more
employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an
EEOP in accordance with 28 CFR §42.301, *et seq.*, subpart E. I further certify that the EEOP has been formulated and
signed into effect within the past two years by the proper authority and that it is available for review. The EEOP is on file in
the office of: Missy Leflar, Human Resources [organization],
at 113 West Mountain Street, Fayetteville, AR 72701 [address], for review by the public and
employees or for review or audit by officials of the relevant state planning agency or the Office for Civil Rights, Office of
Justice Programs, U. S. Department of Justice, as required by relevant laws and regulations.

Lioneld Jordan, Mayor

Print or type Name and Title

Signature

Date



STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); *see* Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
7. If a governmental entity—
 - a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
 - b) it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

Signature Date _____

_____ Date



ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
ATTACHMENT H - CERTIFIED ASSURANCES

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CERTIFIED ASSURANCES

1. The applicant assures that federal funds made available under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program will not be used to supplant state and local funds, but will be used to increase the amount of funds that would, in the absence of federal funds, be made available for the activities of this project.
2. The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Bureau of Justice Assistance and the Department of Finance and Administration shall prescribe shall be provided to assure fiscal control, proper management, and effective disbursement of funds received under this subaward;
3. The applicant assures that it will maintain an appropriate grant administration system to ensure that all terms, conditions and specifications of the grant, including these assurances, are met.
4. The applicant assures that it shall maintain such data and information and submit such reports in such form, at such times, and containing such data and information as the as the Bureau of Justice Assistance and the Department of Finance and Administration may require;
5. The applicant agrees to use the grant and matching funds only for the purposes stated in this application. Additionally, the applicant agrees that any grant and matching funds approved for personnel for this project will be based on the percent of time the personnel actually devote to the project.
6. The applicant assures that at the end of each federal fiscal year that the project is in force, and at the end of the project period, it will submit a performance report to the Department of Finance and Administration in a manner to be prescribed;
7. The applicant certifies that the program contained in this application meets all the requirements, and that all the information is correct, and that the applicant will comply with all provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and all other applicable federal and state laws;
8. The applicant assures that before any budgetary or programmatic amendment is made to an approved program, it will submit such an amendment to the Department of Finance and Administration for review;
9. The applicant assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office of Justice Programs, Office of Civil Rights Compliance (OCRC) and the Arkansas Department of Finance and Administration, Office of Intergovernmental Services;
10. The applicant assures that if it is required to formulate an Equal Employment Opportunity Program (EEOP) in accordance with 28 CFR 42.301, et. seq., it should submit a certification to the state that it has a current EEOP on file which meets the requirements therein;
11. The applicant assures that it will comply with the provisions of the Department of Finance and Administration's "Drug Law Enforcement Subgrant Procedures and Financial Management Guidelines";
12. The applicant assures that it will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part II, Applicability of Office of Management and Budget Circulars; Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; and Part 63, Floodplain Management and Wetland Protection Procedures;

INITIAL

13. The applicant assures that in addition to all other audit requirements, it will allow the Division of Legislative Audit or any other independent or internal auditors of the Department of Finance and Administration to have access to the applicant's records and financial statements;
- (A) as may be necessary for the Department of Finance and Administration to comply with the 1996 Single Audit Act Amendments and Office of Management and Budget (OMB) Circular A-133, and other rules and/or regulations governing financial accounting and auditing guidelines, principles, and procedures; and
- (B) as may be requested by the Department of Finance and Administration to comply with any State or local government rules and/or regulations;
14. The applicant assures that it will fully participate in the compilation of statistical information as required by state agencies, i.e., providing complete finger print arrest information;
15. The applicant assures that both federal and matching funds used for this project will be used exclusively to support defined JAG Program activities, and will not be used to support any general purpose law enforcement or other activity maintained by the applicant;
16. The applicant assures that if the grant funds are used to support a Task Force, the Task Force Board of Directors or 'Control Group' will hold regularly scheduled meetings at least monthly, and will provide the State Drug Director with copies of the agenda and minutes of each meeting;
17. The applicant assures that if grant funds are used to support a Task Force, the Task Force Administrator and the Board of Directors will develop and/or maintain a detailed policy and procedures manual for the guidance of task force operations.
18. The applicant assures that all proposals for out of state travel for conference and training will be submitted to the Arkansas Law Enforcement Committee for approval prior to any expense being incurred.
19. The applicant agrees to comply with the with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable. The applicant also agrees to accept full responsibility for any compensatory time allowance or overtime pay obligations for persons employed within the project not funded by the grant.
20. The applicant agrees that no officer or employee of its agency shall be involved in a decision that affects the applicant during the time of employment with the knowledge that there is an opportunity to further their interest as set forth in the Department of Justice, Office of Justice Programs Financial Guide.

CERTIFICATION

I hereby certify that the applicant will comply with the above certifications and certify that the program proposed in this application meets all the requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; that all the information presented is correct; and the application will comply with the provisions of the Act and all other federal laws, regulations, and guidelines and applicable state laws and regulations.

(Signature of Contracting Official)

Lioneld Jordan

(Typed Name)



(Signature of Fiscal Officer)

Judy Cohea

(Typed Name)

(Date)

Mayor

(Title)

6/28/2011

(Date)

Fiscal Officer

(Title)

ATTACHMENT I

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM SPECIAL CONDITIONS

1. The subrecipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide. This information is available at <http://www.ojp.usdoj.gov/financialguide/>.
2. The subrecipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the subrecipient is in compliance.
3. The subrecipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The subgrantee agrees to assist the Bureau of Justice Assistance (BJA) in complying with the National Environmental Policy Act (NEPA) and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds.

The subgrantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and,
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.

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

6. This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories [hereinafter, "meth lab operations"]. No monies from this award may be obligated to support meth lab operations unless the grantee implements this special condition.

The Office of Justice Programs (OJP), in consultation with the Bureau of Justice Assistance, the Drug Enforcement Administration, and the Office for Community Oriented Policing Services, prepared a Program-level Environmental Assessment (Assessment) governing meth lab operations. The Assessment describes the adverse environmental, health, and safety impacts likely to be encountered by law enforcement agencies as they implement specific actions under their methamphetamine laboratory operations. Consistent with the Assessment, the following terms and conditions shall apply to the subgrantee for any OJP funded meth lab operations:

Initial

A. The subgrantee shall ensure compliance with federal, state, and local environmental, health, and safety laws and regulations applicable to meth lab operations, to include the disposal of the chemicals, equipment, and wastes resulting from those operations.

B. The grantee shall have a Mitigation Plan in place that identifies and documents the processes and points of accountability within its state. This plan will be used to ensure that the adverse environmental, health, and safety impacts delineated in the Assessment are mitigated in a manner consistent with the requirements of this condition.

C. The subgrantee shall comply with the following nine mitigation measures identified in the Assessment and whose implementation is addressed in the grantee's Mitigation Plan. These mitigation measures must be included as special conditions in all subgrants: (See Part II of this special condition)

7.
 1. Provide medical screening of personnel assigned or to be assigned by the grantee to the seizure or closure of clandestine methamphetamine laboratories;
 2. Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to either the seizure or closure of clandestine methamphetamine laboratories;
 3. As determined by their specified duties, equip the personnel with OSHA required protective wear and other required safety equipment;
 4. Assign properly trained personnel to prepare a comprehensive contamination report on each seized/closed laboratory;
 5. Utilize qualified disposal personnel to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized laboratory;
 6. Dispose of the chemicals, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licensed recycling facilities;
 7. Monitor the transport, disposal, and recycling components of subparagraphs numbered 5. and 6. immediately above in order to ensure proper compliance;
 8. Have in place and implement a written agreement with the responsible state environmental agency. This agreement must provide that the responsible state environmental agency agrees to (i) timely evaluate the environmental condition at and around the site of a closed clandestine laboratory and (ii) coordinate with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if determined necessary by the state environmental agency and in accordance with existing state and federal requirements; and
 9. Have in place and implement a written agreement with the responsible state or local service agencies to properly respond to any minor, as defined by state law, at the site. This agreement must ensure immediate response by qualified personnel who can (i) respond to the potential health needs of any minor at the site; (ii) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; (iii) ensure immediate medical testing for methamphetamine toxicity; and (iv) arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.
8. The subrecipient agrees to submit to DFA for review and approval any curricula, training materials, or any other written materials that will be published, including web-based materials and web site content, through funds from this subgrant at least thirty (30) working days prior to the targeted dissemination date.
9. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
10. To support public safety and justice information sharing, OJP requires the grantee to use the Global Justice Data Model specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at www.it.ojp.gov/gjxdm.

Initial

11. The subrecipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund may not be used to pay debts incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to DFA no later than 60 days after the end of the grant period, along with the final submission of the Financial Status Report .
12. The subgrantee agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by the BJA in the program guidance for the Justice Assistance Grant (JAG). Compliance with these requirements will be monitored by BJA.
13. The subrecipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per 28 C.F.R. 23.20(g). Should any violation of 28 C.F.R. Part 23 occur, the subrecipient may be fined as per 42 U.S.C. 3789g(c)-(d). Subrecipient may not satisfy such a fine with federal funds.
14. The subrecipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income must be accounted for and used for the purposes under the conditions applicable for the use of funds under this award, including the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. part 66 or (2) 28 C.F.R part 70 and OMB Circular A-110. Further, the use of program income must be shown on the quarterly Financial Status Report.
15. The subrecipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.ojp.usdoj.gov/funding/funding.htm> .
16. Subgrantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
17. Subgrantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Subgrantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
18. Subrecipient agrees that funds provided under this award may not be used to operate a "pay-to-stay" program in any local jail. Subrecipient further agrees not to subaward funds to local jails which operate "pay-to-stay" programs.
19. "Applicants must certify that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, subrecipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov."

ACCEPTANCE OF SPECIAL CONDITIONS

Signature

Date

Lisa Branson - Fwd: To aldermen

From: City Clerk
To: Aldermen
Date: 6/28/2011 8:37 AM
Subject: Fwd: To aldermen

>>> Nancy Varvil <nvarvil@yahoo.com> 6/28/2011 7:51 AM >>>
Dear Fayetteville Aldermen,

I read that you will consider having staff research the effects of updating our building codes to standardize greater energy efficiency. I urge you to do this. I bought three new rent houses about ten years ago that advertised themselves as energy efficient and have since learned that they were poorly insulated and the doors aren't properly sealed. My tenants would have been more comfortable and would pay lower energy bills (and use less fossil fuel) if the buildings had been more energy efficient. It would have been cheaper to build them this way then to retrofit them now.

Also, I think our daily weather is telling us that we are swinging into an era of wider weather patterns - higher highs and lower lows. We will be needing homes that are able to protect us from these changes and we need to use less fossil fuel to slow the rate of change. Setting codes that require higher energy efficiency would accomplish both goals. This is a time when following traditional patterns (like following state codes from a few years ago) won't do. Fayetteville needs to be a model for others in this effort as it is in many other areas.

Please ask the city staff to help prepare us to update our building codes.

Nancy Varvil

479 871 7023

AGENDA REQUEST

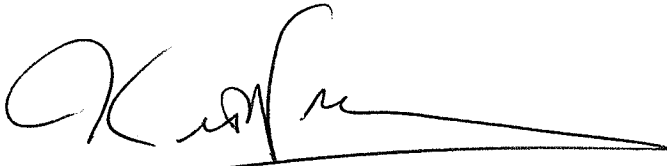
FOR: COUNCIL MEETING OF JULY 5, 2011

FROM: KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Authorize The City Attorney To Appeal The Award Of Attorneys Fees And Costs In The *Rogers Group, Inc. v. City Of Fayetteville* Case

APPROVED FOR AGENDA:



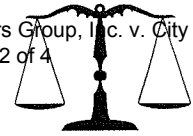
Kit Williams, City Attorney

June 29, 2011

Date

06-29-11A08:49 RCVD

Kim G.



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Paul Becker, Finance Director
Vicki Deaton, Internal Auditor

FROM: Kit Williams, City Attorney

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

DATE: June 20, 2011

RE: Reduced Attorneys fees awarded in Rock Quarry Case

Late Friday afternoon, the United States District Court filed an Order in the *Rogers Group, Inc. v. City of Fayetteville* case partially granting Rogers Group, Inc.'s Motion For Attorneys Fees. The City of Fayetteville had opposed such Motion and argued that no attorney fees should be awarded or, if any were awarded, such fees should be substantially reduced (especially for those attorneys' fees claimed for lobbying work done by Rogers Group, Inc.'s attorneys while the ordinance was being considered by the Fayetteville City Council).

Although the District Court determined it had the legal authority to award attorney fees in this case, it reduced Rogers Group, Inc.'s demand by over \$55,000.00. Because of our insurance coverage for 42 U.S.C. §1983 litigation, the City's cost should be about \$20,000.00.

The City will now have to decide whether or not to appeal this award of attorneys' fees and costs. I will discuss this issue with you during the June 28, 2011 City Council Agenda meeting.

RESOLUTION NO. _____

**A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO APPEAL
THE AWARD OF ATTORNEYS FEES AND COSTS IN THE *ROGERS
GROUP, INC. v. CITY OF FAYETTEVILLE* CASE**

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby
authorizes the City Attorney to appeal the award of attorneys fees and costs in the
Rogers Group, Inc. v. City of Fayetteville case.

PASSED and APPROVED this 5th day of July, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**City of Fayetteville Arkansas
City Council Meeting Minutes
June 21, 2011**

A meeting of the Fayetteville City Council was held on June 21, 2011 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Boudreaux, Kinion, Petty, Tennant, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Ferrell

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

Historic District Commission Appointment:

Appointed by the Mayor and approved by the City Council.
This appointment was included in the Nominating Committee report.

Nominating Committee Report:

Alderman Gray gave the Nominating Committee Report. A copy of the report is attached.

Alderman Gray moved to approve the Nominating Committee report. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell was absent.

Agenda Additions: None

Consent:

Approval of the June 7, 2011 City Council meeting minutes.

Approved

Bid #11-31 Shipley Motor Equipment of Lowell: A resolution awarding Bid #11-31 and authorizing a contract with Shipley Motor Equipment of Lowell, Arkansas in the amount of \$453,279.08 for the purchase of two (2) Mack LEU613 Trucks with Wayne Titan 40 FEL bodies for use by the Solid Waste Division.

Resolution 94-11 as recorded in the office of the City Clerk.

Bid #11-36 MHC Kenworth/Volvo of Springdale: A resolution awarding Bid #11-36 and authorizing a contract with MHC Kenworth/Volvo of Springdale in the amount of \$103,855.16 for the purchase of a T800 semi truck tractor for use by the Water and Sewer Department.

Resolution 95-11 as recorded in the office of the City Clerk.

Wal-Mart Foundation and Wal-Mart #5737 Donation Revenue: A resolution approving a budget adjustment in the amount of \$2,000.00 representing donation revenue from the Wal-Mart Foundation and Wal-Mart #5737 to the Fayetteville Fire Department for the purchase of life vests.

Resolution 96-11 as recorded in the office of the City Clerk.

Arkansas Water and Wastewater Agency Response Network: A resolution approving a water and wastewater mutual aid agreement through the Arkansas Water and Wastewater Agency Response Network, and assigning the Utilities Director as the authorized official.

Resolution 97-11 as recorded in the office of the City Clerk.

2011 Community Development Block Grant: A resolution approving a budget adjustment in the amount of \$91,911.00 to recognize the actual amount of the 2011 Community Development Block Grant award.

Resolution 98-11 as recorded in the office of the City Clerk.

Friendship Community Care, Inc.: A resolution to approve a lease agreement of about 2.2 acres with Friendship Community Care, Inc. to serve developmentally disabled Fayetteville citizens.

Resolution 99-11 as recorded in the office of the City Clerk.

2011 Bulletproof Vest Partnership Program: A resolution authorizing application for a 2011 Bulletproof Vest Partnership Program fifty percent (50%) matching grant in the amount of \$9,100.00 for replacement of fifteen (15) body armor vests for the Police Department.

Resolution 100-11 as recorded in the office of the City Clerk.

City Hospital Board of Trustees: A resolution to appoint Conrad Odom and Hershey Garner to the City Hospital Board of Trustees also known as the Board of Control of the Stone Hospital.

Resolution 101-11 as recorded in the office of the City Clerk.

Plante & Moran, PLLC: A resolution approving a contract with Plante & Moran, PLLC in the amount of \$185,000.00, plus a project contingency of \$20,000.00, for the provision of information technology project implementation and management services, and approving a budget adjustment.

Resolution 102-11 as recorded in the office of the City Clerk.

Gila, LLC DBA Municipal Services Bureau: A resolution authorizing a contract with Gila, LLC DBA Municipal Services Bureau for account collection services at a payment rate of forty percent (40%) of amounts collected.

Resolution 103-11 as recorded in the office of the City Clerk.

Alderman Boudreaux moved to approve the Consent Agenda. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell was absent.

Unfinished Business:

None

New Business:

Federal Emergency Management Agency (FEMA): A resolution authorizing application for and acceptance of a federal disaster grant from the Federal Emergency Management Agency (FEMA) related to Spring 2011 flood damage, and approving a budget adjustment in the amount of \$1,000,000.00.

Paul Becker, Finance Director gave a brief description of the resolution.

Alderman Lewis moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed 7-0. Alderman Ferrell was absent.

Alderman Lewis: I know a lot of work went into documenting, recording and collecting all the data for this report and the citizens reporting all their damage. That communication was important for this. Thank you.

Resolution 104-11 as recorded in the office of the City Clerk.

Amend Resolution 226-10: A resolution amending Resolution No. 226-10 approving the Transportation Division overlay/sidewalk projects list for 2011 by reducing overlay/sidewalk projects to provide for drainage maintenance, and approving a budget adjustment.

Terry Gulley, Transportation Services Director gave a brief description of the resolution.

Alderman Gray: I know that this is not a happy thing to do anytime we have to move money like this but we have had some dyer situations in our city because of drainage. In the situation we are in it's the right thing to do.

Mayor Jordan: When you have to start moving your funds around it's difficult to make decisions on what you are going to do but I really believe that with as much damage as we saw during this flood we really need to do this.

Alderman Kinion moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed 7-0. Alderman Ferrell was absent.

Resolution 105-11 as recorded in the office of the City Clerk.

Motorola, Inc.: A resolution approving a change order for Phase II of the radio project with Motorola, Inc. in the total amount of \$614,093.00, with \$237,746.00 funded from the project contingency, \$286,000.00 from the street fund, \$49,901.00 from police impact fees and \$40,446.00 from fire impact fees, and approving a budget adjustment in the amount of \$286,000.00.

Paul Becker gave a brief description of the resolution.

Alderman Lewis: Can you talk about the need for this?

Kathy Stocker, Dispatch Manager stated this project has been needed for a long time. She stated the equipment is 12 years old and is not covered under maintenance. She spoke about the positive affects this purchase would have on the City as whole.

Alderman Adams: I am very glad to see the City do this and glad to see the impact fees being used this way. Thank you for your good communication throughout the project.

Mayor Jordan: I appreciate the Council's patience on all of this. This is one of those things that we have got to do. It goes back to infrastructure and it's a matter of saving lives and property.

Alderman Lewis moved to approve the resolution. Alderman Adams seconded the motion. Upon roll call the resolution passed 7-0. Alderman Ferrell was absent.

Resolution 106-11 as recorded in the office of the City Clerk.

City Plan 2030: A resolution approving and adopting City Plan 2030 and the future land use map as the comprehensive land use plan.

Jeremy Pate, Development Services Director gave a brief description of the resolution. He thanked various participants who participated in the preparation of this plan.

Jesse Fulcher, Planner for Current Planning gave a brief presentation on the proposed City Plan 2030 and the future land use maps as the comprehensive land use plan.

Alderman Petty: Do you want us to table this or pass this tonight?

Jesse Fulcher: I think it would be appropriate to table it and allow all of the information to be reviewed and see if any public comment comes up between now.

Bob Caulk, a Fayetteville Resident: I would like to thank the Planning Commission for their work on this project, particularly the work they did on developing specific how to goals on limiting sprawl and the enduring green network area. The 2030 Plan is a guide and this guide will allow us to process in the right direction. I urge you to adopt this plan.

Alderman Petty: If you could make any changes to the plan would you and what might they be?

Bob Caulk: I have never really thought about it. The parts that I paid the most attention to are goals 2 and 5 and they are pretty good for planning documents. They have all the things in there that I think we need to do right now. They allude to the things that we need to do at some point in the future but it's too soon to do those things right now. When I read through it nothing like that occurred to me.

Jim Laubler, a Fayetteville resident: Downtowns are incredibly hard places to fix. Urban areas have a tendency to have a lot of crime. I am not saying these are not good goals. I hope that you look at both sides of this and look at density. Please keep a balanced approach as you put this into action.

John Pennington, a Fayetteville resident: The planning group that put this together did an outstanding job. The plan as it is can currently help with infill and revitalization. He spoke in favor of the ordinance.

Alderman Boudreaux moved to table the resolution to the July 5, 2011 City Council meeting. Alderman Lewis seconded the motion. Upon roll call the resolution passed 7-0. Alderman Ferrell was absent.

This resolution was tabled to the July 5, 2011 City Council meeting.

Revised Master Street Plan: A resolution approving and adopting a revised Master Street Plan and street cross-sections.

Jesse Fulcher handed out a minor amendment to some of the language regarding alleys. He gave a brief description of the amendment.

Jeremy Pate: We had about 40 different changes when we started looking at our Master Street Plan. Some of those changes we made and some we did not make. Some streets we changed the classification we downgraded it or upgraded it. One of the changes that we did not propose was the Howard Nickell and Ruppel Road area. This was recommended by the Planning Commission and reclassifies a section of the Ruppel Road and Howard Nickell from a principle arterial parkway to a collector street as it traverses through a neighborhood in northeast Fayetteville in connecting to Highway 112.

Ruppel Road is a partially existing, partially planned arterial that connects the most rapidly growing section of Fayetteville from Martin Luther King Junior to Wedington, Mount Comfort, Highway 112, Garland, Gregg and to the Mall area. To date the city has invested approximately \$21 million in this corridor. This connects west Fayetteville to the rest of the community. It is important to connect local streets to the rest of the community. At least since the 1990's our records show that this area has been designated as some sort of arterial connection before any development was proposed or occurred in this area. We believe a four lane road can be attractive, safe, and efficient. We feel that you can design a really great four lane boulevard street and have it be a great address in Fayetteville and any other city and that is what our intent would be with this Master Street Plan. We would not be proposing it to you if we didn't think it was possible otherwise.

Planning Commission voted 5-4 to recommend changing the classification of Ruppel and Howard Nickel Road from arterial at the south part of the Estates at Salem Hills Subdivision through the subdivision curves. Staff does not recommend this amendment. We request the City Council to amend the document that is before you to keep the intent of this arterial in tact. We feel this is an important issue. Arterials are not created over night. It takes time for those things to happen.

Alderman Petty: Can you estimate how much right of way along this corridor has already been acquired in percentage wise?

Jeremy Pate: I don't have a percentage in my head.

Alderman Lewis: Can you show the picture of Sacramento and Portland?

Jeremy Pate: That's a "T" Street.

Alderman Lewis: I haven't seen anything like that in the four lane roads that we are building.

Jeremy Pate: I think part of the challenge is that the four lanes we have built so far have all been state highways and they have standards that they have to go by. We are going to be looking at city streets a little differently. We would like to get back to designing streets that have the context of the surrounding land use in mind and that can respond to changes in context.

Alderman Lewis: So in the area you mentioned changing back, is it wide enough now for something like that?

Jeremy Pate: The right of way that is within the subdivision in the curve there is 90 feet of right of way dedicated. If you will would refer to the cross sections you that you have in your packet our principal arterials show an 87 foot width for the full cross section so it can be accommodated within that area.

Alderman Adams: Would you go back to the Portland picture? Are those cars parked?

Jeremy Pate: They are.

Alderman Adam: It looks like to me we are paving paradise and putting in a parking lot in front of those people's houses. In the picture there are four lanes and two of them are used for parking areas. If we don't have to have four lanes why would we plan four lanes and make it a parking area?

Jeremy Pate: I think when the city makes the decision to construct four lanes in this area it would be when we needed four lanes in this area. We do not have any plans to go out in the near future and construct a four lane section through this neighborhood. However, this allows us to plan for that. This is the only street on the west side of Fayetteville that we have identified as a major corridor that can connect. We felt it was an important planning tool to leave that in there and not stop two arterials and change them down to a collector. It will stay a two lane section for many years to come.

Alderman Boudreaux: I appreciate the fact that it is the main corridor and I supported some of the earlier planning, of course we have a long way to go south of Wedington to meet up with Martin Luther King. I never have liked the sharp curve and to me that negates the idea of the same thing we have at Crossover. One thing I wanted to note was that in the 2030 Plan under the Goal 4 Objective C it states that multiple corridors instead of single overused ones are better and two two lane roads are better than one four lane road. When you build a four lane road you are intending to move traffic, not through a neighborhood. It is my understanding that is the plan and that is not going to change right? Basically from Wedington north on Ruppel Road until you get to Mount Comfort Road.

Jeremy Pate: It would change yes. Only one side of that is constructed currently. The other side is one lane.

Alderman Boudreaux: Does it go straight down?

Jeremy Pate: Yes.

Alderman Boudreaux: I am talking about the road between Wedington and Mount Comfort and that drive is very curvy. You are not going to straighten that out.

Jeremy Pate: Just at the north end but everything else is really set.

Alderman Boudreaux: I understand the staff and administration is supportive of keeping this a four lane through the neighborhood. It's unfortunate that that development was done. It is outside the city and the city didn't have control over the way it was designed so that it would allow for a four lane going through it. I have a lot of difficulty supporting an amendment that would take this back to the plan that the staff recommended.

Michael Mauldin, resident of 3623 Howard Nickel Road and current President of the Estates at Salem Hills Subdivision stated I agree with some of your comments but I just don't think it is the right thing to do. He expressed his concerns with the safety should there be four lanes. He spoke against the proposed arterial.

Bob Costrell, a citizen passed out a copy of his presentation along with a letter on behalf of the Property Owner's Association that was published in the NWA Times. He gave a brief presentation of the homes in the subdivision. He spoke against the proposed arterial.

Katie Jackson, resident of the Estates at Salem Hills stated there is no reason to put four lanes through our neighborhood.

Roy Slaughter, resident of 3606 Howard Nickel Road stated we love the neighborhood and the safety that is there and that is the reason I am here. I think we have challenged the staff and educated the staff. He spoke against the proposed arterial

Bob Watts, resident of 2909 Howard Nickel Road stated it is a very significant elevation from 112 to a half a mile up Howard Nickel Road. You can buy in a boulevard scenario with four lanes and driveways a couple hundred feet apart trying to get onto that and doing turn arounds. I think that is a very significant hazard and that is going to be a big concern to our family.

Rob Sharp, resident of Ward 1: I have a concern about the four lane road in that location I do not think it is good policy for the city to encourage sprawl. We should spend our resources on the core of the town rather than on the edges. If we look at the infrastructure we have on the ground and look at the resources we have over the next years I would be surprised if we can pay for the maintenance of what we already have in place.

Peter Ungar, 2885 Howard Nickell Road: The intent in our area is to have more neighborhoods. There will be more housing along Howard Nickell Road. I am concerned about the safety.

Carl Stevens, 3618 West Howard Nickell Road: The Planning Commission and Street Committee agree with us that we do not need a four lane road through our street. He voiced his concern about his being dangerous.

Ron Eaton, 2845 Howard Nickell Road voiced his concern about visibility and safety.

Diane Ungar: We enjoy being on the out skirts of Fayetteville. I am concerned about the nature being affected.

Hugh Earnest: What this city is doing in the planning process is wonderful. Planning is important. We have spent an incredible amount of time and money in developing and administering plans that have been very well done. The plan before you shows a number of arterials in our planning area in the northeast quadrant, outside the city. Placing an extensive grid of streets in our planning area seems to be against our goals. This would encourage sprawl.

Flint Harris, 3597 West Howard Nickell Road voiced his concern about the safety in his area if this is approved.

Alderman Gray: When did you build your house?

Flint Harris: 2005

Alderman Gray: When you bought the land did you see the right of way.

Flint Harris: I did not look and see that the right of way was there.

Alderman Gray: The person that sold you the land did not say anything about it?

Flint Harris: I don't remember a discussion about right of way.

Jeff Montgomery: I knew there was a possibility that road could be built but I also knew there were other possibilities. I would lose fifty trees in my yard if this was expanded and landscaping. We need an east west route but we need to look at the whole picture. He suggested another possible route for the proposed road in his area.

Jim Laubler: I agree with everything that has been said here. I think the city needs to pass a law where builders have to disclose significant events that affect the value of a property. You need to rewrite this because it is going to cause east west problems.

Mike Stennett, 3307 West Howard Nickell: The biggest thing for me is the safety of the children. The traffic on the road is extremely fast. I would recommend looking at another route through that area.

Alderman Adams asked Peter if he was concerned about the subdivisions that will come in and cause traffic problems.

Peter: My concern is that the lower part of Howard Nickell will also become a neighborhood. I am concerned about the safety of the families that will live there.

Alderman Petty moved to amend Section 12.2.1 Alleys of the ordinance. Alderman Boudreaux seconded the motion.

Alderman Petty: This is one thing that raised a red flag for me with the Master Street Plan, the requirement for a 20 foot setback off the rear side of these alleys. It made me wonder how many lots we would lose in future developments if we had a 20 feet setback on lots. I think this reduction is important.

Upon roll call the motion passed 7-0. Alderman Ferrell was absent.

Alderman Petty: The fact that we don't see any of the streets, that were mentioned by the staff and the public in Fayetteville, is because none of these ideas have been present in Fayetteville until the last five or six years after this plat was approved. We have examples of streets and plans that we have budgeted for but not designed yet. Based on some of the decisions that the Street Committee has made and public input and discussions that we have had on projects it is clear that the city is committed to evaluating other options besides the conventional four lanes. It is possible to handle many access points in this neighborhood. We need to realize what decision we are being asked to make. The decision before us is to plan for whether or not that capacity will ever be needed. We are being asked to make plans for potential needs 20 years from now. A four lane is not needed right now but twenty years from now, when more people are living in Fayetteville, it might be needed. It is not our job to say let's build a four lane, it is our job to say let's make sure we can handle it if we need to.

Alderman Petty moved to table the resolution to the July 5, 2011 City Council meeting. Alderman Boudreaux seconded the motion. Upon roll call the resolution passed 7-0. Alderman Ferrell was absent.

This resolution was tabled to the July 5, 2011 City Council meeting.

RZN 11-3804 (Northwest Corner of Mountain Street and College Avenue/East Square Development): An ordinance revoking C-PZD 05-1610 (East Square Development) and rezoning that property described in rezoning petition RZN 11-3804, for approximately 1.01 acres, located at the northwest corner of Mountain Street and College Avenue, from C-PZD, Commercial Planned Zoning District 05-1610, to DC, Downtown Core.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director: The next few items represent PZD's that were approved over the past few years and have not occurred. They have all expired and have not

obtained their building permits or required approvals. Staff is bringing these forward in accordance with the revocation process of our PZD ordinance.

Jeremy gave a brief description of the PZD. We sent a letter to the property owners in October and notified them of the process and to contact us with any recommendations they might have for rezoning the property. We met with a number of them and in April we sent an official revocation notice by certified mail. We are recommending this project we zoned Downtown Core. The Planning Commission recommended unanimously in favor of this zoning and staff is recommending approval.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Ferrell was absent.

Ordinance 5414 as Recorded in the office of the City Clerk

RZN 11-3805 (East of Dead Horse Mountain Road/ Falling Waters): An ordinance revoking R-PZD 05-1635 (Falling Waters) and rezoning that property described in rezoning petition RZN 11-3805, for approximately 136.70 acres, located east of Dead Horse Mountain Road, from R-PZD, Residential Planned Zoning District 05-1635, to R-A, Residential Agricultural.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: This is another PZD revocation. Staff felt the original zoning was the most appropriate zoning to go back to. Planning Commission recommended approval 8-0.

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

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Ferrell was absent.

Ordinance 5415 as Recorded in the office of the City Clerk

RZN 11-3806 (South of Zion Road and East of Taliesin Lane/Woodbury): An ordinance revoking R-PZD 06-2190 (Woodbury) rezoning that property described in rezoning petition RZN 11-3806, for approximately 9.26 acres, located south of Zion Road and east of Taliesin Lane, from R-PZD, Residential Planned Zoning District 06-2190, to NC, Neighborhood Conservation.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: The applicant did not plat lots in this project they built it all on one property and sold each single family cottage as a condominium. Sixteen of the single family dwellings were constructed some of which are occupied as well as a pool and club house. The developer did not continue after that and the rest of the property has been turned over to a bank. We decided it was in the best interest of the homes and club house to retain those PZD rights in perpetuity but the remaining property rezone it to neighborhood conservation. The Planning Commission voted in favor 6-2.

Aubrey Shepherd asked for the map of the area to be shown. We need to look at the geography and watershed issues on some of these.

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

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading.

RZN 11-3807 (Southwest Corner of Razorback Road and 15th Street/Champion Club Condos): An ordinance revoking R-PZD 07-2551 (Champions Club Condos) and rezoning that property described in rezoning petition RZN 11-3807, for approximately 4.42 acres, located at the southwest corner of Razorback Road and 15th Street, east of the Crowne Apartments, from R-PZD, Residential Planned Zoning District 07-2551, to UT, Urban Thoroughfare.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the property. We are recommending it be rezoned to Urban Thoroughfare. Planning Commission recommended this with a vote of 8-0.

Aubrey Shepherd voiced his concern about a stream in this area. He stated they are important to wildlife. We need to make sure we do the maximum to protect the watershed and wildlife.

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

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading.

RZN 11-3835 (3710 West Martin Luther King Boulevard/Zaifi): An ordinance rezoning that property described in rezoning petition RZN 11-3835, for approximately 1.20 acres, located at 3710 West Martin Luther King Boulevard from C-1, Neighborhood Commercial to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. Planning Commission voted to forward this for Council recommendation by a vote of 9-0. We recommend a zoning change to Community Services.

Aubrey Shepherd if an individual asks to rezone this property we have been told you can not expect them to reveal their actual plan until they get the rezoning. Is that a city ordinance, state law or some other source?

City Attorney Kit Williams: It is not part of a state law that I am aware of. The City Council can look at the uses that are allowed on any zoning district and see if the uses that zoning district would permit are compatible with neighboring uses rather than looking at what the actual proposal would be. In this particular case this has regular commercial lots around it so the only additional use that Community Services would have as opposed to its currently zoned Neighborhood Commercial is it would allow residential uses.

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

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading.

Appeal RZN 11-3831 (209 W. Martin Luther King Blvd.): An ordinance rezoning that property described in rezoning petition RZN 11-3831, for approximately 2.64 acres located at 209 West Martin Luther King Boulevard from RMF-24, Residential Multi-Family, 24 units per acre to C-1, Neighborhood Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. Planning Commission recommended 7-2 for a Community Services District. The Planning Commission did not consider C-1 as part of the rezoning request.

Aubrey Shepherd: That is in the Town Branch Neighborhood and that watershed is getting really burdened. It is going to be really tight that we keep the paying directed to some good soil in that slope. Someone needs to talk about those issues.

Rob Sharp, Ward 1: I am concerned about this appeal of the rezoning. You can ask for any zoning you want and then go through the procedures. If C-1 is what the applicant wants they should go back to the Planning Commission and ask for that. He urged the Council to stay with the staff's recommendation.

Dennis Blind, CEI Engineering engineer for the applicant. On behalf of our client we respectfully request that the Planning Commissions recommendation to rezone the subject property to Community Services be appealed. We request C-1 Neighborhood Commercial for the following reasons. The existing zoning pattern in the immediate area support C-1. Our subject property is in the southwest corner of Martin Luther King and Hill. Across the street from us is C-1 zoning, the northeast corner is C-2 and the southeast corner is I-1. C-1 is in compliance with the City Plan 2025. Members of our team met with Planning staff on two different occasions prior to application and at both meetings we were told only form based zoning would be considered. This raised concerns because we had extenuating circumstances due to the land use. The extenuating circumstance that we have made the form based zone, which we support in other locations, as being in compliance with the minimum buildable street frontage requirement that either Urban Thoroughfare or Community Services required.

Urban Thoroughfare requires the building to be 50% of the lot width and Community Services requires a building to be 65% of the lot width. Our proposed buyer's business model building is not that size. We were told to go for a variance but as a certified planner I did not want to go for a variance this grossly exaggerated from the requirements. We can not even come close to the requirements of the form based zoning on the minimum buildable frontage. Title 15 of the United Development Code says the special conditions and circumstances do not result from the actions of the applicant. Our request for a variance would be exactly that based on results of our action requesting this form based zoning that staff forced us into. Why form based zoning does not work for this application is that the existing zoning pattern in the area supports C-1. This is one lot that we are proposing to put our use on. It would just be for our clients use.

Why does form base zoning not work for this application is that the existing zoning pattern in the area supports C-1. The extenuating circumstances of our land use and its noncompliance with both form based districts minimum buildable street frontage requirement and the high improbability of receiving a variance. With C-1 it is our intent to incorporate low impact development strategies for this site. Our proposed land use is very ingress and egress sensitive. A form based zoning district contradicts the safe design model that has proven successful to our client's business model over the past 50 years. Form based zoning districts can not and should not be used as a blanket Band-Aid to fix a community's urban form. Form based zoning should be used as a strategic precision for specific planning areas.

I am a certified planner. I have been a professional planner for over 30 years. I have written form based ordinances for many communities. I support form based zoning districts and ordinances and applaud what Fayetteville is trying to do here. Trying to force a form based zoning district at the intersection of MLK and Hill Street is an inappropriate location for the Community Services zoning district. Thank you for considering our appeal.

Alderman Lewis: What is it about the form based that does not allow what you are planning?

Dennis Blind: In the form based they want the building up close to the street right of way. That would throw the gas pumps behind the building in this situation for this specific user. That flips the whole design process for a gas and convenience store in reverse. It creates ingress and egress problems. We would be so far off of the required size form of the building that the probability of it being approved is highly unlikely. We are also against the criteria for a variance that is clearly specified in the ordinance.

Alderman Lewis: In my mind there is more than a building. There is a foot print that is bigger than the building and there is also sometimes a roof that is bigger than the building. Is that not part of the percentage in this particular case?

Jeremy Pate: It certainly could be considered. It depends on how it is constructed and designed. I would consider this as part of that structure that would meet the frontage requirements.

Alderman Lewis: What if there is no roof and its just the footprint of the space is that not part of the frontage?

City Attorney Kit Williams read a portion of the ordinance. The principle facade would have to cover about two thirds of the lot width of the street frontage. This is not only a corner lot but it has a third street on it and all of those are frontages. The building would have to be about 100 yards long on both Hill Street and Martin Luther King. They thought at that point a variance could be granted. The variance chapter says a variance shall not be granted unless or until an applicant demonstrates special conditions. Every building in Community Services is going to have to cover 65% of the frontage that is one of the requirements. They fail that factor. The second factor is depredation of rights. No other properties in this district have the right not to build up to their build to line and cover 65% of the building frontage so they fail that test. Another one is no special privileges no other building in this district has the privilege of not

building up to the frontage line 65% along the frontage. The final one is conforming uses. There is some form based districts to the east of this by a block or two and those are certainly not built up to the frontage line because they are old construction. My opinion would be that there is no way that the Board of Adjustments could legally grant a variance in this particular case.

If you want to facilitate a development you have to do it you can't count on the Board of Adjustments to change your zoning regulations where you require 65% of the principle facade of the building to cover the street right of ways.

Alderman Kinion: You are saying that Community Services is not appropriate?

City Attorney Kit Williams: I don't think it is appropriate for this. Everybody agrees that commercial activity like they have requested is the right thing to do.

Jeremy Pate: In this particular case I think we respectively disagree with how to administer the code. We would use the canopy as part of the frontage requirement facade for that structure.

A discussion followed on what would be considered for this property.

Jeremy Pate: We do not force applicants of any kind. We give recommendations on what we can support and what we will not support but that does not mean an applicant is forced to make a decision.

Alderman Petty: If this was zoned Community Services and they were going to build on only one acre of the 2.5 acres would that change what your requirement is and do they have other options available to them?

Jeremy Pate: There is any number of options. Our understanding was the corner was going to be secured for a fueling station and the rest of the property could be sold for some other type development that is allowed within those zones.

Alderman Petty: What is the minimum lot size for Community Services?

Jeremy Pate: There is not a minimum lot size.

Alderman Petty: Is there one for Urban Thoroughfare or C-1? It would not matter what it got zoned they could split it however they wanted, build on it as much as they wanted and only have a facade as long as they structured the lot divisions.

Jeremy Pate: There are zero foot side setbacks so you can build right up to a property line.

Alderman Petty: What I am hearing there are possibilities that have not been acknowledged that Community Services would work for the design models they have in other locations and that they would like to put here. The possibility of splitting the lots after this rezoning happens has not been considered or acknowledged.

City Attorney Kit Williams: Before you is a rezoning. It is not a lot split or anything else like that. You have to look at the property that is before you. If you look at the draft of the 2030 Plan and the form based code, in the draft it talks about how that is an option. It is there to help developers. I hope the City Council will not decide that you are going to always require this and that you are never going to allow a developer the zone that they would prefer. Everything around this is C-2, C-1 and I-1. There is no form based around here. The RMF-24 was only recently made form based by the City Council. It is not within this particular area to be considered to be compatible.

When form based coding was being proposed I thought it was being proposed as an option a developer could choose to get quicker development. I did not realize it was going to be something that was going to be forced upon developers.

Alderman Petty: I took a different perception of the intent of the form based codes and that was to zone a property such that no matter who owned it, it would still fit the form of the surrounding areas. I think we need to look farther than just adjacent properties to decide what constitutes an appropriate use for this location.

The memo says it is not appropriate for the City Council to place an undue hardship on an applicant. I am of the opinion that since there are options that would still allow this property to be built with Community Services that have not been acknowledged, I think if we acknowledge those then there is no hardship on the developer. There are options besides a variance they can pursue that are painless. I don't think we could call a decision to rezone this as Community Services one based on personal preference or one that was done arbitrarily.

Rob Sharp: When you have those two frontages you get more frontage, but when you put the building on the corner you can cover more footage with the same square feet of foot print. A rain garden is not a fix for something like this.

Alderman Kinion: We are not supposed to talk about a specific use of the property. We have to look at the property, the surrounding property and the zoning based on the merits of the property not the development. We have to look at the appropriate use in case someone wants to use the rest of the acreage.

This ordinance was left on the First Reading.

Meeting adjourned at 9:20 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda City of Fayetteville Arkansas City Council Meeting July 5, 2011

A meeting of the Fayetteville City Council will be held on July 5, 2011 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

City Council Agenda Session Presentations:

1. **Sales Tax Report** – Accounting Director, Marsha Hertweck, and Chief of Staff, Don Marr
2. **Rock Quarry Presentation** – City Attorney Kit Williams

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. **Walton Arts Center Foundation Appointment – Mayor and Chancellor of the University of Arkansas appointment**

Three directors shall be jointly appointed by the Mayor of the City of Fayetteville, and the Chancellor of the University of Arkansas, Fayetteville. Subject to the approval of the City Council and the Board of Trustees of the University of Arkansas.

Agenda Additions:

A. Consent:

1. Approval of the June 21, 2011 City Council meeting minutes.
2. **Fayetteville Police Department Donations:** A resolution to thank several donors to the Fayetteville Police Department and to approve a budget adjustment in the amount of \$4,880.00 recognizing the donations.
3. **Wal-Mart Foundation and Facility #5737:** A resolution to thank the Wal-Mart Foundation and Facility #5737 and accept its \$1,000.00 donation to the Fayetteville Police Department for CPR training and certification.
4. **Bid #11-40 Fochtman Enterprises, Inc.:** A resolution awarding Bid #11-40 and authorizing a contract with Fochtman Enterprises, Inc. in the amount of \$92,377.40 for construction of a parking lot at Bryce Davis Park, and approving a fifteen percent (15%) project contingency.
5. **Youth Bridge, Inc.:** A resolution approving a lease with Youth Bridge, Inc. for property located at 1932 South Garland pursuant to the Community Development Block Grant Public Facility Lease Program.
6. **Government Channel Budget Adjustment:** A resolution approving a budget adjustment in the amount of \$750.00 representing revenue from public access television fees collected by the public access television contractor.
7. **Amend Resolution No. 160-10:** A resolution amending Resolution No. 160-10 approving an amendment to the Access Management Plan Agreement, as prepared by the Arkansas Highway and Transportation Department, for State Highway 265.

B. Unfinished Business:

1. **City Plan 2030:** A resolution approving and adopting City Plan 2030 and the future land use map as the comprehensive land use plan. *This resolution was tabled at the June 21, 2011 City Council meeting to the July 5, 2011 City Council meeting.*
2. **Revised Master Street Plan:** A resolution approving and adopting a revised Master Street Plan and street cross-sections. *This resolution was tabled at the June 21, 2011 City Council meeting to the July 5, 2011 City Council meeting.*
3. **RZN 11-3806 (South of Zion Road and East of Taliesin Lane/Woodbury):** An ordinance revoking R-PZD 06-2190 (Woodbury) rezoning that property described in rezoning petition RZN 11-3806, for approximately 9.26 acres, located south of Zion Road and east of Taliesin Lane, from R-PZD, Residential Planned Zoning District 06-2190, to NC, Neighborhood Conservation. *This ordinance was left on the Second Reading at the June 21, 2011 City Council meeting.*

Left on the Second Reading

4. **RZN 11-3807 (Southwest Corner of Razorback Road and 15th Street/Champion Club Condos):** An ordinance revoking R-PZD 07-2551 (Champions Club Condos) and rezoning that property described in rezoning petition RZN 11-3807, for approximately 4.42 acres, located at the southwest corner of Razorback Road and 15th Street, east of the Crowne Apartments, from R-PZD, Residential Planned Zoning District 07-2551, to UT, Urban Thoroughfare. *This ordinance was left on the Second Reading at the June 21, 2011 City Council meeting.*

Left on the Second Reading

5. **RZN 11-3835 (3710 West Martin Luther King Boulevard/Zaifi):** An ordinance rezoning that property described in rezoning petition RZN 11-3835, for approximately 1.20 acres, located at 3710 West Martin Luther King Boulevard from C-1, Neighborhood Commercial to CS, Community Services. *This ordinance was left on the Second Reading at the June 21, 2011 City Council meeting.*

Left on the Second Reading

6. **Appeal RZN 11-3831 (209 W. Martin Luther King Blvd.):** An ordinance rezoning that property described in rezoning petition RZN 11-3831, for approximately 2.64 acres located at 209 West Martin Luther King Boulevard from RMF-24, Residential Multi-Family, 24 units per acre to C-1, Neighborhood Commercial. *This ordinance was left on the First Reading at the June 21, 2011 City Council meeting.*

Left on the First Reading

C. New Business:

1. **RZN 11-3824 (East of Intersection of College and Township/Summit Place):** An ordinance rezoning that property described in rezoning petition RZN 11-3824 (Summit Place), for approximately 30.13 acres, located east of the intersection of College and Township Avenues from RSF-4, Residential Single Family four units per acre to NC, Neighborhood Conservation subject to a Bill of Assurance.
2. **ADM 11-3655 Building Code:** A resolution to request that Mayor Jordan have city staff examine city building codes and recommend amendments to further promote sustainable practices and energy conservation for City Council consideration.
3. **Taylor Settlement Agreement:** A resolution approving a settlement agreement with Murphy R. Taylor and Betty N. Taylor concerning condemnation litigation filed as part of the Crossover Road Water and Sewer Improvement Project in a total amount of \$27,000.00.
4. **Thomas Condemnation and Possession:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Zara L. Thomas, trustee of the Zara L. Thomas Revocable Trust U/D/T November 20, 1998, needed for the University of Arkansas Farm Trail Project.

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

City of Fayetteville Staff Review Form

A. 2
 Fayetteville Police
 Department Donations
 Page 1 of 14

City Council Agenda Items
 and
 Contracts, Leases or Agreements

7/5/2011

City Council Meeting Date
 Agenda Items Only

Greg Tabor
 Submitted By

Police
 Division

Police
 Department

Action Required:

Approval of a budget adjustment in the amount of \$4,880.00 for the recognition of various donations received by the Fayetteville Police Department in support of general recognition and officer service awards.

\$ 4,880.00

Cost of this request

\$ 11,012.00

Category / Project Budget

Police Dept Donations

Program Category / Project Name

1010-2920-5329.00

Account Number

\$ 7,394.54

Funds Used to Date

Employee Recognition

Program / Project Category Name

0.044-6

Project Number

\$ 3,617.46

Remaining Balance

General

Fund Name

Budgeted Item

☐

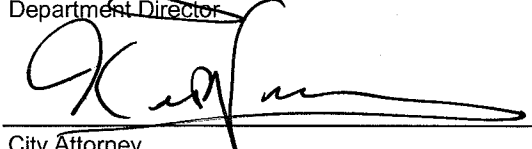
Budget Adjustment Attached

☒


 Department Director

6-10-11
 Date

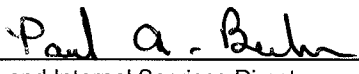
Previous Ordinance or Resolution #


 City Attorney

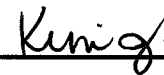
6-11-11
 Date

Original Contract Date:

Original Contract Number:


 Finance and Internal Services Director

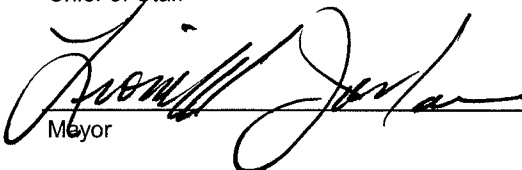
6-11-2011
 Date

Received in City Clerk's Office 6-10-11 11:38 RCVD



 Chief of Staff

6-14-11
 Date

Received in
 Mayor's Office


 Mayor

6/15/11
 Date



Comments:

Departmental Correspondence

To: Mayor Lioneld Jordan and Members of the City Council
From: Greg Tabor, Police Chief 
Date: June 8, 2011
Re: Fayetteville Police Department Donations

Background

Periodically, businesses and/or citizens of Fayetteville will make monetary donations to the Police Department to enhance our services or to recognize our personnel.

Discussion

Thus far in 2011, the Police Department received donations totaling \$4,880.00 from various community organizations to recognize personnel and/or support our officer service awards program. The checks were deposited into the City's General Fund and are tracked through the City's Project Accounting System to insure that the donors intended purpose is met.

Recommendation

Staff recommends acceptance of these donations to the Fayetteville Police Department and approval of the attached budget adjustment in the amount of \$4,880.00. If you should have any comments or questions regarding these donations, please contact me at extension 500.

Budget Impact

Increase expense budgets to correspond with Police Department donations revenue received during 2011.

RESOLUTION NO. _____

**A RESOLUTION TO THANK SEVERAL DONORS TO THE
FAYETTEVILLE POLICE DEPARTMENT AND TO APPROVE A BUDGET
ADJUSTMENT IN THE AMOUNT OF \$4,880.00 RECOGNIZING THE
DONATIONS**

WHEREAS, several persons and businesses have generously donated to the Fayetteville Police Department to support the Police Department's general recognition and officer service awards; and

WHEREAS, the City Council gratefully acknowledges those donations which total \$4,880.00.

**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 thanks the donors to the Fayetteville Police Department and approves a budget adjustment of \$4,880.00 recognizing their generous gifts.

PASSED and APPROVED this 5th day of July, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



WHOLESALE DISTRIBUTION OF
PLUMBING AND INDUSTRIAL SUPPLIES
P.O. BOX 876
479/442-2325
FAYETTEVILLE, ARKANSAS 72702

THE BANK OF FAYETTEVILLE, N.A.
Fayetteville, Arkansas 72701

81-161
829

A. 2
023207
Fayetteville Police
Department Donations
Page 5 of 14

00023207

DATE

CHECK NO.

CHECK AMOUNT

PAY: PAY EXACTLY*****100**DOLLARS AND**00**CENTS
1FAYPO

11/29/10

\$100.00

TO
THE
ORDER
OF

FAYETTEVILLE POLICE DEPARTMENT
ATTN: AWARDS DEPARTMENT
100-A WEST ROCK STREET
FAYETTEVILLE AR 72701

SERVICE SUPPLY COMPANY, INC.

AUTHORIZED SIGNATURE

⑈023207⑈ ⑆082901619⑆

80000320⑈

THIS CHECK IS VOID WITHOUT A BLUE BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

Neal R. Pendergraft

P. O. Box 4245
Fayetteville, AR 72702
479-443-3301

Signature Bank of Arkansas

81-883

829

11/29/2010

4384

**250.00

PAY TWO-HUNDRED-FIFTY AND 00/100*****

DOLLARS

TO THE
ORDER
OF

Fayetteville Police Department
100-A West Rock Street
Fayetteville, AR 72701

MEMO

Contribution to Awards Committee

SIGNATURE AREA HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

⑈004384⑈ ⑆082908832⑆ 6004849⑈



E-Z Mart Stores, Inc.
602 Falvey Ave
P.O. Box 1426
Texarkana, TX 75504-1426

Wells Fargo Bank Ohio, N.A.
OH

56-382
412

12/02/10

DATE

A. 2
Fayetteville Police
DP161443 Donations
Page 6 of 14
CHECK NUMBER

PAY EXACTLY THIS AMOUNT	AMOUNT
Two Hundred Fifty Dollars	****250.00

VOID IF NOT CASHED IN 90 DAYS

E-Z MART STORES, INC.

TO THE
ORDER
OF

FAYETTEVILLE POLICE DEPARTMENT
AWARDS COMMITTEE
100 W ROCK STREET SUITE A
FAYETTEVILLE, AR 72701-6191

⑈1161443⑈ ⑆041203824⑆ 9600064065⑈



SMITH TWO-WAY RADIO, INC.
520 NORTH COLLEGE AVE.
FAYETTEVILLE, AR 72701-3401
(479) 443-2222
(479) 443-5677 FAX

UNITED BANK
81-7416/2829

33848

11/24/10

Pay to the
Order of

FAYETTEVILLE POLICE DEPARTMENT

100.00

One Hundred Dollars and 00 Cents

\$

Dollars

FAYETTEVILLE POLICE DEPARTMENT
AWARDS COMMITTEE
100-A WEST ROCK STREET
FAYETTEVILLE, AR 72701

⑈033848⑈ ⑆282974161⑆ 016431489006⑈

JOHN H. OGDEN
dba OGDEN INSURANCE AGENCY
2367-2 GREEN ACRES ROAD
FAYETTEVILLE, AR 72703

REGIONS BANK
FAYETTEVILLE, AR
88-10/820

A. 2
Fayetteville Police
Department Donations
Page 7 of 14

2068

DATE 12/5/2010

PAY
TO THE
ORDER OF **FAYETTEVILLE POLICE DEPARTMENT**

\$ **100.00

One Hundred and 00/100*****

DOLLARS

FAYETTEVILLE POLICE DEPARTMENT
ATTENTION: AWARDS COMMITTEE
100-A WEST ROCK STREET
FAYETTEVILLE, AR 72701

MEMO



⑈082000109⑈

8064047567⑈ 2068

NELSON-BERNA FUNERAL HOME
P.O. BOX 8982
FAYETTEVILLE, AR 72703

THE BANK OF FAYETTEVILLE
FAYETTEVILLE, AR 72701
81-161/829

13978

12/6/2010

PAY TO THE
ORDER OF **Fayetteville Police Department**

\$ **100.00

One Hundred and 00/100*****

DOLLARS

Fayetteville Police Department
Attention: Awards Committee
100-A West Rock Street
Fayetteville, AR 72701

MEMO



AUTHORIZED SIGNATURE

Awards and Appreciation Banquet

⑈013978⑈ ⑈082901619⑈

70035938⑈

Longer Investments Inc.
P.O. Box 1269
Fayetteville, AR 72702
(479) 443-5851

THE BANK OF FAYETTEVILLE
FAYETTEVILLE, N.A.
FAYETTEVILLE, AR 72701
81-161/829

A. 2
Fayetteville
Department Donations
Page 8 of 14

12/14/2010

PAY TO THE ORDER OF Fayetteville Police Department

\$ **250.00

Two Hundred Fifty and 00/100 ***** DOLLARS

Fayetteville Police Department
Attn: Awards Committee
100-A West Rock St.
Fayetteville, AR 72701

MEMO

[Signature]

⑈018391⑈ ⑆082901619⑆ 70037329⑈

ARVEST
BANK OPERATIONS, INC.

ACCOUNTS PAYABLE
PO BOX 799
LOWELL, AR 72745
1-479-750-6139

ARVEST BANK
81-87/829

879549

CHECK DATE	CONTROL NUMBER	AMOUNT
2/21/2010	879549	\$*****1000.00

PAY One Thousand and 00/100 DOLLARS

TO THE ORDER OF FAYETTEVILLE POLICE DEPARTMENT
ATTN: AWARDS COMMITTEE
100-A WEST ROCK STREET
FAYETTEVILLE, AR 72701

[Signature]
ARVEST BANK OPERATIONS, INC.

AUTHORIZED SIGNATURE

⑈879549⑈ ⑆082900872⑆ 50159516⑈

**COORS OF WESTERN ARKANSAS, INC.**

1601 EAST PUMP STATION ROAD
PH. 479 - 442-6677
FAYETTEVILLE, ARKANSAS 72701

ARVEST BANK
FAYETTEVILLE, AR 72701

A. 2
Fayetteville Police
Department Donations
Page 1 of 1

No. 019458

DATE

12/31/10

*****250* DOLLARS AND *00* CENTS

AMOUNT

****250.00*

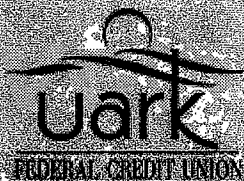
PAY TO THE ORDER OF

FAYETTEVILLE POLICE DEPT
ATTN: AWARDS COMMITTEE
100-A W ROCK ST
FAY AR 72701



⑈019458⑈ ⑆082900872⑆ 00064622⑈01

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 13 SECURITY FEATURES

**UARK FEDERAL CREDIT UNION**

Commercial Account
P.O. BOX 1643
Fayetteville, AR 72702
Phone (479) 521-1199

10777

8174752829

12/21/10

PAY

ONE HUNDRED AND 00/100 DOLLARS

TO
THE
ORDER
OF

FAYETTEVILLE POLICE DEPARTMENT
100-A WEST ROCK ST
FAYETTEVILLE, AR
72701

MEMO: DONATION



NOT VALID AFTER 90 DAYS

AUTHORIZED SIGNATURE

⑈010777⑈ ⑆282974750⑆0000075714⑈

LIQUOR WORLD
3330 N. COLLEGE AVE. PH. 479-587-0480
FAYETTEVILLE, AR 72703

A. 2
Fayetteville
Department Donations
Page 10 of 14

DATE 12/3/10

81-161-829

PAY TO THE
ORDER OF

Fayetteville Police Dept.

\$ 100.00

One hundred dollars and 00/100 DOLLARS

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
THE BANK OF FAYETTEVILLE
479-444-4444 MEMBER FDIC



⑈038201⑈ ⑆082901619⑆

70013276⑈

Kym Crawford NP

JORDAN AND ASSOCIATES

4189 EAST MISSION BLVD.
FAYETTEVILLE, AR 72703
(479) 444-9923



SIMMONS FIRST BANK
OF NORTHWEST ARKANSAS
SPRINGDALE, ARKANSAS 72782

81-185-829

23835

12/31/10

PAY TO THE
ORDER OF

Fayetteville Police Department - Awards Committee

\$ 500.00

Five Hundred and 00/100

DOLLARS

MEMO

[Signature]
AUTHORIZED SIGNATURE

⑈023835⑈ ⑆082901855⑆ 0612501750⑈

UNDERWOOD COLLEGE JEWELRY INC

611 W DICKSON
FAYETTEVILLE, ARKANSAS 72701

A. 2 **1266**
Fayetteville Police
Department Donations
Page 11 of 14

81-87-829

PAY
TO THE
ORDER OF

DATE

11-30-10

Fayetteville Police Dept - Awards Committee \$ 100

UNDERWOOD'S **100 DOLS 00 CTS**

DOLLARS

100

ARVEST

BANK

arvest.com

FOR

Contribution

William G. Underwood MP

⑈001266⑈ ⑆082900872⑆ 0041645741⑈

12244

CARL R. OWENS

CERTIFIED PUBLIC ACCOUNTANT
101 W COLT SQUARE DR.
FAYETTEVILLE, AR 72703

81139/829

DATE

Dec 3, 2010

PAY
TO THE
ORDER OF

Fayetteville Police Dept.

\$ 30.00

Thirty & no/100

DOLLARS

BANK OF ARKANSAS
FAYETTEVILLE, ARKANSAS
www.bankofarkansas.com

FOR

Contribution

Carl R. Owens MP

⑈012244⑈ ⑆082901392⑆ 0126228701⑈

GEORGE'S MAJESTIC LOUNGE
CROWNE GROUP LLC
519 W DICKSON ST.
FAYETTEVILLE, AR 72701

11305

A. 2
Fayetteville Police
Department Donations
Page 112/63914

PAY
TO THE
ORDER OF

DATE

11/24/10

Fayetteville Police Dept Awards Comm. \$ 150.00
One Hundred Fifty And No/100 DOLLARS

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701

THE BANK OF FAYETTEVILLE

479-444-4444

MEMBER FDIC



FOR

CONTRIBUTION BANQUET

B. Crowne

⑈011305⑈ ⑆082901619⑆

70009864⑈

13093

BEARD'S FUNERAL CHAPEL
855 S. HAPPY HOLLOW RD. PH. 479-521-8551
FAYETTEVILLE, AR 72701-7244

8187/829

DATE

11-29-10

PAY
TO THE
ORDER OF

Fayetteville Police Dept.

\$ 200.00

two hundred and no/100

DOLLARS

ARVEST®

BANK

arvest.com

FOR

AWARDS

COMMITTEE

J. Beard

⑈013093⑈ ⑆082900872⑆ 0003192701⑈

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. THERMOCHROMIC INK SECURE MARK ON BACK, CHANGES COLOR WITH HEAT.

Tyson

P.O. BOX 2020

SPRINGDALE, ARKANSAS 72765-2020

Valid after 90 Days

CHECK NO. 1004560127

DATE

12/10/2010

JP Morgan Chase Bank NA
Syracuse, NY 13206
Controlled Disb. Acct.
50-937/213

CHECK AMOUNT

\$**1,000.00*

PAY *** ONE THOUSAND USD and 00/100***

TO THE
ORDER OF

FAYETTEVILLE POLICE DEPT
PO Box 1988
FAYETTEVILLE AR 72702

Jed Jones

Treasurer

⑈1004560127⑈ ⑆021309379⑆

601873961⑈

DICKSON STREET CLINIC

102 W. DICKSON ST.
FAYETTEVILLE, AR 72701

A. 2 2761
Fayetteville Police
Department Donations
Page 13 of 14

81-87-829

DATE Dec 29, 10

PAY TO THE ORDER OF Fayetteville Police Department

\$ 100.00

One hundred and 00/100

DOLLARS  Security Features Included. Details on Back.

ARVEST®

BANK arvest.com

FOR Attn: Awards Committee

Linda L. Curran MP

⑈002761⑈ ⑆082900872⑆ 0011635862⑈

ANDREW LUCAS
SHIRLEY LUCAS
2139 W. ORA DR. PH. 479-442-4612
FAYETTEVILLE, AR 72701-1550

81-87/829

1085

DATE 12-2-10

PAY TO THE ORDER OF Fayetteville Police Dept.

\$ 150.00

One hundred fifty and 00/100

DOLLARS  Security Features Included. Details on Back.

ARVEST®

BANK arvest.com

MEMO Awards Committee

Andrew Lucas and Shirley Lucas MP

⑈082900872⑆ 1085 6820900501⑈

SPECIALTY GRAY

CONDOM SENSE, LLC
CATHRYN D. JETT, OWNER
418 W. DICKSON PH. 479-444-6228
FAYETTEVILLE, AR 72701

81-161-829

5928

11/27 2010

PAY TO THE ORDER OF Fayetteville Police Dept. - Awards Committee

\$ 50.00

Fifty dollars & no 00/100

DOLLARS  Security Features Included. Details on Back.

THE BANK OF FAYETTEVILLE, N.A.

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
479-444-4444
MEMBER FDIC

FOR

Cathy Jett MP

⑈082901619⑆ 5928 70015694⑈

City of Fayetteville Staff Review Form

A. 3
Wal-Mart Foundation and
Facility #5737
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

7/5/2011

City Council Meeting Date
Agenda Items Only

Greg Tabor
Submitted By

Police Projects
Division

Police
Department

Action Required:

Acceptance of the Wal-Mart Foundation and Facility #5737 award and approval of a budget adjustment for Local Community Contribution in the amount of \$1,000 to fund CPR certification of law enforcement officers.

\$ 1,000.00
Cost of this request

\$ -
Category / Project Budget

Walmart Foundation Grant
Program Category / Project Name

1010.2920.5304.00
Account Number

\$ -
Funds Used to Date

Travel/Training
Program / Project Category Name

03044.8
Project Number

\$ -
Remaining Balance

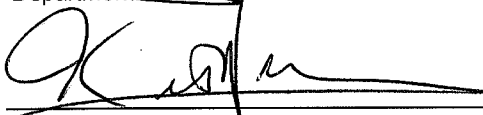
General
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

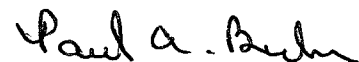

Department Director 6-8-11
Date

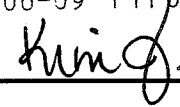
Previous Ordinance or Resolution # _____


City Attorney 6-10-11
Date

Original Contract Date: _____

Original Contract Number: _____


Finance and Internal Services Director 6-10-2011
Date

Received in City 06-09-11 10:34:43 RCVD
Clerk's Office 


Chief of Staff 6-12-11
Date

Received in
Mayor's Office



Mayor 6/13/11
Date

Comments:



Fayetteville Police Department
100-A West Rock
Fayetteville, AR 72701
Telephone: (479) 587-3558
Fax: (479) 587-3563

Departmental Correspondence

To: Mayor Lioneld Jordan and City Council Members
From: Greg Tabor, Police Chief 
Date: June 8, 2011
Re: Local Community Contribution – Wal-Mart Stores, Inc

Background

Periodically, Wal-Mart/Sam's Club stores will make monetary contributions to local community organizations. The Police Department has taken advantage of these contributions over the past several years. Previous contributions were used for digital cameras, crime scene investigation equipment, and other law enforcement equipment.

Discussion

In 2011, Wal-Mart Foundation and Facility #5737 requested an application be submitted to evaluate the needs of the community. Our Training Division requested \$1,000 in funding for CPR Certification of our law enforcement officers. Many times our officers are the first person on the scene of an accident or emergency situation in which CPR is needed to be performed. This funding will allow the Police Department to train two officers to be Certified CPR Instructors and provide in-house CPR certification to all our officers. These funds will be deposited and tracked through the City's Project Accounting System to insure that the funds intended purpose is met.

Recommendation

Staff recommends acceptance of the Wal-Mart Foundation and Facility #5737 award and approval of a budget adjustment for Local Community Contribution in the amount of \$1,000. If you should have any questions regarding this award, please contact me at extension 500.

Budget Impact

Increases both revenue and expense by \$1,000.

RESOLUTION NO. _____

A RESOLUTION TO THANK THE WALMART FOUNDATION AND FACILITY #5737 AND ACCEPT ITS \$1,000.00 DONATION TO THE FAYETTEVILLE POLICE DEPARTMENT FOR CPR TRAINING AND CERTIFICATION

WHEREAS, the Walmart Foundation has provided generous grants to the Fayetteville Police Department several times in the past to help our police purchase needed equipment; and

WHEREAS, the Walmart Foundation and Facility #5737 have now offered to donate \$1,000.00 to the Fayetteville Police for CPR training and certification; and

WHEREAS, Fayetteville Police Officers are often the first emergency responder to reach an accident or other emergency situation in which the proper administration of CPR could save a citizen's life.

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 thanks Walmart Foundation and Facility #5737 and accepts their \$1,000.00 grant to the Fayetteville Police Department to be used for CPR training and certification and approves the attached budget adjustment recognizing this \$1,000.00 donation.

PASSED and APPROVED this 5th day of July, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 3 V11.0425
Wal-Mart Foundation and
~~Facility #5797~~

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Division Head Date 6-10-11 Budget Director Date 6-8-11 Department Director Date 6-10-2011 Finance Director Date Paul A. Butler 6-12-11 Chief of Staff Date 6/13/11 Mayor Date 6/13/11	Prepared By: <u>W. Newman</u> wnewman Reference: _____ Budget & Research Use Only Type: A B C D E P General Ledger Date _____ Posted to General Ledger _____ Initial Date Checked / Verified _____ Initial Date
--	---

From: <do-not-reply@wal-mart.com>
To: <wnewman@ci.fayetteville.ar.us>
Date: 6/6/2011 5:21 PM
Subject: Grant Paid

Dear Willie Newman,

The Walmart Foundation and Facility # 5737 are pleased to inform you that your organization has been selected to receive a grant through the Local Community Contribution/Hunger Outreach Grant Program in the amount of \$1,000.00. We believe that your organization is doing important work to the communities you serve, and we are proud that we are able to support you in your efforts.

Your grant payment will be awarded to you by check, and it will be sent to the address listed in your grant application. Your grant check will be issued within the next few weeks and mailed to your organization as quickly as possible.

Thank you for the work your organization does to create opportunities so people can live better.

Sincerely,

The Walmart Foundation

CG/JMAIL/15605170



702 S.W. 8th St. BENTONVILLE, ARKANSAS 72716



WACHOVIA BANK, N.A.
CHARLOTTE, NC 28288-0013

66-156
A. 3 531
Wal-Mart Foundation and
Facility #5737
Page 6 of 6

EQ: Q059645

VENDOR NUMBER	DATE OF CHECK MO DAY YR
340356	06 06 11

CHECK NUMBER
0034418

0034418

PAY
ONE THOUSAND DOLLARS AND NO CENTS

TO THE
ORDER
OF

City of Fayetteville Police Departm
Facility# 5737
113 West Mountain Street
Fayetteville AR 72701

DOLLARS	CENTS
*****1,000.00	
NET AMOUNT OF CHECK	

WAL ★ MART STORES, INC.

Jeffrey Lane

Executive VP, Finance and Treasurer

"THIS DOCUMENT CONTAINS A COLORED BACKGROUND ON FACE - AND ARTIFICIAL WATERMARK ON BACK - HOLD AT AN ANGLE TO VIEW."

⑈0034418⑈ ⑆053101561⑆ 2079900136854⑈

Key Code

Date

6-8-11

Contact Name

Wal-Mart

Extension

579

Debit/Cash Account #

1010--0100.00

(Cash)

#1,000.00

Credit Account #

1010-0001-4808.02

(Donations-Police)

Project/Subproject #

03044-8

Description

Wal-Mart #5737 Community Grant

Accounting Approval

City of Fayetteville Staff Review Form

City Council Agenda Items
 and
 Contracts, Leases or Agreements

7/5/2011

City Council Meeting Date
 Agenda Items Only

Alison Jumper

Submitted By

Park Planning

Division

Parks and Recreation

Department

Action Required:

A resolution awarding Bid #11-40 and approval of a contract with Fochtman Enterprises, Inc. in the amount of \$92,377 with a 15% project contingency of \$13,857 for a total project cost of \$106,234 for the Construction of Bryce Davis Parking Lot.

\$ 106,234.00

Cost of this request

\$ 176,770.00

Category / Project Budget

Neighborhood Park Development

Program Category / Project Name

2250.9255.5806.00

Account Number

\$ 56,603.20

Funds Used to Date

Parks Development

Program / Project Category Name

02013.0802

Project Number

\$ 120,166.80

Remaining Balance

Parks Development/PLDO NW

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

City Attorney

Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

Date

Chief of Staff

Date

Mayor

Date

Received in Clerk's Office 6-17-11 P12:42 RCVD

Received in Mayor's Office

ENTERED
 6/21/11
 JH

Comments: Budget Adjustment attached.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

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

From: Alison Jumper, Park Planning Superintendent *AJ*

Date: June 13, 2011

Subject: Bid #11-40, Construction of North Bryce Davis Parking Lot
Agenda Request for July 5, 2011 Meeting

PROPOSAL:

Bryce Davis Park is located at 1595 N. Dartmouth Drive. Approximately 17 acres were added to the existing 9.2 acre park in 2008. The park now serves as a community park for the northwest quadrant of the City. A master plan for the park was developed in 2008 and is being constructed in phases. Previous phases included the addition of a restroom, a dog park, walking path, and large pavilion. The addition of a parking lot to meet city ordinances and to accommodate added park users is required as part of the final phase.

The bid for the construction of the parking lot advertised on May 26 and June 2 and opened on June 13. Four vendors including Fochtman Enterprises, Inc., Pavecon, LTD., Sweetser Construction, Inc., and Tomlinson Asphalt Co., Inc. submitted bids with Fochtman Enterprises, Inc. being the low bid in the amount of \$92,377.

If approved, the construction of the parking lot is anticipated to begin in late July and be completed in October 2011.

RECOMMENDATION:

A resolution awarding BID #11-40 and approval of a contract with Fochtman Enterprises, Inc. in the amount of \$92,377 with a 15% project contingency of \$13,857 for a total project cost of \$106,234 for the Construction of Bryce Davis Parking Lot.

BUDGET IMPACT:

The project is funded with Park Development Funds and Park Land Development Funds Northwest Quadrant. Total project cost including a 15% project contingency is \$106,234.

Attachments:

Bid Tabulation Sheet
Fochtman Enterprises, Inc. Bid Submittal
Contract Agreement Signed by Contractor
Purchase Requisition

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #11-40 AND AUTHORIZING A CONTRACT WITH FOCHTMAN ENTERPRISES, INC. IN THE AMOUNT OF \$92,377.40 FOR CONSTRUCTION OF A PARKING LOT AT BRYCE DAVIS PARK, AND APPROVING A FIFTEEN PERCENT (15%) PROJECT CONTINGENCY

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 #11-40 and authorizes a contract with Fochtman Enterprises, Inc. in the amount of \$92,377.40 for construction of a parking lot at Bryce Davis Park. A copy of the contract is attached as Exhibit "A".

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a fifteen percent (15%) project contingency.

PASSED and APPROVED this 5th day of July, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



AGREEMENT

BETWEEN CITY OF FAYETTEVILLE AND CONTRACTOR

THIS AGREEMENT is dated as of the ____ day of _____ in the year 2011 by and between the City of Fayetteville, Arkansas (hereinafter called CITY OF FAYETTEVILLE) and Fochtman Enterprises, Inc. herein after called CONTRACTOR).

CITY OF FAYETTEVILLE and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents.

The work generally consists of the construction of a 24-space asphalt parking area with standard concrete curb and gutter, flush concrete curb, pond grading and approximately 82 linear feet of 5-foot wide concrete sidewalk, the planting of trees and associated site work at **Bryce Davis Park** and all items indicated in the Drawings and Specifications.

Article 2. PROJECT MANAGER.

The Project has been designed by

City of Fayetteville Parks and Recreation Department
1455 South Happy Hollow Road
Fayetteville, Arkansas 72701

will be hereinafter called PARKS AND RECREATION DEPARTMENT PROJECT MANAGER and who is to act as CITY OF FAYETTEVILLE's representative, assume all duties and responsibilities, and have the rights and authority assigned to PROJECT MANAGER in the Contract Documents in connection with completion of the Work in accordance with the Contract documents.

Article 3. CONTRACT TIME.

3.1. The Work for Construction of Bryce Davis Parking Lot shall be substantially completed within 90 consecutive calendar days after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraphs 14.07.B & C of the General Conditions within 120 consecutive calendar days after the date when the Contract Time commences to run.

3.2. *Liquidated Damages.* CITY OF FAYETTEVILLE and CONTRACTOR recognize that time is of the essence of the Agreement and that CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus and extensions thereof allowed in accordance with Article 12 of 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 CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 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 3.1 for completion and readiness for final payment or any proper extension thereof granted by CITY OF FAYETTEVILLE, CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

Article 4. CONTRACT PRICE.

CITY OF FAYETTEVILLE shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined from the following Schedule of Values pursuant to paragraphs 4.1 and 4.2 below:

4.1. For all Work other than Unit Price Work, an amount equal to the sum of the established lump sums for each separately identified item of Lump Sum Work; and

4.2. For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in this paragraph 4.2.

Payment Items

Pay Items				FOCHTMAN ENTERPRISES, INC	
ITEM#	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	TOTAL
1	MOBILIZATION (1)	L.S.	1	\$2,700.00	\$2,700.00
2	BONDS AND INSURANCE	L.S.	1	\$1,500.00	\$1,500.00
3	EROSION CONTROL- INCLUDING SILT FENCE, CONCRETE WASH OUT AND CONSTRUCTION ENTRANCE (8)	L.S.	1	\$1,700.00	\$1,700.00
4	SITE PREPARATION - INCLUDING TREE PRESERVATION FENCING, TREE PLANKING AND PROTECTION OF EXISTING TRAIL & REMOVAL OF TWO TREES (3)(4)	L.S.	1	\$5,500.00	\$5,500.00
5	SELECTIVE SITE DEMOLITION (8)	L.S.	1	\$1,400.00	\$1,400.00
6	UNCLASSIFIED EXCAVATION	C.Y.	2150	\$6.00	\$12,900.00
7	IMPORTED HILLSIDE-COMPLETE IN PLACE (5)	C.Y.	620	\$8.00	\$4,960.00
8	CONCRETE FLUSH CURB 6" THICK (5) COMPLETE IN PLACE PER DETAIL	S.Y.	68	\$34.00	\$2,312.00
9	CONCRETE STANDARD CURB (5)	L.F.	490	\$8.50	\$4,165.00
10	CONCRETE SIDEWALK 3" WIDE X 4" (5) COMPLETE IN PLACE PER DETAIL	S.Y.	85	\$27.00	\$2,295.00
11	CONCRETE APRON COMPLETE IN PLACE	S.F.	300	\$4.00	\$1,200.00
12	3" ASPHALT- COMPLETE IN PLACE (5)	S.Y.	1600	\$13.00	\$20,800.00
13	SB2-COMPLETE IN PLACE (5)	Ton	790	\$16.00	\$12,640.00
14	WHEEL STOPS COMPLETE IN PLACE (5)	EA.	22	\$80.00	\$1,760.00
15	PARKING STRIPING AND ADA SYMBOL(5)	L.S.	1	\$900.00	\$900.00
16	LIQUID AMBAR STYRACIFLUA - 'HAPIDAZE'- 2" CAL. COMPLETE IN PLACE	EA.	3	\$500.00	\$1,500.00
17	TOPSOIL (COMPLETE IN PLACE)	C.Y.	419	\$19.00	\$7,961.00
18	FESCUE SOD COMPLETE IN PLACE (6)(7)	S.F.	17130	\$0.30	\$5,139.00
19	FESCUE SEED COMPLETE IN PLACE INCLUDING STRAW (6)(7)	S.F.	5227	\$0.20	\$1,045.40
Total					\$92,377.40

As provided in paragraph 11.03 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by PARKS AND RECREATION DEPARTMENT PROJECT MANAGER as provided in paragraph 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03.B of the General Conditions.

Article 5. PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions or as modified in the Supplementary Conditions. Applications for Payment will be processed by PARKS AND RECREATION DEPARTMENT PROJECT MANAGER as provided in the General Conditions.

5.1. *Progress Payments.* 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 PARKS AND RECREATION DEPARTMENT PROJECT MANAGER, on or about the 1st day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below and SC-14.02 . All such payments will be measured by the schedule of values established in paragraph 2.07 of the General Conditions and based on the number of units completed in the case of Unit Price Work or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in case, less the aggregate of payments previously made and less such amounts as PARKS AND RECREATION DEPARTMENT PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

90 percent of Work completed (with the balance of 10 percent being retainage), If Work has been 50 percent completed as determined by the PARKS AND RECREATION DEPARTMENT PROJECT MANAGER, and if the character and progress of the Work have been satisfactory to CITY OF FAYETTEVILLE and PARKS AND RECREATION DEPARTMENT PROJECT MANAGER, CITY OF FAYETTEVILLE, on recommendation of PARKS AND RECREATION DEPARTMENT PROJECT MANAGER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of work completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100 percent of the Work completed.

100 percent of materials and equipment not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to CITY OF FAYETTEVILLE as provided in paragraphs 14.02.B.5 & 14.02.D of the General Conditions. That is, if any such items are setup for that type payment in the Specifications.

5.1.2. Upon Substantial Completion, in an amount sufficient to increase total payments to CONTRACTOR to 98 percent of the Contract Price (with the balance of 2 percent being retainage), less such amounts as PARKS AND RECREATION DEPARTMENT PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

5.3 *Final Payment.* Upon final completion and acceptance of the Work in accordance with paragraphs 14.07.B & C of the General Conditions, CITY OF FAYETTEVILLE shall pay the remainder of the Contract Price as recommended by PARKS AND RECREATION DEPARTMENT PROJECT MANAGER as provided in said paragraphs 14.07.B & C.

Article 6. CONTRACTOR'S REPRESENTATIONS.

In order to induce CITY OF FAYETTEVILLE to enter into this Agreement CONTRACTOR makes the following representations:

6.1. CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in Article 7) and the other related data identified in the Bidding Documents including "technical data."

6.2. 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, or furnishing of the Work.

6.3. 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.

6.4. CONTRACTOR has carefully studied all 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 which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.02 of the General Conditions.

CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that CITY OF FAYETTEVILLE and PARKS AND RECREATION DEPARTMENT PROJECT MANAGER 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. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to

the site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to the employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance 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.

6.5. CONTRACTOR is aware of the general nature of work to be performed by CITY OF FAYETTEVILLE and others at the site that relates to the Work as indicated in the Contract Documents.

6.6. 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.

6.7. CONTRACTOR has given PARKS AND RECREATION DEPARTMENT PROJECT MANAGER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by PARKS AND RECREATION DEPARTMENT PROJECT MANAGER is acceptable to CONTRACTOR and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 7. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between CITY OF FAYETTEVILLE and CONTRACTOR concerning the Work consist of the following:

- 7.1. This Agreement (pages 1 to 8, inclusive).
- 7.2. Performance and Payment Bonds, (Exhibits A and B respectively).
- 7.3. Certificates of Insurance, (Exhibit C).
- 7.4. Documentation submitted by CONTRACTOR prior to Notice of Selection (Exhibit D).
- 7.5. General Conditions (pages 1 to 42, inclusive).
- 7.6. Supplementary Conditions (pages 1 to 13 inclusive).
- 7.7. Specifications consisting of Divisions 1 through 32 as listed in table of contents thereof.
- 7.8. Addenda numbers 1 through 2, inclusive.

7.9. One set of drawings (not attached hereto) consisting of: a cover sheet and additional sheets numbered two - nine with each sheet bearing the following general title: Construction of Bryce Davis Parking Lot.

7.10. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:

7.10.1. Notice to Proceed

7.10.2 All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

The documents listed in paragraphs 7.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article 7. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.04 of the General Conditions.

Article 8. MISCELLANEOUS.

8.1. Terms used in the Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

8.2. 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.

8.3. CITY OF FAYETTEVILLE and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

8.4. 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 stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.

8.5. 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.

8.6. Freedom of Information Act. City contract 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, 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.

8.7. **No liens against this construction project are allowed.** Arkansas law (A.C.A. §§ 18-44-501 through 508) prohibits the filing of any mechanics' or materialmen's liens in relation to this public construction project. Arkansas law requires and the Contractor promises to provide and file with the Circuit Clerk of Washington County a bond in a sum equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for non-payment of labor or materials on the bond. The Contractor promises to notify every subcontractor and materials supplier for this project of this paragraph and obtain their written acknowledgement of such notice prior to commencement of the work of the subcontractor or materials supplier.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE and CONTRACTOR have signed this Agreement in quadruplicate. One counterpart each has been delivered to CITY OF FAYETTEVILLE and PARKS AND RECREATION DEPARTMENT PROJECT MANAGER, and two counterparts have been delivered to CONTRACTOR. All portions of the Contract Documents have been signed, initialed, or identified by CITY OF FAYETTEVILLE and CONTRACTOR or identified by PARKS AND RECREATION DEPARTMENT PROJECT MANAGER on their behalf.

This Agreement will be effective on _____, 2011 (which is the Effective Date of the Agreement).

CITY OF FAYETTEVILLE: **City of Fayetteville**

CONTRACTOR:

By: _____
Mayor

By: _____

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest _____

* Attest

* If a Corporation, attest by the Secretary.

Address for giving notices

Address for giving notices
FOCHTMAN ENTERPRISES, INC.
PO BOX 1168
FAYETTEVILLE, AR 72702

(If CITY OF FAYETTEVILLE is a public body, attach License No.

evidence of authority to sign and resolution or other documents Agent for service of process:
authorizing execution of Agreement.)

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

State of Arkansas

Contractors Licensing Board

FOCHTMAN ENTERPRISES, INC.
PO DRAWER 1168
FAYETTEVILLE, AR 72702-1168

FOCHTMAN ENTERPRISES, INC.

This is to Certify That

is duly licensed under the provisions of Act 150 of the 1965 Acts as amended and is entitled to practice Contracting in the State of Arkansas within the following classification:

HIGHWAY, RAILROAD, AIRPORT
CONSTRUCTION

MUNICIPAL & UTILITY
CONSTRUCTION

with the following suggested bid limit Unlimited

from July 23, 2010 until July 31, 2011

when this Certificate expires.

Witness our hands of the Board, dated at North Little Rock, Arkansas:



[Signature]

CHAIRMAN

[Signature]

SECRETARY

July 23, 2010

ARTICLES OF INCORPORATION

OF

FOCHTMAN ENTERPRISES, INC.

The undersigned natural persons of the age of twenty-one years or more, in order to form a corporation for the purposes hereinafter stated, under and pursuant to the Arkansas Business Corporation Act, hereby certify as follows:

1. The name of this corporation is FOCHTMAN ENTERPRISES, INC..

2. The nature of the business of the corporation and the object or purposes proposed to be transacted, promoted or carried on by it are as follows:

(a) To act as a general contractor for the installation of underground utilities, construction, repairing, and remodeling of buildings and public works of all kinds, and for the improvement of real estate, and the doing of any and all other business and contracting incidental thereto, or connected therewith, and the doing and performing of any and all acts or things necessary, proper, or convenient for or incidental to the furtherance or the carrying out of the powers or purposes herein mentioned.

(b) To conduct any other business enterprise not contrary to law.

(c) To exercise all of the powers enumerated in Section 4 of the Arkansas Business Corporation Act.

3. The period of existence of this corporation shall be perpetual.

4. The registered office of this corporation shall be located at 113 East Emma, Springdale, Arkansas, and the name of the registered agent of this corporation at that address is Jill Jacoway.

5. The total amount of the authorized capital stock of this corporation is 2,000 shares of common stock with no par value each.

6. This corporation shall not commence business until at least \$300.00 has been received as consideration for the issuance of shares.

7. The names and addresses of the incorporators are as follows:

NAME:

ADDRESS:

Earl W. Fochtman

1810 Overcrest Str., Fayetteville, Arkansas

Gayle M. Fochtman

1810 Overcrest Str., Fayetteville, Arkansas

8. The initial number of Directors constituting the initial Board of Directors shall be two. At the meeting of the shareholders next following the time when the number of shareholders of record shall be more than two, additional Directors shall be elected so that the total number of Directors shall be equal to the number of shareholders of record (but not to exceed five unless the corporate bylaws specifically so provide.)

9. The President and Secretary of the corporation shall have the authority on behalf of the corporation to: (a) enter into any contract between the corporation and all of its shareholders; (b) impose restrictions on the future transfer (whether inter vivos, by inheritance or testamentary gift), hypothecation or other disposition of its shares; (c) grant purchase options to the corporation or its shareholders; or (d) require the corporation or its shareholders to purchase such shares upon stated contingencies. In addition, any and all of such restrictions, options or requirements may be imposed on all shares of the corporation, issued and unissued, upon the unanimous resolution of the Board of Directors and the consent of all stockholders as of the date of the Board's resolution.

10. No contract entered into by this corporation shall be invalid or unenforceable because of the interest of any Director in the contract, either directly or indirectly.

11. Pursuant to Section 1244 of the Internal Revenue Code, this corporation adopts the following plan:

(a) The plan shall be effective upon the filing of these Articles of Incorporation with the Secretary of State of Arkansas.

(b) This corporation is authorized to offer and issue 300 shares of common stock on or after the effective date hereof.

(c) This corporation shall offer and issue such shares of common stock on the effective date hereof until the first to occur of (i) two years after the adoption of this plan or (ii) the date on which this corporation shall make a subsequent offering of any stock.

(d) The maximum amount to be received by this corporation in consideration of the common stock to be issued hereunder shall be Five Hundred Thousand Dollars (\$500,000.00).

(e) Such common stock shall be issued only for money and other property (other than stock or securities).

(f) There are no offers to sell any other stock of the corporation outstanding, and the corporation shall offer and issue only such common stock described herein during the term hereof.

EXECUTED this 25 day of July, 1978.


 EARL W. FOCHTMAN


 GAYLE M. FOCHTMAN

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS.
 COUNTY OF WASHINGTON)

I, the undersigned, a Notary Public duly commissioned to take acknowledgments and administer oaths in the State of Arkansas, do hereby certify that on this day, personally appeared before me the above named incorporators who, being by me first duly sworn, declared that they were the only incorporators referred to in Number Seven of the foregoing Articles of Incorporation, and that they signed these Articles for the purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 25 day of July, 1978.


 NOTARY PUBLIC

My commission expires:

10/17/78

CERTIFICATE OF COUNTY AND STATE CLERK
 This is to certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Washington, State of Arkansas.
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 25 day of July, 1978.

THIS CERTIFICATE
MUST BE FILED
with the
COUNTY CLERK

FILED

JUL 27 1978

WINSTON BRYANT
SECRETARY OF STATE
Winston Bryant

WINSTON BRYANT
SECRETARY OF STATE
LITTLE ROCK, ARK.

PO 697



BID: 11-40
6/14/2011
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 11-40, Construction of Bryce Davis Parking Lot Bid Tabulation

BIDDER	TOTAL BID PRICE
1 Fochtman Enterprises, Inc.	\$92,377.40
2 Pavecon, Ltd.	\$109,243.10
3 Sweetser Construction, Inc.	\$103,446.75
4 Tomlinson Asphalt Co., Inc.	\$120,565.95

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

CERTIFIED:

P. VICE, PURCH MGR

WITNESS

DATE



Project Check List

Bid 11-40, Construction of Bryce Davis Parking Lot

This checklist is for the Bidder's use in preparing & submitting a bid. It is not intended to include all details necessary to prepare a bid and shall not be used as a substitute for the requirements of the bid documents. Information is shown below only as a matter of convenience. Use of this checklist does not relieve the Bidder from the responsibility of meeting all requirements of the Specifications concerning the preparation of an acceptable bid. Bidders are welcome to use this form as a coversheet for a sealed envelope; however, using this form itself is NOT a requirement.

- ☒ 5% Bid Bond of the amount bid accompanied by required documentation (Power of Attorney, etc.)
 - In lieu of a bid bond, the bidder may submit a cashier's check for at least five percent (5%) of the amount bid (inclusive of any deductive alternates). Cashiers checks shall be made payable to the City of Fayetteville, AR.
- ☒ All addenda shall be signed, acknowledged, and submitted on the appropriate forms (submitting the actual addendums or marking acknowledgement on other bid pages).
- ☒ All line items shall be appropriately filled out and extended to reveal the line item price as well as the total bid price. Total base bid should be calculated in the provided space.
- ☒ All bidders shall submit the following forms with each bid: Bid Proposal Form, Vendor References, Debarment Certification Form, & Statement of Disclosure.
- ☒ All pages provided with signature lines shall be appropriately signed, dated accordingly, and included with submitted bid documents.
- ☒ All bid documents shall be delivered in a sealed envelope to the address listed below before the stated deadline on the coversheet of the bid. All bids should be delivered with the name of the bidder (contractor) on the sealed envelope as well as the bidders Arkansas Contractors License Number.

City of Fayetteville, AR
Purchasing Division – Suite 306
113 W. Mountain
Fayetteville, AR 72702

CONTRACTOR NAME: FOCHTMAN ENTERPRISES, INC.

ARKANSAS CONTRACTOR'S LICENSE #: 0038990711

Section 00 21 17

City of Fayetteville
Bid 11-40, Construction of Bryce Davis Parking Lot
Statement of Disclosure (please submit with Bid)

ATTENTION: Please submit this form with your bid.

DISCLOSURE STATEMENT:

Bidder must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Your response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.

If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response.

This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

- ☒ 1.) NO KNOWN RELATIONSHIP EXISTS
- ☐ 2.) RELATIONSHIP EXISTS (Please explain)

PLEASE FILL OUT THE SECTION BELOW AND SUBMIT THIS FORM WITH YOUR BID:

- 1.) I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and
- 2.) My organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

EARL W. FOCHTMAN
Printed Name

[Signature]
Signed

End of Section 00 21 17

Section 00 21 19

City of Fayetteville
Bid 11-40, Construction of Bryce Davis Parking Lot

Certification of Debarment – THIS FORM NEEDS TO BE SUBMITTED WITH EVERY BID

ATTENTION: Please submit this form with your bid.

As A BIDDER on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Debarment:

Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

Your signature certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME: EARL W. FOCHTMAN
COMPANY: FOCHTMAN ENTERPRISES, INC.
PHYSICAL ADDRESS: 26 W. SUNBRIDGE DR. FAYETTEVILLE, AR 72703
MAILING ADDRESS: PO BOX 1168 FAYETTEVILLE, AR 72702
PHONE: (479) 521-6082 FAX: (479) 521-3649
EMAIL: fochtmanmanagement@gmail.com
SIGNATURE:  EARL W. FOCHTMAN
DATE: JUNE 10, 2011

End of Section 00 21 13

Addendum #2 Bld 11-40
 Construction of Bryce Davis Parking Lot

1	1	Lump Sum	Mobilization - (not to exceed 5% of total bid)				
				TWO THOUSAND SEVEN HUNDRED DOLLARS EVEN	dollars	\$ (2,700.00)	\$ 2,700.00
				amount written in words		in figures	in figures
2	1	Lump Sum	Bid Bonds and Insurance				
				ONE THOUSAND FIVE HUNDRED DOLLARS EVEN	dollars	\$ (1,500.00)	\$ 1,500.00
				amount written in words		in figures	in figures
3	1	Lump Sum	Erosion Control Including silt fence, concrete washout and construction entrance				
				ONE THOUSAND SEVEN HUNDRED DOLLARS EVEN	dollars	\$ (1,700.00)	\$ 1,700.00
				amount written in words		in figures	in figures
4	1	Lump Sum	Site Preparation including tree preservation and planking, protection of existing trail and tree removal				
				FIVE THOUSAND FIVE HUNDRED DOLLARS EVEN	dollars	\$ (5,500.00)	\$ 5,500.00
				amount written in words		in figures	in figures
5	1	Lump Sum	Selective Site Demolition				
				ONE THOUSAND FOUR HUNDRED DOLLARS EVEN	dollars	\$ (1,400.00)	\$ 1,400.00
				amount written in words		in figures	in figures
6	2150	Cubic Yards	Unclassified Excavation				
				SIX DOLLARS EVEN	dollars	\$ (6.00)	\$ 12,900.00
				amount written in words		in figures	in figures
7	620	Cubic Yards	Imported Hillside-Complete In Place				
				EIGHT DOLLARS EVEN	dollars	\$ (8.00)	\$ 4,960.00
				amount written in words		in figures	in figures
8	68	Square Yards	Concrete Flush Curb 6" thick - Complete In Place				
				THIRTY FOUR DOLLARS EVEN	dollars	\$ (34.00)	\$ 2,312.00
				amount written in words		in figures	in figures
9	490	Linear Foot	Concrete Standard Curb-Complete In Place				
				EIGHT DOLLARS AND FIFTY CENTS	dollars	\$ (8.50)	\$ 4,165.00
				amount written in words		in figures	in figures
10	85	Square Yards	Concrete Sidewalk 5' wide x 4" thick				
				TWENTY SEVEN DOLLARS EVEN	dollars	\$ (27.00)	\$ 2,295.00
				amount written in words		in figures	in figures
11	300	Square Feet	Concrete Apron-Complete in Place Per Detail				
				FOUR DOLLARS EVEN	dollars	\$ (4.00)	\$ 1,200.00
				amount written in words		in figures	in figures
12	1600	Square Yards	3" Asphalt - Complete In Place				
				THIRTEEN DOLLARS EVEN	dollars	\$ (13.00)	\$ 20,800.00
				amount written in words		in figures	in figures
13	790	Ton	Class 7 SB2- Complete In Place				
				SIXTEEN DOLLARS EVEN	dollars	\$ (16.00)	\$ 12,640.00
				amount written in words		in figures	in figures
14	22	Each	Wheel Stops-Complete In Place				
				EIGHTY DOLLARS EVEN	dollars	\$ (80.00)	\$ 1,760.00
				amount written in words		in figures	in figures
15	1	Lump Sum	Striping and ADA Symbol				
				NINE HUNDRED DOLLARS EVEN	dollars	\$ (900.00)	\$ 900.00
				amount written in words		in figures	in figures
16	3	Each	Liquidambar Styraçiflun				
				FIVE HUNDRED DOLLARS EVEN	dollars	\$ (500.00)	\$ 1,500.00
				amount written in words		in figures	in figures

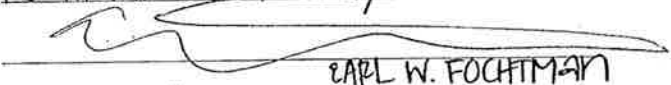
17	419	Cubic Yards	Topsoil		
NINETEEN DOLLARS EVEN				dollars	
amount written in words					
\$ (	19.00	) C.Y.	\$	7,961.00	
in figures			in figures		
18	17130	Square Feet	Fescue Sod Complete In Place		
THIRTY CENTS EVEN				dollars	
amount written in words					
\$ (	.30	) S.F.	\$	5,139.00	
in figures			in figures		
19	5227	Square Feet	Fescue Seed Complete In Place Including Straw and Water		
TWENTY CENTS EVEN				dollars	
amount written in words					
\$ (	.20	) S.F.	\$	1,045.40	
in figures			in figures		
TOTAL BASE BID					
NINETY TWO THOUSAND THREE HUNDRED SEVENTY SEVEN DOLLARS AND FORTY CENTS				\$92,377.40	dollars
amount written in words					

The Bidder shall state the price bid in words and figures (written in ink or typed) for each pay item, and the total bid. In case of conflict between words and figures, the words, unless obviously incorrect, shall govern.

Bidder understands that the Owner reserves the right to award the total project, or to reject any or all bids and to waive any informalities in the bidding.
 Bidder agrees that this Bid shall be good and will not be withdrawn for a period of 60 calendar days after the scheduled closing time for receiving bids.

Respectfully submitted,

Firm Name FOCHTMAN ENTERPRISES, INC.

By  EARL W. FOCHTMAN

Address PO BOX 11600

City FAYETTEVILLE State ARKANSAS, 72702

** Arkansas State Contractor's License Number 0038990711

** An Arkansas Contractor's License is required to bid this project. This project requires a five (5) percent bid bond at time of bid opening. After contract award, a one hundred (100) percent performance and payment bond is required along with proof of insurance before construction begins.

Bid 11-40, Addendum 1



Date: Monday, June 6, 2011

To: All Prospective Vendors

From: Andrea Foren, CPPB – 479.575.8220 – aforen@ci.fayetteville.ar.us

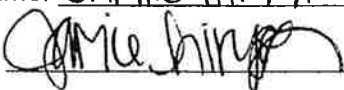
RE: Bid 11-40, Construction of Bryce Davis Parking Lot

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Form of Proposal. Failure to do so may subject bidder to disqualification. Addendum shall be attached to the inside cover of the bidding documents, signed, and dated.

- **Bid 11-40, has the following modifications and clarifications:**
 - 1.) The use of recycled asphalt paving material and recycled asphalt shingles is encouraged and acceptable in the asphalt mix. The 60% limestone requirement will be waived. All other AHTD standards shall be met.
 - 2.) An incorrect quantity was shown on the bid form. Bid item number 15 should be a quantity of three (3), see attached revised Bid Form. **ALL BIDDERS NEED TO USE THE ATTACHED REVISED BID FORM. FAILURE TO USE THE REVISED BID FORM CAN RESULT IN YOUR BID BEING REJECTED.**
 - 3.) Attached are the minutes and sign-in sheet from the pre-bid meeting that was held on June 3, 2011.

Acknowledge Addendum #1:

Printed Name: JAMIL HIPYAK

Signature: 

Title: OFFICE MANAGER Date: JUNE 6, 2011

Company: FOCHTMAN ENTERPRISES, INC.

Bid 11-40, Addendum 2



Date: Friday June 10, 2011

To: All Prospective Vendors

From: Andrea Foren, CPPB – 479.575.8220 – aforen@ci.fayetteville.ar.us

RE: Bid 11-40, Construction of Bryce Davis Parking Lot

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Form of Proposal. Failure to do so may subject bidder to disqualification. Addendum shall be attached to the inside cover of the bidding documents, signed, and dated.

- **Bid 11-40, has the following modifications and clarifications:**

- 1) The bid deadline has been extended. All bids are due before **Tuesday, June 14, 2011 before 2:00:00 PM, local time.**
- 2) The bid form issued in Addendum 1 was incorrect. This addendum contains a revised bid form (see Addendum 2 in footer to make sure you are using the correct bid form). Please note quantities have been updated. **ALL BIDDERS SHALL USE THE ATTACHED REVISED BID FORM. FAILURE TO USE THE REVISED BID FORM CAN RESULT IN YOUR BID BEING REJECTED.**
- 3) The following clarification shall be noted in reference to Bid 11-40:

Bidders are not required to submit a form for "Vendor References" as it does not exist in the bid package. Bidders can omit this requirement ("Vendor References") from the Project Manual Check List.

Acknowledge Addendum #2:

Printed Name: JAMIE HIPKIN

Signature: [Handwritten Signature]

Title: OFFICE MANAGER Date: JUNE 13, 2011

Company: FOCHTMAN ENTERPRISES, INC.

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we,

Fochtman Enterprises, Inc.

PO Drawer 1168: Fayetteville, Arkansas 72702

as Principal, (hereinafter called the "Principal"), and The Fidelity and Deposit Company of Maryland

of Baltimore, Maryland

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

the City of Fayetteville; 113 W Mountain Street; Fayetteville, Arkansas 72701

as Obligee, (hereinafter called the "Obligee"), in the sum of Five percent (5%) of bid amount

Dollars (\$), for the payment of which sum well and truly to be made, the said Principal
and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally,
firmly by these presents.

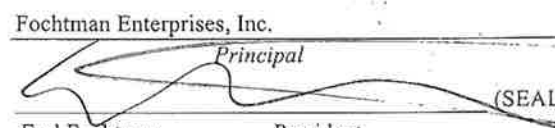
WHEREAS, the Principal has submitted a bid for
construction of Bryce Davis parking lot

Per Plans & Specs by: City of Fayetteville Engineering; 113 W Mountain Street; Fayetteville, Arkansas 72701

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract
with the Obligee in accordance with the terms of such bid and give such bond or bonds as may be specified in the bidding
or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt
payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter
into such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the
penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith
contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise
to remain in full force and effect.

Signed and sealed this 10th day of June A.D., 2011


Witness


Fochtman Enterprises, Inc.
Principal
Earl Fochtman, President (SEAL)

The Fidelity and Deposit Company of Maryland

Surety

By  (SEAL)
John McNair, Attorney-in-Fact

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WILLIAM J. MILLS, Vice President, and GERALD F. HALEY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof does hereby nominate, constitute and appoint **John A. MCNAIR and Mark MCNAIR, both of Fayetteville, Arkansas, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of John A. MCNAIR, Mark MCNAIR, Brian YANDELL, dated April 28, 2005.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 24th day of September, A.D. 2009.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gerald F. Haley

By:

Gerald F. Haley Assistant Secretary

William J. Mills

Vice President

State of Maryland }
City of Baltimore } ss:

On this 24th day of September, A.D. 2009, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came WILLIAM J. MILLS, Vice President, and GERALD F. HALEY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Maria D. Adamski

Maria D. Adamski

Notary Public

My Commission Expires: July 8, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

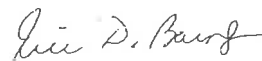
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 10th day of June, 2011.


Assistant Secretary

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)
All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:	Date:
P.O Number:	6/13/2011
	Expected Delivery Date:
Mail Yes: No:	
Taxable Yes: No:	Quotes Attached Yes: No:
Division Head Approval: <i>Donna Edmonson</i>	
Extension: 469	

Vendor #: 18470	Vendor Name: Fochtman Enterprises, Inc.
Address: P.O. Drawer 1168	
City: Fayetteville	State: AR
Zip Code: 72702	Ship to code:
Requester: Alison Jumper	
Requester's Employee #: 22369	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Construction of Bryce Davis Parking Lot per Bid # 11-40	1	LS	\$2,377.00	\$92,377.00	2250.9255.5806.00	02013.0802		
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Tax is included in the bid price.

Subtotal: \$92,377.00
Tax: _____
Total: \$92,377.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____
Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____
Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 1/2/08

City of Fayetteville Staff Review Form

A. 5
Youth Bridge, Inc.
Page 1 of 8

City Council Agenda Items
and
Contracts, Leases or Agreements

7/5/2011

City Council Meeting Date
Agenda Items Only

Yolanda Fields Submitted By Community Services Division Development Services Department

Action Required:

Approval of lease for 1932 S Garland.

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	Community Services Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

[Signature] 6-15-2011
Department Director Date

Previous Ordinance or Resolution #

[Signature] 6-20-11
City Attorney Date

Original Contract Date:

Original Contract Number:

Paul A. Behn 6-21-2011
Finance and Internal Services Director Date

Received in Clerk's Office 6-15-11 P01:43 RCVD
King

[Signature] 6-21-11
Chief of Staff Date

Received in Mayor's Office
ENTERED 6/21/11
[Signature]

[Signature] 6/24/11
Mayor Date

Staff recommends approval of lease.



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: City Council and Mayor

Thru: Jeremy Pate, Director Development Services

From: Yolanda Fields, Director Community Services 

Date: June 14, 2011

Subject: Public Facility Lease Program – Approval of Lease for 1932 S Garland

PROPOSAL:

The property located at 1932 S Garland was acquired with Community Development Block Grant (CDBG) funds. This property is a part of the CDBG Public Facility Lease Program. Properties acquired with CDBG funds are made available through an application process to non-profits that provide services to low and moderate income residents in the City of Fayetteville. Youth Bridge submitted an application for the property located at 1932 S Garland. Youth Bridge was the only applicant and met all the requirements for the program.

Youth Bridge has been in operation since 1965. It provides transitional living programs and shelter to youth that are homeless or need emergency shelter. These youth come from all over Fayetteville and the greater Northwest Arkansas area. Youth Bridge's goals are to stabilize and rehabilitate youth, enabling them to lead healthy and independent lives, stay in school and make better choices.

RECOMMENDATION:

Staff recommends the approval of the lease with Youth Bridge for the property located at 1932 S Garland.

BUDGET IMPACT:

None.

RESOLUTION NO. _____

A RESOLUTION APPROVING A LEASE WITH YOUTH BRIDGE, INC. FOR PROPERTY LOCATED AT 1932 SOUTH GARLAND PURSUANT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC FACILITY LEASE PROGRAM

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a lease with Youth Bridge, Inc. for property located at 1932 S. Garland pursuant to the Community Development Block Grant Public Facility Lease Program. A copy of the lease is attached as Exhibit "A".

PASSED and APPROVED this 5th day of July, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Community Development Block Grant
Public Facility Lease Program

LEASE AGREEMENT

1932 Garland Avenue

THIS LEASE AGREEMENT executed this 17th day of May 2011, by and between the City of Fayetteville, Arkansas and Youth Bridge, Inc, a non-profit Arkansas corporation, hereinafter referred to as "Youth Bridge".

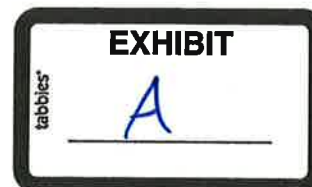
In consideration of the promises, covenants and commitments contained herein, the City of Fayetteville and Youth Bridge hereby agree as follows:

1. **PREMISES.** The City of Fayetteville hereby leases to Youth Bridge and Youth Bridge hereby leases from The City of Fayetteville, the building, parking lot and premises of 1932 S Garland Avenue, Fayetteville, AR 72701.
2. **TERM.** The original term of this Lease shall commence on May 17, 2011 and shall terminate on May 17, 2012 at 5:00 p.m. This Lease shall be automatically extended each subsequent year on May 17th unless written notice of termination is given by the City of Fayetteville or Youth Bridge to the other party at least thirty (30) days prior to expiration of the original term of this lease. This notice shall be effective if mailed or delivered to:

City of Fayetteville
Mayor's Office
113 W Mountain
Fayetteville, AR 72701

Youth Bridge
Executive Director
2153 E Joyce Blvd Suite 201
Fayetteville, AR 72703

3. **CONSIDERATION.** In consideration for the use of leased premises Youth Bridge agrees to provide its services to the citizens of Fayetteville and Northwest Arkansas with emphasis on low and moderate income youth in Fayetteville. Youth Bridge agrees to provide transitional living programs and shelter to youth that are homeless or need emergency shelter stabilizing and rehabilitating the youth and enabling them to lead healthy and independent lives, stay in school and make better choices. Youth Bridge shall maintain at all times a current and complete record of all activities conducted on the leased premises in a form specified by the City of Fayetteville. Youth Bridge shall submit a quarterly activity report to the City of Fayetteville Community Services Division on or before the 15th of the month following the end of the quarter. The City of Fayetteville and the United States Department of Housing and Urban Development shall have complete access to all of Youth Bridge's records during all reasonable hours and shall have the right to inspect and copy said records.





Community Development Block Grant
Public Facility Lease Program

4. **UTILITIES.** Youth Bridge shall be responsible for prompt and complete payment of all utilities including electric bills, natural gas bills, water and sewer bills, sanitation service bills and telephone bills.
5. **IMPROVEMENTS TO PREMISES.** If previously approved in writing by the Community Services Division of the City of Fayetteville, Youth Bridge may make improvements that are necessary to carry out the services they provide. Youth Bridge agrees that it will keep and maintain the leased premises and all improvements thereon in good condition and repair at all times. Youth Bridge agrees to be responsible for yard maintenance and for the maintenance and replacement of all heating, electrical and air conditioning equipment and plumbing on the premises. Youth Bridge, at its own cost and expense, shall maintain and keep premises in as good repair as when the premises were received or in their highest state of repair during the lease term, ordinary wear and tear and casualties beyond Youth Bridge's control alone excepted. Youth Bridge shall return the leased premise at the expiration or termination of the Lease in good order and condition excepting only ordinary wear and tear and casualties beyond Youth Bridge control. Design for any such improvements shall be approved by the City of Fayetteville Community Services Division. Upon termination of this lease all improvements shall become the property of the City of Fayetteville.
6. **MAINTENANCE AND REPAIR FUND.** Youth Bridge will maintain a Maintenance and Repair Account specific to this property. Youth Bridge shall be able to show in their operating budget that a maintenance and repair line item with a total of **\$30,000.00** is allocated; and supplies, maintenance crew and other maintenance items for the maintenance and repair of the facility will be charged against this line item for the duration of the lease. Youth Bridge will provide documentation as requested. At the end of this Lease Agreement charges against this account for that property will end and the property will be in as good or better condition as it was found.
7. **FACILITY DEPOSIT.** Youth Bridge will provide a **\$5,000.00 Facility Deposit** to the City of Fayetteville prior to move in unless a letter of understanding is attached to this lease agreement. The entire amount will be held by the city for the duration of the lease. Upon notification of intent to vacate the lease the City will inspect location to determine condition. If repairs are needed to return the premises to good condition the Facility Deposit amount will be used to make the repairs. Any remaining balance will be refunded to the Youth Bridge.

8. **INSURANCE.** Youth Bridge agrees to carry fire and extended coverage insurance on the improvements on the leased premises, which policy shall name City of Fayetteville as an insured and Youth Bridge agrees to maintain said policy in force throughout the term of the Lease and extension thereof. Said policy shall be in an amount of \$300,000.00. Youth Bridge shall file a copy of said policy and all renewals with the City Clerk of the City of Fayetteville. Youth Bridge agrees to notify the City of Fayetteville in writing of any amendments to or cancellation of said policy or renewals.
9. **MONTHLY FINANCIAL STATEMENTS.** Youth Bridge shall maintain complete and accurate monthly financial statements for all activities conducted on the leased premises. Youth Bridge shall file a copy of each month's financial statement with the City of Fayetteville's Community Services Division on or before the 15th day of the following month.
10. **BENEFIT TO LOW INCOME FAMILIES.** The Community Development Program has been developed so as to give maximum feasible priority to activities which will benefit low and moderate income families or aid in the prevention or elimination of slums or blight. Youth Bridge commits that the leased premises will be used to benefit low and moderate income families.
11. **COMPLIANCE WITH FEDERAL RULES AND REGULATIONS.** Youth Bridge agrees to comply with all rules and regulations as established by the Department of Housing and Urban Development for programs financed by the Housing and Community Development Act of 1974; and
 - a. Lessee will comply with the regulations, policies, guidelines and requirements of OMB Circular No. A-102, Revised, acceptance and use of Federal funds under 24 CFR 570; and
 - b. Lessee will comply with all requirements imposed by HUD concerning special requirements of law, program requirements, and other administrative requirements, approved in accordance with OMB Circular No. A-102, Revised.
 - c. Lessee will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of Youth Bridge's programs or activities.
 - d. Youth Bridge will comply with Section 109 of the Housing and Community Development Act of 1974, and the regulations issued pursuant thereto (24 CFR Part 570.601), which provides that no

person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds provided under 24 CFR 570.

- e. Youth Bridge will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible opportunities for training and employment be given to lower-income residents of the project area and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing in the area of the project.

12. **PERSONAL GAIN.** Youth Bridge will establish safeguards to prohibit employees from using position for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

13. **HATCH ACT.** Youth Bridge will comply with applicable provisions of the Hatch Act.

14. **RIGHT TO INSPECT RECORDS.** Youth Bridge will give HUD and the Comptroller General through any authorized representatives access to and the right to examine all records, books, papers, or documents related to the program.

15. **ENVIRONMENTAL PROTECTION.** Youth Bridge will ensure that the facilities under its lease or supervision which shall be utilized in the accomplishment of the program are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify HUD of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

16. **FLOOD DISASTER PROTECTION ACT.** Youth Bridge shall comply with the Flood Disaster Protection Act of 1973, P.L. 93-234, 87stat. 975, approved December 31, 1973. Section 103(a) required, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area, that has been identified by the Secretary of the Department of Housing and Urban

Development as an area having special flood hazards. The phase "Federal financial assistance" shall be included in any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

17. **CURE OR TERMINATION.** If the City of Fayetteville determines that Youth Bridge has violated a duty, term or condition of this Lease Agreement, it shall so notify Youth Bridge in writing at the address listed above in paragraph 2. Youth Bridge shall have thirty (30) days after notification to cure the breach. If Youth Bridge fails to cure the breach to satisfaction of the City of Fayetteville within the allotted period of time, the City of Fayetteville, acting through its Mayor, may declare this Lease Agreement terminated and so notify Youth Bridge which shall immediately vacate the premises.

IN WITNESS WHEREOF, the parties have executed this Lease Agreement on the date first above written.

Youth Bridge, Inc
d/b/a Youth Bridge


Scott Linebaugh
Executive Director

CITY OF FAYETTEVILLE,
ARKANSAS

Lioneld Jordan
Mayor

ATTEST:

Sondra E. Smith
City Clerk/Treasurer

City of Fayetteville Staff Review Form

A. 6
Government Channel
Budget Adjustment
Page 1 of 4

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

7/5/2011

City Council Meeting Date
Agenda Items Only

Lindsley Smith

Submitted By

Communication Department

Program

Government Channel

Division

Action Required:

Approval of Budget Adjustment budgeting the public access fees balance for the first quarter of 2011 in the amount of \$750.

\$ 750.00

Cost of this request

\$ 9,950.00

Category / Project Budget

Materials & Supplies

Program Category / Project Name

1010.0600.5200.00

Account Number

\$ 2,762.50

Funds Used to Date

Government Channel

Program / Project Category Name

11022

Project Number

\$ 7,187.50

Remaining Balance

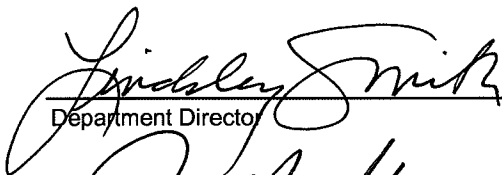
General

Fund Name

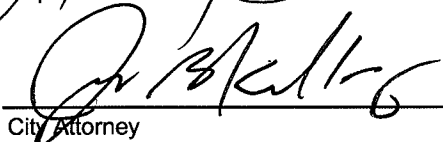
Budgeted Item

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Budget Adjustment Attached

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Department Director
6-14-11
Date

Previous Ordinance or Resolution #


City Attorney
6-15-11
Date

Original Contract Date:

Original Contract Number:


Finance and Internal Services Director
6-15-2011
Date

Received in City 6-15-11 A09:58 RCVD
Clerk's Office


Chief of Staff
6-20-11
Date

Received in
Mayor's Office


Mayor
6/21/11
Date

Comments: Staff recommends approval of this budget adjustment.



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

From: Lindsley Smith, Communication Director 

Date: June 14, 2011

Subject: Approval of a Budget Adjustment for Government Channel

PROPOSAL:

The Communication Department would like to recognize revenue from the Public Access Television first quarter of 2011 for Public Access Television services. These funds come from fees for business services to the City of Fayetteville through the contractor Your Media in the performance of the public access services contract with the City of Fayetteville. Specifically, the fees came from dubbing of DVDs, sales of blank DVDs, and fees from non-Fayetteville Washington County residents to take classes.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to budget the public access fees for the first quarter of 2011.

BUDGET IMPACT:

Increase the Government Channel Division budget by \$750.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$750.00 REPRESENTING REVENUE FROM PUBLIC ACCESS TELEVISION FEES COLLECTED BY THE PUBLIC ACCESS TELEVISION CONTRACTOR

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$750.00 representing revenue from public access television fees collected by the public access television contractor.

PASSED and APPROVED this 5th day of July, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 611.0222
Government Channel
Budget Adjustment
Page 4 of 4

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION	
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Division Head	Date
<i>Don Teel</i>	<i>6/15/11</i>
Budget Director	Date
<i>Paul A. Becker for Don Mann</i>	<i>6-15-2011</i>
Department Director	Date
<i>Paul A. Becker</i>	<i>6-15-2011</i>
Finance Director	Date
<i>Don Mann</i>	<i>6-20-11</i>
Chief of Staff	Date
<i>Frederick Jordan</i>	<i>6/21/11</i>
Mayor	Date

Checked / Verified _____
Initial _____ Date _____

750

A white rectangular label with a thick black border, tilted slightly. It has the word "EXHIBIT" in bold black capital letters at the top, and a large handwritten letter "A" in the center. A horizontal line is drawn below the letter "A". On the left side, the word "tabbies" is written vertically in a small, black, sans-serif font.

City of Fayetteville Staff Review Form

A. 7
Amend Resolution No. 160-10
Page 1 of 20

City Council Agenda Items
and
Contracts, Leases or Agreements

7/5/2011

City Council Meeting Date
Agenda Items Only

Chris Brown

Submitted By

Engineering

Division

Development Services

Department

Action Required:

A Resolution Approving an Amendment to Resolution 160-10 and amending the Access Management Plan Agreement for Highway 265 in Fayetteville

\$	-	-
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

Date

Previous Ordinance or Resolution #

34-09: 160-10

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
Clerk's Office

06-17-11A11:42 RCVD

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

Council Meeting of July 5, 2011

To: Mayor and City Council

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

From: Chris Brown, City Engineer *CB*

Date: June 17, 2011

Subject: A Resolution Amending Resolution 160-10 and Approving an Amendment to the Access Management Plan Agreement for Highway 265 in Fayetteville

PROPOSAL:

Arkansas Highway 265 is planned for widening and improvement by the Arkansas Highway and Transportation Department (AHTD) in 2011-2013. Planned improvements include widening to 4 lanes between Mission Boulevard and Joyce Boulevard, with a center turn lane between Mission Blvd. and Township Street, and a center median between Township and Joyce, with median breaks in 4 locations: Ferguson Avenue/Candlewood Drive, Old Wire Road, Par Court, and Joyce Blvd.

As part of the planning and development of this project, the attached Access Management Plan was prepared and approved by the City of Fayetteville, AHTD, and the Northwest Arkansas Regional Planning Commission in 2009. The plan includes the following general design concepts:

- Median breaks generally spaced at ¼ mile intervals
- Traffic signals generally spaced at ½ mile intervals
- Allowance for u-turns at all median breaks
- Allowance for additional median breaks, "if there is an identified safety or operational problem, or both, at an adjacent intersection with an existing median break".

In 2010, the City Council approved Resolution 160-10 amending the Access Management Plan to include a full median break at Coy Kaylor Drive. In order for a plan amendment to be finalized, it must be approved by the City, the Northwest Arkansas Regional Planning Commission (NWARPC), and the Arkansas State Highway Commission. This amendment was approved by the NWARPC; however, it was not approved the Highway Commission. Instead, AHTD recommended a partial median break, to allow northbound left turns from Hwy 265 only. A letter detailing the AHTD recommendation is included with this memo.

RECOMMENDATION:

Staff recommends approval of a resolution amending Resolution 160-10 and approving an amendment to the Access Management Plan Agreement for Highway 265 to allow a partial median break at Coy Kaylor Drive, to allow left turns from Highway 265 to Coy Kaylor Drive.

BUDGET IMPACT: None

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 160-10 APPROVING AN AMENDMENT TO THE ACCESS MANAGEMENT PLAN AGREEMENT, AS PREPARED BY THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT, FOR STATE HIGHWAY 265

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 amends Resolution No. 160-10 and approves an amendment, a copy of which is attached as Exhibit "A", to the access management plan agreement, as prepared by the Arkansas Highway and Transportation Department, for State Highway 265.

PASSED and APPROVED this 5th day of July, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION 11-7(A)

APPROVING AN AMENDMENT TO THE HIGHWAY 265 ACCESS MANAGEMENT PLAN FOR A PARTIAL MEDIAN BREAK FOR NORTHBOUND LEFT TURNS FROM HIGHWAY 265 TO COY KAYLOR IN FAYETTEVILLE

WHEREAS, S. H. 265 in Fayetteville, from Township Street to Ivey Lane, is classified as a principal arterial on both city and regional street and transportation plans, and is an integral part of the regionally significant eastern north/south corridor that connects several jurisdictions in the Fayetteville-Springdale urbanized area; and

WHEREAS, the Highway 265 Access Management Plan has been approved for the purpose of managing access to the highway; and

WHEREAS, an access management plan agreement has been approved to insure that the provision of access to abutting properties is consistent with the objective of protecting the capacity of the roadway to carry significant local and intra-regional traffic, while maintaining safety for drivers, bicyclists, and pedestrians that use the facility; and

WHEREAS, the NWARPC, as the designated metropolitan planning organization (MPO) for Northwest Arkansas under federal transportation regulations, has standing in the Access Management Plan Agreement for S. H. 265 in Fayetteville for the purpose of membership in a tri-party approval process for access management plan amendments, thus helping to insure that the roadway functions as intended; and

WHEREAS, after thorough analysis and consideration, an amendment has been suggested to the S. H. 265 Access Management Plan to permit a partial median break to allow northbound left turns from Highway 265 to Coy Kaylor; and tri-party concurrence and approval is necessary for the Plan to be amended.

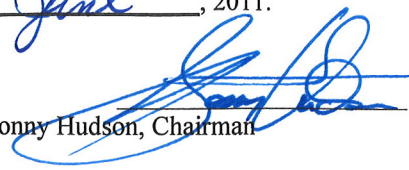
NOW, THEREFORE, BE IT RESOLVED BY THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION (THE MPO):

SECTION 1. That the Northwest Arkansas Regional Planning Commission (the MPO) staff, after review and consideration of supporting information associated with the request, and in keeping with the goals, objectives, and principles associated with access management, support the request and recommend concurrence and approval of the amendment.

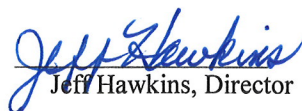
SECTION 2. That the NWARPC, acting in its tri-party role in the consideration process for Highway 265 Access Management Plan amendments, hereby concurs and approves an amendment to the Plan to allow a partial median break to allow northbound left turns from Highway 265 to Coy Kaylor.

SECTION 3. A copy of this Resolution shall be provided to the City of Fayetteville, and to the Arkansas Highway & Transportation Department.

APPROVED THIS 22nd DAY OF June, 2011.


Sonny Hudson, Chairman

Attest:


Jeff Hawkins, Director

**AMENDMENT NO. 1
To The
ACCESS MANAGEMENT PLAN AGREEMENT
For
HIGHWAY 265 IN FAYETTEVILLE**

- I. PURPOSE OF AMENDMENT – This amendment revises the Highway 265 Access Management Plan, which is Appendix A of the Access Management Plan Agreement.
- II. AMENDMENT DESCRIPTION – This amendment modifies Appendix A to include a median break at Coy Kaylor Drive, between median breaks 3 and 4, which are located at Par Court and Joyce Boulevard, respectively. The median break provided at Coy Kaylor Drive shall be a partial break, to allow northbound left turns from Highway 265 to Coy Kaylor Drive
- III. JUSTIFICATION – A traffic study prepared by a Professional Engineer indicates that the number of u-turns, and the delays associated with said u-turns, at Par Court and Joyce Boulevard will be reduced by providing an additional median break at Coy Kaylor Drive. Furthermore, no adverse impacts to through traffic on Highway 265 were identified in the study. Further review of the study indicates that a partial median break will be sufficient.

Pursuant to Resolution No. _____ of the Fayetteville City Council approved on the _____ day of _____, 2010.

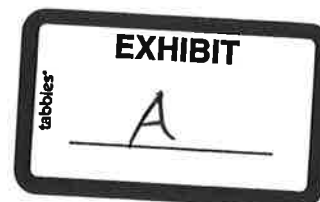
Mayor Lioneld Jordan

Pursuant to Resolution No. _____ of the Northwest Arkansas MPO approved on the _____ day of _____, 2010.

MPO Chairman

Pursuant to Minute Order No. _____ of the Arkansas State Highway Commission approved on the _____ day of _____, 2010.

Dan Flowers, Director
Arkansas State Highway and Transportation Department



Because of the reasons outlined above and the importance of the Highway 265 projects in improving the mobility of residents of the area, the Department maintains its position that a full directional median break at Coy Kaylor Drive is not needed and would not be appropriate. A partial median break for northbound left turns would be sufficient, and if agreed upon by the City and the Northwest Arkansas Regional Planning Commission, will be included in Job 040517. We believe this decision meets the intent of the Highway 265 Access Management Plan. However, we will continue to monitor traffic operations upon completion of Job 040517 and would reconsider a full median break at Coy Kaylor Drive should conditions warrant.

The Honorable Lioneld Jordan
April 19, 2011

Page Two

Please note that the Department plans to let this project to contract later this year. The development of plans is nearing completion. Currently, without an approved tri-party agreement, the plans do not include a partial median break at Coy Kaylor Drive. Should a tri-party agreement not be executed before the plans are complete and utility adjustments are substantially complete, the project will have to be let to contract without any form of median break at Coy Kaylor Drive.

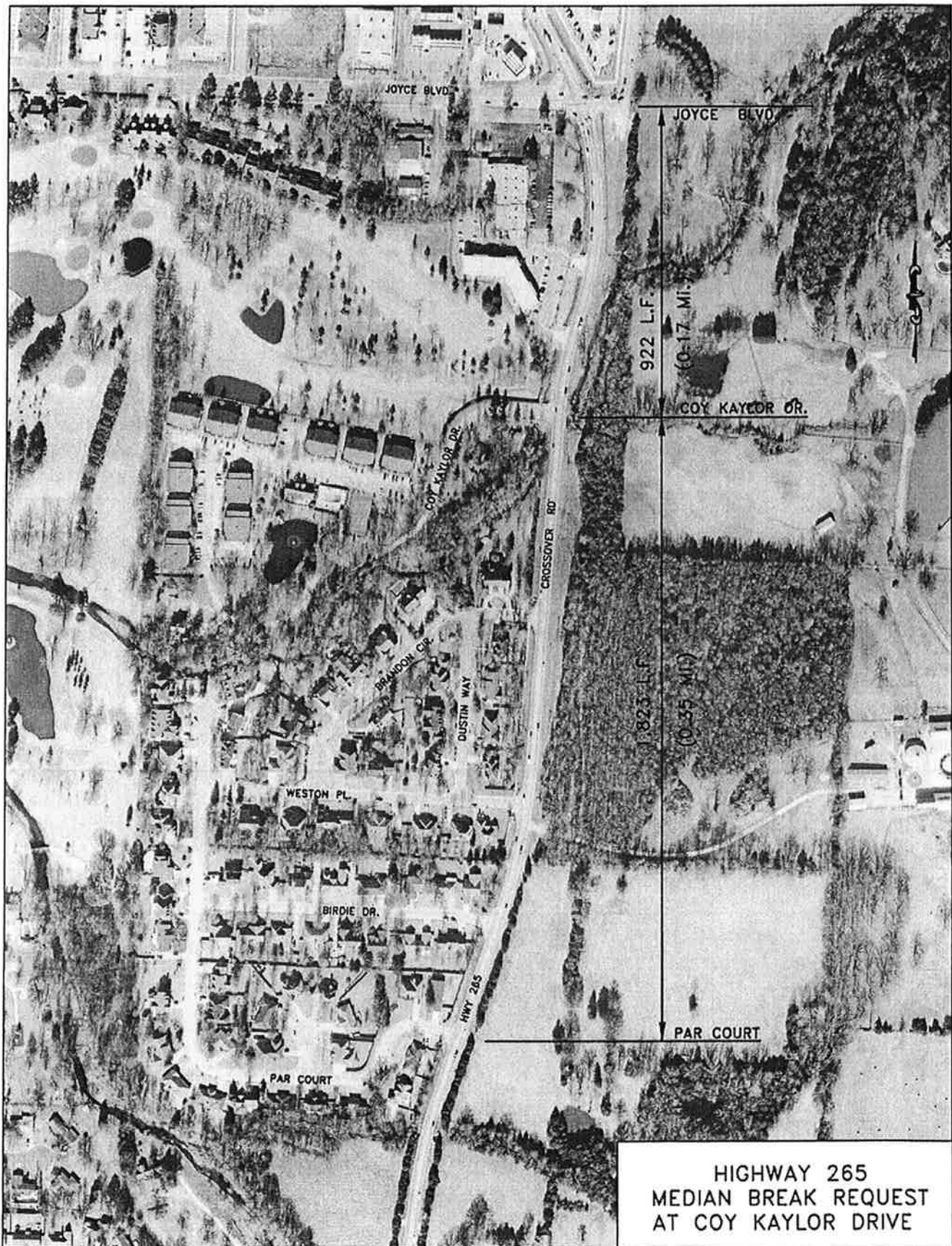
If you have any questions, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Vozel", written in a cursive style.

Frank Vozel
Deputy Director and
Chief Engineer

c: Commissioner Dick Trammel
Director
Assistant Chief Engineer-Planning
Assistant Chief Engineer-Design
Right of Way
Roadway Design
Programs and Contracts
District 4
✓ Chris Brown, City Engineer



RESOLUTION NO. 160-10

A RESOLUTION APPROVING AN AMENDMENT TO THE ACCESS MANAGEMENT PLAN AGREEMENT, AS PREPARED BY THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT, FOR STATE HIGHWAY 265

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an amendment, a copy of which is attached as Exhibit "A," to the access management plan agreement, as prepared by the Arkansas Highway and Transportation Department, for State Highway 265.

PASSED and **APPROVED** this 7th day of September, 2010.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

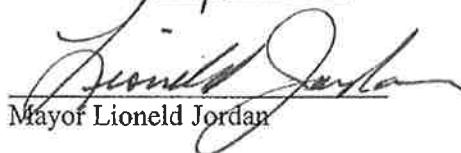
By: 
SONDRA E. SMITH, City Clerk/Treasurer



**AMENDMENT NO. 1
To The
ACCESS MANAGEMENT PLAN AGREEMENT
For
HIGHWAY 265 IN FAYETTEVILLE**

- I. PURPOSE OF AMENDMENT – This amendment revises the Highway 265 Access Management Plan, which is Appendix A of the Access Management Plan Agreement.
- II. AMENDMENT DESCRIPTION – This amendment modifies Appendix A to include a median break at Coy Kaylor Drive, between median breaks 3 and 4, which are located at Par Court and Joyce Boulevard, respectively. The median break provided at Coy Kaylor Drive shall be a full directional break, but will not include a bulb out to accommodate u-turns.
- III. JUSTIFICATION – A traffic study prepared by a Professional Engineer indicates that the number of u-turns, and the delays associated with said u-turns, at Par Court and Joyce Boulevard will be reduced by providing an additional median break at Coy Kaylor Drive. Furthermore, no adverse impacts to through traffic on Highway 265 were identified in the study.

Pursuant to Resolution No. 160-10 of the Fayetteville City Council approved on the 7th day of September, 2010.


Mayor Lioneld Jordan

Pursuant to Resolution No. _____ of the Northwest Arkansas MPO approved on the _____ day of _____, 2010.

MPO Chairman

Pursuant to Minute Order No. _____ of the Arkansas State Highway Commission approved on the _____ day of _____, 2010.

Dan Flowers, Director
Arkansas State Highway and Transportation Department



COPY

RESOLUTION NO. 34-09

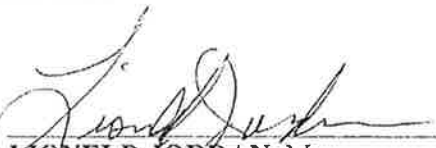
A RESOLUTION ADOPTING THE ACCESS MANAGEMENT PLAN AGREEMENT AS PREPARED BY THE ARKANSAS HIGHWAY & TRANSPORTATION DEPARTMENT (AHTD) FOR HIGHWAY 265 BETWEEN TOWNSHIP STREET AND IVEY LANE.

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

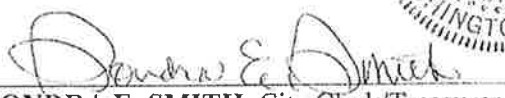
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby adopts the Access Management Plan Agreement as prepared by the Arkansas Highway & Transportation Department (AHTD) for Highway 265 between Township Street and Ivey Lane.

PASSED and APPROVED this 3rd day of February, 2009.

APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



ACCESS MANAGEMENT PLAN AGREEMENT For HIGHWAY 265 IN FAYETTEVILLE

- I. **PARTIES** – This agreement is made between the City of Fayetteville (the City), the Arkansas State Highway Commission (the Commission) acting through the Arkansas State Highway and Transportation Department (the Department) and the Northwest Arkansas Regional Planning Commission as the designated metropolitan planning organization for Northwest Arkansas under federal transportation regulations (the MPO). Although a very short portion of the east side of the corridor north and south of Clear Creek Drive is in the City of Springdale, Springdale is not a formal party to the agreement. However, Springdale officials have been consulted during the Plan development and will be consulted on the rare occasion that Springdale property may be impacted.
- II. **ROUTE** – This access management agreement pertains to Highway 265, also known as Crossover Road south of Clear Creek Drive and Old Missouri Road to the north, from the intersection with Township Street north to the intersection with Ivey Lane, (the Roadway). See Appendix A, Figure 1.
- III. **STATEMENT OF PURPOSE** – Highway 265 is a principal arterial on the City master street plan and serves as an intra-regional arterial roadway connecting the City to its economic region. The primary purpose for this agreement is to protect the capacity of the roadway to carry significant local and intra-regional traffic while increasing the safety for drivers, bicyclists, and pedestrians that use this facility. It is the intent of this agreement to provide access to abutting properties consistent with this objective.
- IV. **AUTHORITY** – Both the City and the Commission have specific legal authority to regulate access to public roads. In the case of the City, it is found in Arkansas Code Annotated 14-56-419. In the case of the Commission, it is found in Arkansas Code Annotated 27-65-107. The MPO is hereby granted standing in this access management agreement by the City and the Commission in recognition of its role in transportation planning within the metropolitan area.
- V. **ACCESS PLAN** – Management of access to the roadway is necessary to achieve the primary purpose of the agreement. The access management plan (the Plan) is detailed in Appendix A. The Plan is a Specific Access Management Plan in which all median breaks are specifically identified. Standards for driveways are also established to be applied during plat review

prior to development approval by the City. In addition, any property interconnect agreements and requirements or new local roadways needed to facilitate median construction are included in this Plan.

VI. AGREEMENT ADOPTION/TERMINATION/MODIFICATION – This agreement will be deemed adopted when passed in identical form by the Fayetteville City Council, the Northwest Arkansas MPO, and the Arkansas State Highway Commission and signed by their proper representatives. This agreement may be terminated or modified, in whole or in part only by mutual agreement of all of the parties as evidenced by resolutions adopted by each governing body.

VII. PLAN ADMINISTRATION –

A. Permit Application.

A permit issued by the Department will be required for new driveway access to the Roadway. Any legal person owning property abutting the Roadway may request a driveway access permit. The permit will be requested through a designated administrative process from the City of Fayetteville. The applicant is required to submit a detailed plan for the driveway including a map showing its exact location and a design that shows the curb radii, driveway throat width and length, and that specifies the projected volume of turns into and out of the driveway. Any joint access agreements with other property owners should also be submitted.

After review of the application, the City determines whether the request is within the allowable parameters established by the Plan. If so, the City stamps the detailed plan with a review signature block (Appendix B), signs it indicating approval, enters any approval conditions in the comment section, and returns to the applicant. The applicant will then submit the stamped plan to the Department's District 4 Permit Officer for review. If the City has approved the application as evidenced by the signature of a properly designated administrative representative and if the application meets all Department criteria for issuance of such a permit, the Department will sign the approval block and issue a permit to the applicant. If the signature of a designated City representative is missing from the permit application, the Department will not issue a permit.

In the rare case that a driveway permit is submitted to the Department in the short section within the City of Springdale, all signatories will be informed of

the application and will make a joint determination in consultation with the City of Springdale.

B. Amending the Plan.

A Plan amendment (variance) will be considered at the request of any of the parties to this agreement or at the request of an applicant whose permit request has been denied by any of the parties.

The proposed amendment must be adopted in identical form by the Fayetteville City Council, the Northwest Arkansas MPO, and the Arkansas State Highway Commission to become effective.

The Plan will be updated immediately after construction of each widened portion of the Roadway is completed to reflect any changes to driveway location due to that construction if necessary.

Pursuant to Resolution No. 34-09 of the Fayetteville City Council approved on the 3rd day of February, 2009


Mayor Lioneld Jordan

Pursuant to Resolution No. 2-09 of the Northwest Arkansas MPO approved on the 25th day of February, 2009


MPO Chairman

Pursuant to Minute Order No. 2009-021 of the Arkansas State Highway Commission approved on the 7th day of January, 2009


Dan Flowers, Director
Arkansas State Highway and Transportation Department

SEP

H

RW

APPENDIX A HIGHWAY 265 ACCESS MANAGEMENT PLAN

Design Concept

As a principal arterial, the proposed design for Highway 265 from Township to Ivey Lane (Figure 1) is intended to balance the need to provide for long distance travel on the roadway and reasonable access to abutting properties while at the same time maintaining the capacity of the roadway to operate in a safe and efficient manner. Consequently, access to abutting property is subordinate to the goal of traffic movement and subject to necessary management of entrances and exits.

Design Elements

Raised median-divided facility

- Median breaks generally spaced at 1/4 mile intervals
- Traffic signals generally spaced at 1/2 mile intervals

Future signal locations at median breaks will be determined by meeting warrants, on a case by case basis.

Future median breaks may be considered if there is an identified safety or operational problem, or both, at an adjacent intersection with an existing median break.

Quick turn-around (bulb-out) design at all median breaks to allow U-turns. Nine (9) full directional median breaks (identified by MB# on the following maps) with quick turnarounds at the following locations:

- MB #1 - Ferguson Avenue/Candlewood Drive,
- MB #2 - Old Wire Road,
- MB #3 - Par Court,
- MB #4 - Joyce Boulevard,
- MB #5 - Sterling Court,
- MB #6 - West Zion Road,
- MB #7 - East Zion Road,
- MB #8 - Hearthstone Drive, and
- MB #9 - Albright Road.



Figure 1 – Highway 265 Access Management Plan Corridor

Minimum access point (driveway or street intersection) spacing of 300 feet from centerline of driveway or street intersection. No parcels along the Roadway shall be subdivided into lot sizes too small to meet the minimum access point spacing requirement unless a written easement agreement is executed between adjacent properties.

Existing driveways (identified by ED# on the following maps) in place at the date of the adoption of this Plan that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions: (a) When new access connection permits are requested; (b) Upon expansion or improvements to commercial or multi-family residential property greater than 50 percent of the assessed property value or gross floor area or volume; or (c) As roadway improvements allow.

The location and number of existing driveways shall be updated and amended into the Plan immediately after construction of each widened portion of the Roadway is completed.

Property that fronts the Roadway and a lower-classification street should place higher priority on accessing the lower-classification street.



Figure 2
Highway 265 Existing Driveways - Township to Joyce
As of March 2008



Figure 3
Highway 265 Existing Driveways - Joyce to Ivey Lane
As of March 2008

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

6/21/2011

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Development Services
Division

Development Services
Department

Action Required:

Approval of a resolution adopting the proposed Future Land Use Map and City Plan 2030 document as the comprehensive land use plan.

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	☐

Jesse Fulcher 6-23-2011
Department Director Date

K. W. [Signature] 6-6-2011
City Attorney Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bach 6-6-2011
Finance and Internal Services Director Date

Received in City Clerk's Office 06-03-11 P04:08 RCV

Don Mann 6-7-11
Chief of Staff Date

Received in Mayor's Office 6/6/11

Lionel Jordan 6/7/11
Mayor Date

Comments:

Tabled at the 6/21/11 CC mtg to the 7/5/11 CC mtg.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director &

Date: May 31, 2011

Subject: Approval of a resolution adopting City Plan 2030 and the proposed Future Land Use Map as the comprehensive land use plan.

RECOMMENDATION

Staff and Planning Commission recommend approval of a resolution adopting City Plan 2030 and the proposed Future Land Use Map as the comprehensive land use plan for the City of Fayetteville and its Planning Area.

BACKGROUND

On December 19, 2005, the City Council passed Resolution No. 147-95, which determined that major revisions to the General Plan should be scheduled every five years. The last major revisions were in 2006. The City Plan 2030 update began in early 2010 with the formation of a project team that included staff from Planning, Geographic Information Systems, Parks and Recreation, Engineering, Strategic Planning, Community Services and the Fire Department.

A staff input session was held in March 2010 that included approximately 50 staff members from all divisions that participate or are affected by the development review process. Staff also solicited input from the Planning Commission and City Council in September 2010. These initial meetings were utilized to develop areas of focus for the public input process.

Two public input sessions were held in October 2010 and one was hosted live on the internet in a webinar format, so that stakeholders could participate from an alternative location if they couldn't be present. An online survey was also conducted from October 15 through November 15 that asked the questions posed at the public input sessions. In addition to the public sessions and survey, staff held technical meetings with stakeholder groups to address specific topics. These meetings took place during the months of October and November and included the Fayetteville Chamber of Commerce, Fayetteville Public School Superintendent Vicki Thomas, the University of Arkansas Campus Planning staff and a session focused on attainable housing that included representatives from the Northwest Arkansas Housing Coalition, Partners for Better Housing, Fayetteville Housing Authority and local developers and architects. Utilizing the input gathered from all of these sessions,

staff has assembled a revised City Plan 2030 document, including a Future Land Use Map that together represents the City's Comprehensive Land Use Plan.

DISCUSSION

The project team has worked to assemble a new framework that keeps intact the original goals of City Plan 2025 and identified concrete action steps that will advance the goals over the next five years.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ADOPTING CITY PLAN 2030 AND
THE FUTURE LAND USE MAP AS THE COMPREHENSIVE LAND USE
PLAN

**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 the Future Land Use Map, attached as Exhibit "A".

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby
approves and adopts the City Plan 2030 document, attached as Exhibit "B".

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby
determines that the Future Land Use Map attached as Exhibit "A" and City Plan 2030 constitute
Fayetteville's Comprehensive Land Use Plan and supersede the existing Comprehensive Land
Use Plan.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

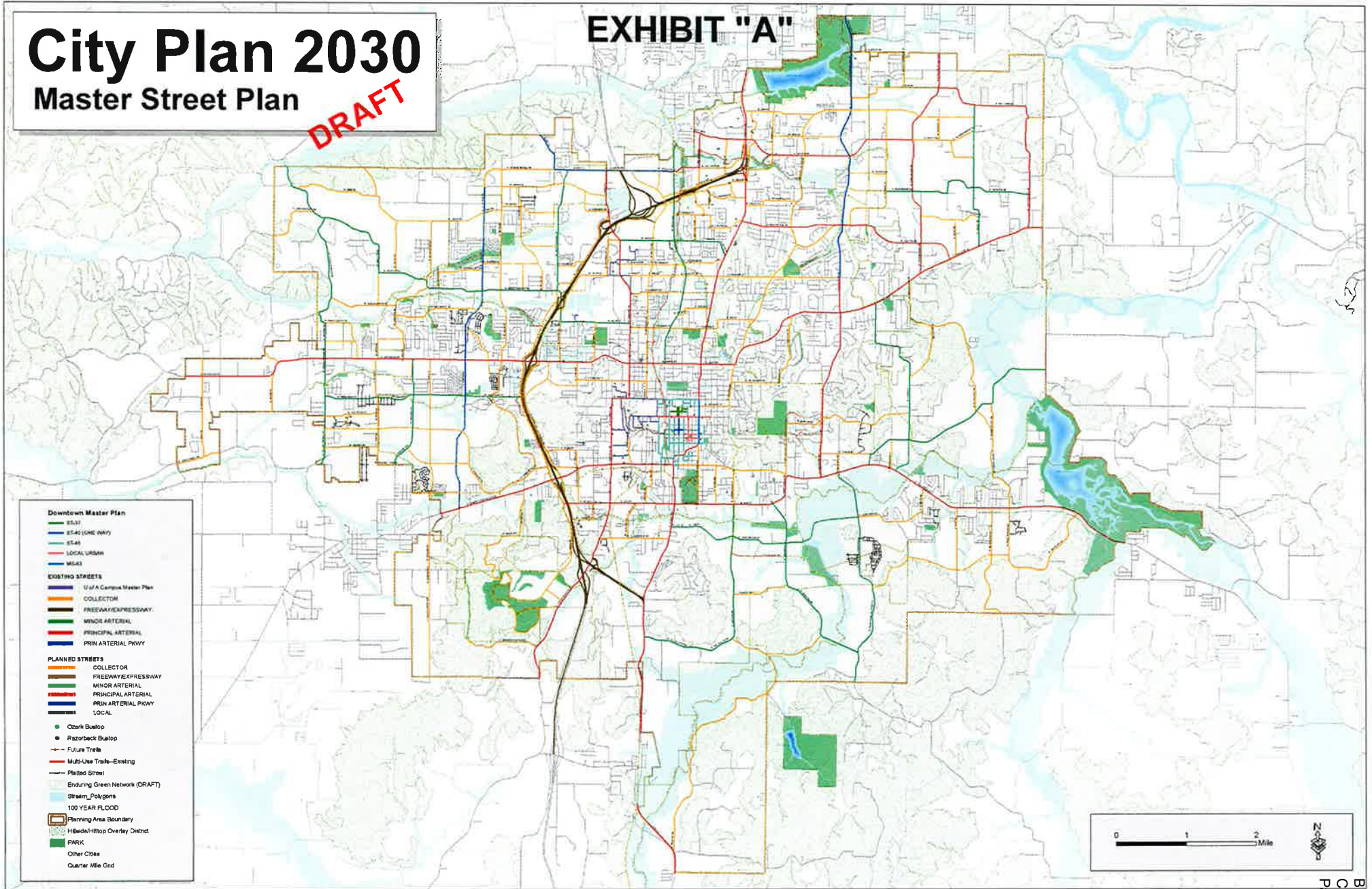
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

City Plan 2030

Master Street Plan

DRAFT

EXHIBIT "A"



Fayetteville

ARKANSAS



Fayetteville Public Library

**CITY
PLAN
2030**



Fayetteville from Mt. Sequoyah



Botanical Garden of the Ozarks

City of Fayetteville Officials

Mayor

Lioneld Jordan

City Council

Rhonda Adams

Robert Ferrell

Adella Gray

Mark Kinion

Sarah Lewis

Matthew Petty

Justin Tennant

Brenda Thiel

Planning Commission

Sarah Bunch

Matthew Cabe

William Chesser

Hugh Earnest

Craig Honchell

Tracy Hoskins

Jeremy Kennedy

Audy Lack

Porter Winston

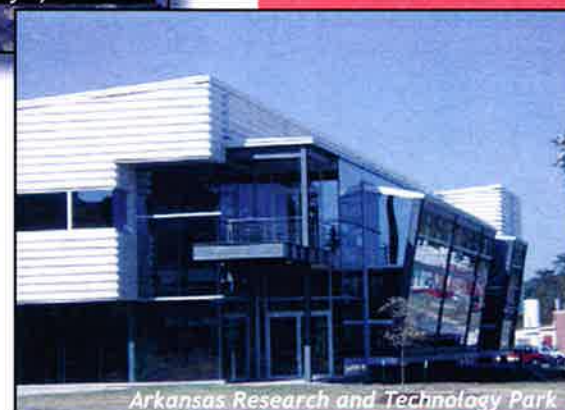
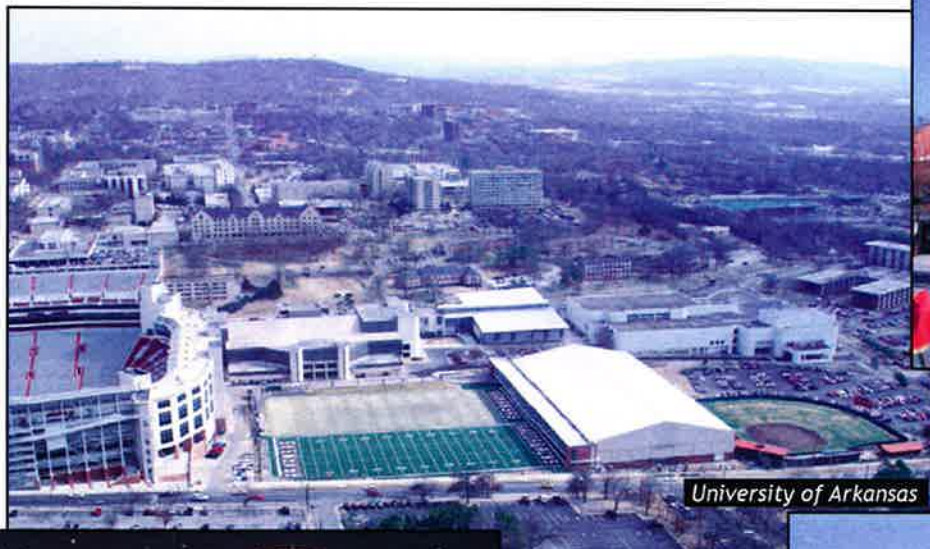
Adopted Resolution xxx-xx Date, 2011

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guiding policies	12
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appendix b	Historic Structures
appendix c	City Services & Resources
appendix d	Resources
appendix e	Glossary

1

INTRODUCTION



DRAFT

**CITY
PLAN
2030**

City Plan 2030 Goals

Goal 1

We will make appropriate infill and revitalization our highest priorities.

Goal 2

We will discourage suburban sprawl.

Goal 3

We will make traditional town form the standard.

Goal 4

We will grow a livable transportation network.

Goal 5

We will assemble an enduring green network.

Goal 6

We will create opportunities for attainable housing.



DRAFT

**CITY
PLAN
2030**

Message from the Mayor

Growth is inevitable and desirable, but destruction of community character is not. The question is not whether your part of the world is going to change. The question is how.

-Ed McMahon, Senior Fellow with the Urban Land Institute

Fayetteville continues to be one of the most desirable places to live in America and has been recognized by national organizations for our economy, striking natural beauty, educational excellence and the quality of our urban planning. This recognition is especially remarkable in a time when nationally and locally we were faced with a recession and shrinking budgets.

The fact that Fayetteville boasts a superb built environment that also protects our natural environment is a testament to the generations of people in our community who have thoughtfully planned for the future of our community. We continue this legacy with City Plan 2030. Hundreds of stakeholders contributed to the development of the principles in City Plan 2025, and hundreds more affirmed those principles during the City Plan 2030 update.

Thank you to the members of the public, our elected officials, and Planning Commissioners for contributing your thoughts and insights to this update. City Plan 2030 takes our community planning to the next level by continuing to develop form-based zoning districts, taking concrete action steps to assemble an enduring green network and implementing context-sensitive street cross-sections that accommodate cars, pedestrians, cyclists and mass transit. I am confident that the implementation of the recommendations in this document will preserve what we treasure about Fayetteville and harness the opportunities that come with growth.

Mayor Lioneld Jordan



DRAFT



"What we need is an overall comprehensive plan system approach that looks at the whole thing proactively. We need a vision for what we want the City to be in 2025... My number one priority is for the Planning Division to become proactive and take that leadership role."

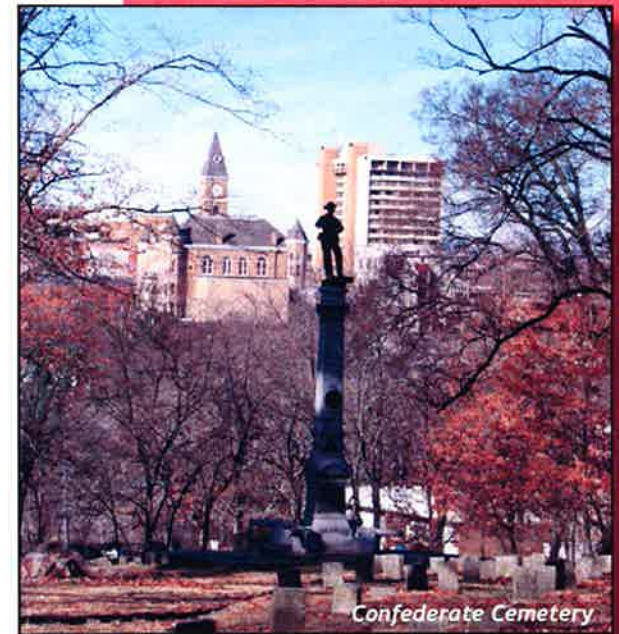
-West Side Fayetteville Resident
Focus Group, 2005

Nestled in the Ozark Hills of Northwest Arkansas, Fayetteville is a rapidly growing city of 73,580 people. Home to the University of Arkansas, Fayetteville has been cited by Partners for Livable Communities as one of the most livable cities in America due to its job growth, arts scene, vibrant downtown and over 3,129 acres of community parks and lakes.

However, Fayetteville's population has been growing at a rate of more than 2.4 percent annually, over twice as fast as the state as a whole, and is part of the sixth fastest growing MSA in the nation. This rapid growth has led to suburban sprawl in the Planning Area, environmental concerns and increased traffic congestion. City Plan 2030 is envisioned to give staff and elected and appointed officials a Comprehensive Plan that outlines criteria for effective decision-making based on a widespread public participation process.

The General Plan evolved from the efforts of the citizens, City Staff, the Planning Commission, and the City Council over the past 40 years. In 1970, the first General Plan was adopted. This plan was not updated again until 1993 when the City adopted the General Plan 2010, which was then revised in 1995 and 2001.

In the summer of 2004, the City Council held a strategic planning retreat and formulated a Strategic Plan 2004-2009. Developing a Fayetteville Vision 2020 was at the heart of this process. This Vision is what the community via their representatives wanted Fayetteville to be in 2020 as defined by value-based principles that guide policies, plans, and decisions.



DRAFT

**CITY
PLAN
2030**

City Plan 2025 was one of the priorities identified by the City Council. City Plan 2025 provided an analysis of current circumstances and policy frameworks in a similar format to the General Plan 2020. However, City Plan 2025 also included the results of a widespread public participation process and an economic analysis.

City Plan 2030 further refines the goals and objectives outlined in City Plan 2025 and establishes action steps that will forward the document's principles.

Public participation resulted in the creation of several maps that identify future land uses and areas targeted for greenfield development as well as infill. Arkansas Code Annotated §14-56-412 states that the Planning Commission's powers and duties include, but are not limited to, the development of a land use plan, master street plan and community facilities plan. Further, A.C.A. §14-56-413 states that a land use plan may include:

- The reservation of open spaces;
- The preservation of natural and historic features, sites and monuments;
- The existing uses to be retained without change;
- The existing uses proposed for change;
- The areas proposed for new development; and
- The areas proposed for redevelopment, rehabilitation, renewal and similar programs.

The land use maps and policies recommended in City Plan 2030 seek to balance growth within a livable, sustainable community, providing a comprehensive approach to planned and managed growth.

"I think the chances are really great that we will see higher density come. I don't think we can stand here and say, 'Okay, our plan is that we wish that wouldn't happen.' I think it would be more beneficial to say, 'That's going to happen--to some extent. How can we maintain the quality in the midst of a boom?' That's the real challenge."

-South Fayetteville Resident
Focus Group, 2005



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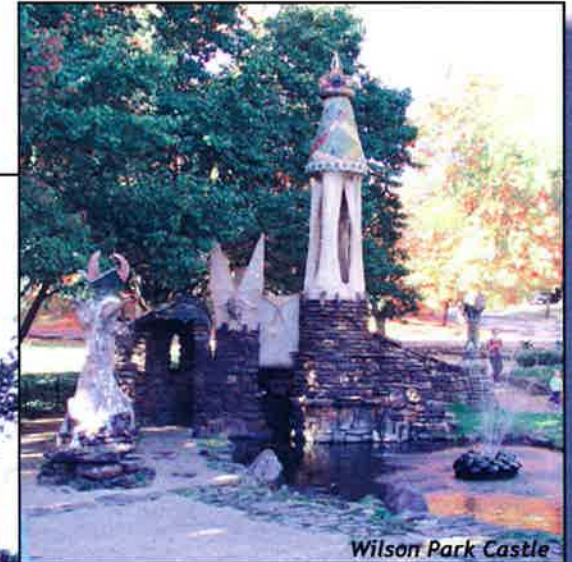
COMMUNITY CONTEXT



St. Paul's Episcopal Church



Fayetteville Adult Education

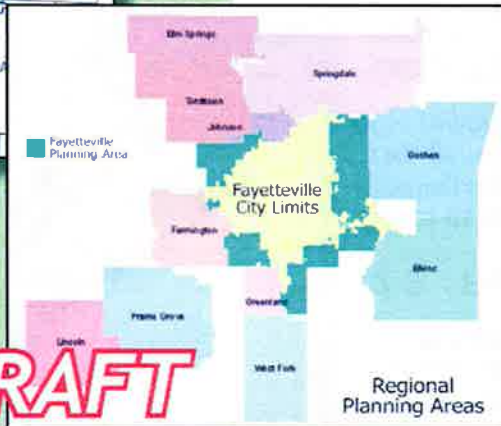


Wilson Park Castle

- Location 2.1
- Planning Area 2.2
- City Growth 2.3
- Regional Growth 2.4

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2.1 Location

Fayetteville, the third most populated city in the state, is an attractive and prospering city of 73,580 people (*Source: US Census 2010*). Located in Northwest Arkansas, the city is the economic, political and cultural center of a diverse and growing region. The region, consisting of Washington and Benton counties, contains 424,404 people representing over 14.5 percent of the state's population.

Fayetteville presently occupies 55.4 square miles on the western edge of the Boston Mountains, an elevated feature of the greater Ozark Plateau extending further west and north. This modest mountainous terrain shapes the more linear north-south development pattern and intense concentration of land uses along the valley floor occupied by Fayetteville and Interstate 540.

The nearby White River provided water for early settlers, which guided growth along the western side of the White River drainage basin prior to 1970. The location of I-540 to the west and north of the city extended more recent growth into the Illinois River drainage basin. The completion of Interstate 540 and Highway 412 provides even greater attraction of growth to the west.

As the largest city in Northwest Arkansas, Fayetteville serves as the gateway to the Ozark Mountains. The growing tourism industry is one of the factors associated with the region's rapid economic development.

2.2 Planning Area

In August 2001, the Northwest Arkansas Regional Planning Commission coordinated with the cities of Fayetteville, Greenland, Johnson and Farmington to revise the Planning Area boundaries for each jurisdiction.

The Planning Area is comprised of the city corporate limits and a portion of the extraterritorial jurisdiction, which extends up to 2.5 miles from the corporate limits. The total planning area is approximately 89 square miles, 55 square miles in the Fayetteville city limits and 34 square miles in the Planning

Area outside the city limits. The City of Fayetteville's expansion within the Planning Area is restricted by the immediate proximity of the cities of Springdale and Johnson to the north, Farmington and Greenland to the south.



Fayetteville, Early 1900s
Source: *A Shared History: Fayetteville, Arkansas*
and the University of Arkansas,
University of Arkansas Libraries



The role the City plays in administering and serving these two areas varies. Within the corporate limits, the City may exercise a full range of development controls and administrative functions. Within the extraterritorial jurisdiction, the City exercises joint subdivision authority with Washington County.

2.3 Fayetteville Growth Transitions

Since its establishment in the early 1800's, Fayetteville has experienced four distinguishable transitions in growth and development, each centering on major economic change. A fifth transition is emerging as a result of the more diverse economic expansion of the region.

EARLY SETTLERS. The original community of Washington, as Fayetteville was first called, was established in 1828. The name was changed a year later due to confusion with a city named Washington in southern Arkansas. Early settlers were involved in the relocation of the Cherokee Nation to the southwest. Fayetteville, being near the terminal point of the journey, became the new home for the escort party.

The McGarrah family was among Fayetteville's first settlers and laid claim to a large tract of land at the corner of Spring and Willow Streets. McGarrah's property included the southern part of what is now designated as the Washington-Willow Historic District, north to Maple Street.

In 1834, Congress authorized Washington County to sell 160 acres to underwrite the building of a proper courthouse. This 160 acres became know as the original town of Fayetteville. The city grew over the next three and half decades, and in 1870, approximately 1,200 acres were incorporated as the City of Fayetteville.

Although the early settlement period appeared to be blessed with prosperity, the community suffered through a particularly disastrous Civil War experience. Much of the original Fayetteville community was destroyed by fire during the Battle of Fayetteville on April 18, 1863.

RECONSTRUCTION PERIOD. Following the Civil War, in 1869, the McGarrah farm was bought by the Mason family, subdivided and the lots sold, referred to as the Masonic Addition. In the 1870's several homes were constructed on the large lots of the subdivision. Portions of the land were subdivided again and built on in the 1880's and thereafter.

The Masonic Addition represented Fayetteville's first reconstruction period following



Fayetteville, Early 1900s
Source: A Shared History: Fayetteville, Arkansas
and the University of Arkansas,
University of Arkansas Libraries



the Civil War. The initial filling in of antebellum homes began in this addition and was significant because of the many students, lawyers, administrators and faculty of the University who would make their homes here. In 1871, Fayetteville was chosen as the site of the land-grant Arkansas Industrial University. A north-south railroad was constructed through town in 1882, confirming the growth of Fayetteville's initial phase.

In the 1890's, Fayetteville established itself as a banking and distribution center and, ultimately, the hub of prosperous tourist, lumber and fruit-processing industries. It was during this period of prosperous growth that two of Fayetteville's current Historic Districts, Mt. Nord and Washington-Willow, became the area of more prestigious residences.

These districts attracted bankers, lawyers, lumber merchants, furniture manufacturers, university professors, railroad men and wholesale grocers. The homes were large and many had servants. At the turn of the century, many households rented rooms to tourists and university students.

Beginning in the 1890's, many of the large lots were again subdivided and the process of infill with smaller homes and student housing initiated.

POST-WAR INDUSTRIAL EXPANSION. Fayetteville's third transition in growth and development followed the Second World War. Approximately 60 percent of Fayetteville's residential stock was built following the depression years, with most of it coming after World War II. This was encouraged by the fact that the federal government began insuring mortgages on new homes and that building materials were plentiful and inexpensive. Also, at this time, there were few code regulations guiding the growth and development of the city. Rapid growth during this period resulted in greater demands for housing, community services, space for University of Arkansas expansion and space for parking. During this same period (1945-1958), Fayetteville experienced a rapid growth in commercial uses. New business enterprises were forced to locate along existing traffic arteries due to the lack of available space in the central business district. Some chose to locate on vacant lots between residential areas. Although these businesses were able to purchase land at more reasonable rates and to occupy larger sites, their proximity to downtown and related business enterprises was markedly diminished.

Fayetteville's first industries continued to expand during this period. It was during this phase of growth that a shift from railroad service to truck service was realized. Wholesalers, bakeries, hatcheries, repair services and other traditional commercial enterprises, once located along the railroad but needing space and access to truck routes, were forced to scatter to larger sites.



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Fayetteville, Early 1900s
Source: A Shared History: Fayetteville, Arkansas
and the University of Arkansas,
University of Arkansas Libraries



The transition in industry from non-durable goods to durable goods resulted in a similar need for larger sites and highway frontage versus railroad siding. Thus, industries began scattering throughout the southwest quarter of the city.

UNIVERSITY EXPANSION. The fourth major transition in growth and expansion of Fayetteville occurred between 1960 and 1970 and paralleled the expansion experienced by the University of Arkansas. From 1960 to 1965, the University doubled in enrollment, creating an unanticipated demand for dormitories, apartments and small houses near the campus. The initial market reaction to this demand resulted in numerous conversions of older homes and garages near campus into boarding houses and apartments.

When the large-scale multi-family housing boom occurred, most were built within existing residential areas that were near the University. The growth that accompanied the University's expansion created an even greater demand for commercial services. New commercial establishments, in response to the increased demand, began locating outside the traditional center. Due to the sloping topography on either side, new establishments located in narrow bands along existing major streets, creating the first commercial strip.

NEW ERA. Between 1970 and 1990, Fayetteville grew at a fairly steady rate of 1.6 to 1.9 percent per year. Between 1990 and 2000, Fayetteville grew at an annual compound rate of 3.2 percent, and between 2000 and 2010 at a rate of 2.4%. Residential, commercial and industrial uses have all experienced significant increases. Subdivision and large-scale development activity indicate that the area is entering a new era of growth, one based on expansion of the region as a whole. Meanwhile, the University of Arkansas, who in 2010 experienced its largest numerical enrollment increase since 1946, continues to have a major impact on attracting residents, students and professionals to the city. The effect on the local economy derived from the University's presence has a supporting and stabilizing effect on the community-at-large. The University has also attracted specialized community activities that enable Fayetteville to remain the cultural center of the region. The most notable of these is the Walton Arts Center, which has given new emphasis to the link between the University and downtown and between the region and downtown in general.

Recently, Fayetteville has experienced a more active role on both the public and private level in revitalizing and preserving the character of its past. This effort brings the current development phase full circle as planning for the future builds upon the community's rich heritage. Both new and old play a vital role in the community's success.

2.4 Regional Growth Transitions



Historically, the smaller communities within Washington County and Northwest Arkansas have served as semi-autonomous incorporations, providing the basic needs of the mostly residential occupants. Fayetteville, with 37 percent of the County's population, plus the location of the University of Arkansas, served as the governmental, economic, and cultural center of the area.

FAYETTEVILLE-SPRINGDALE TRANSITION. The traditional relationship of urban center and surrounding smaller communities began a transition that became somewhat noticeable by 1970 and dramatically evident by 1980. It was first marked by the emergence of Springdale as a major employment center with 3,700 new jobs added between 1970 and 1980, compared to 4,600 for the much larger Fayetteville. The figures suggested the emergence of a twin-cities economy between Fayetteville and Springdale.

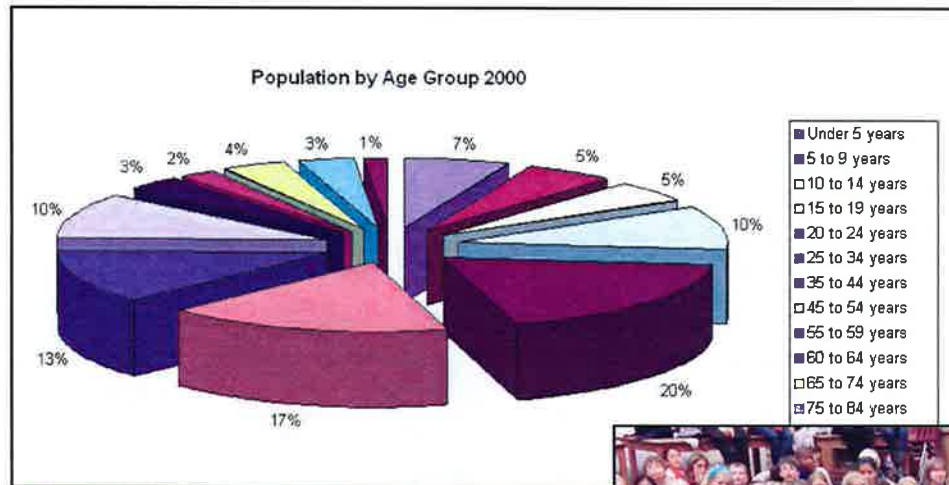
Population during the same period showed a similar pattern: Springdale, with an increase of 5,994, rose from 18 to 23 percent of the County total, while Fayetteville's increase of 5,430 dropped it from 36 to 35 percent of the total. The U.S. Bureau of the Census recognized this new status when it identified the two cities as the Fayetteville-Springdale Metropolitan Statistical Area (MSA) in 1980.

NORTHWEST ARKANSAS REGION TRANSITION. The second metamorphosis of the area started in the 1990's with the regionalization of Northwest Arkansas, consisting predominantly of Washington and Benton counties. The entire region is becoming a more diversified and integrated economic unit through the expansion of tourism, Wal-Mart and related services, and the Northwest Arkansas Regional Airport. Between 1990 and 2000, Washington County's population increased by 44,306, or 39.1 percent and Benton County's increased by 55,907, or 57.3 percent. In 1990, the U.S. Bureau of the Census once again recognized the significant growth in Fayetteville and surrounding areas by changing the metropolitan statistical area name to Fayetteville-Springdale-Rogers MSA. The 2010 Census shows that Benton County is now the more populous county with 221,339 people compared to 203,065 people in Washington county.

This newly gained regional status means that all of the cities of the region are now both competitors and partners in attracting significant economic growth. Having achieved the threshold level of a major economic center due to their joint size and resources, each are now catalysts for one another's development. Whereas larger industries may have previously looked at labor force and other production resources of individual cities as limited, the now combined resources are attracting national attention.

3

DEMOGRAPHICS



- 3.1 Population Trends
- 3.2 Gender
- 3.3 Ethnic Origin
- 3.4 Age
- 3.5 Households
- 3.6 Educational Attainment
- 3.7 Population Projections

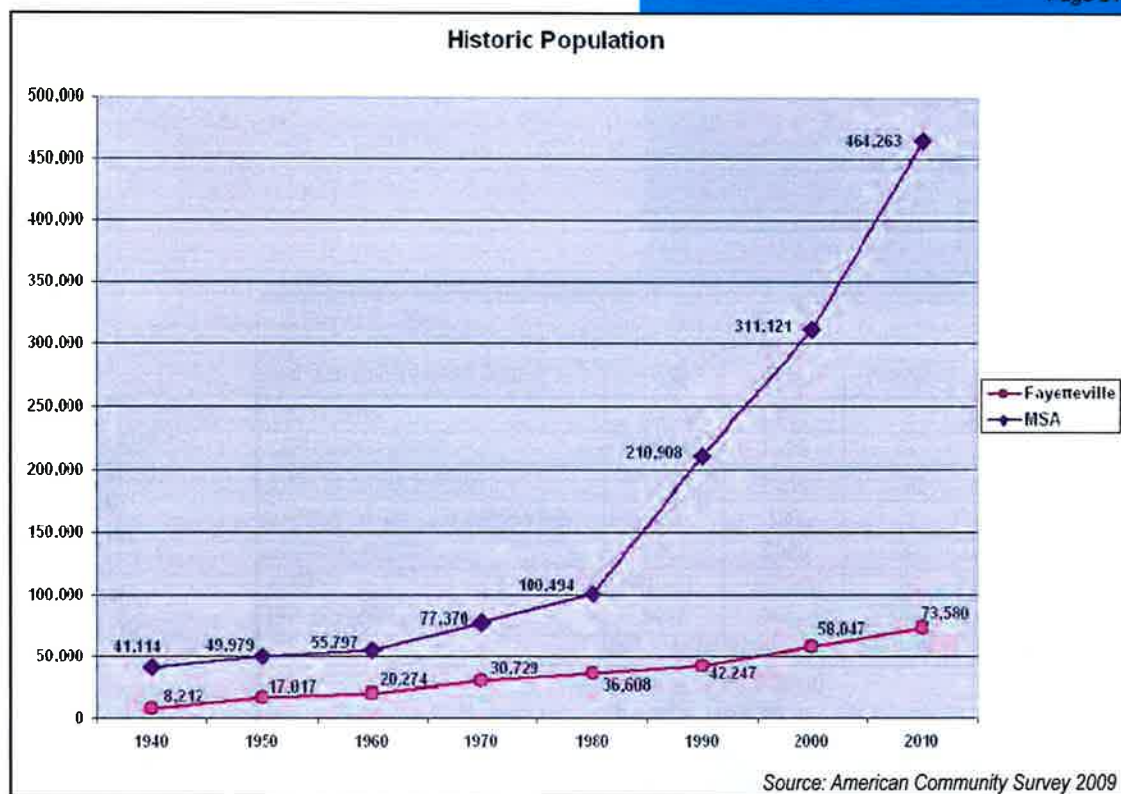
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3.1 Population Trends

HISTORIC TREND. Viewed on a decennial basis, Fayetteville's 70-year population growth has been sporadic, affected in part by major annexations in the 1960s and significant growth in Northwest Arkansas between 1980 and 2000. As Table 3.1 shows, the greatest period of growth was recorded between 1940 and 1950 with a percent increase of 107 percent. Between 1950 and 1960, the growth rate declined to 19.1 percent. Between 1960 and 1970, the growth rate experienced another surge at 51.6 percent. Between 1970 and 1990, the growth rate remained relatively steady, varying between 15 percent and 19 percent.

CURRENT POPULATION. The 2010 Census found that Fayetteville's population is 73,580, an increase of approximately 27 percent from 2000. Approximately 28 percent of the 2010 population can be attributed to the presence of the University of Arkansas, which had a 2010 fall enrollment of over 21,000 students.

This continued increase reflects the growth in Northwest Arkansas, which experienced an increase of 49 percent in the same time period. Both of the increases are considerably higher than the increase in population for Arkansas. Due to growth in surrounding areas, Fayetteville's share of the region's population has dropped from 39 percent in 1970 to 16 percent in 2010, but has grown from 1.6 percent of the state's population in 1970 to 2.5 percent in 2010.



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3.2 Gender

The American Community Survey shows a fairly even split between men and women in Fayetteville, the MSA and Arkansas, with little difference in the gender breakdown between 2000 and 2009.

3.3 Ethnic Origin

FAYETTEVILLE ETHNIC CHARACTERISTICS. Fayetteville experienced little change in the representation of different ethnic groups from 2000, with the exception of an almost two percentage increase in people who identified themselves as Hispanic. Approximately 86 percent of the population identified themselves as White and 6 percent as African-American, which is the second largest ethnic group.

The significant decline in the White population percentage in Fayetteville occurred between 1990 and 2000 when the White population dropped from 93 percent to 86.5 percent of the total. This decline was a result of significant increases in the African-American and Hispanic populations during the same time period. The number of African-Americans almost doubled between 1990 and 2000, and the Hispanic population more than quadrupled between 1990 and 2000.

TABLE 3.1 GENDER Fayetteville, NW Arkansas, Arkansas (2000 & 2009)						
Gender	Fayetteville		MSA		Arkansas	
	Population	Percent	Population	Percent	Population	Percent
	2009		2009		2009	
Male	36,415	50	220,276	50	1,388,745	49
Female	36,413	50	221,376	50	1,449,398	51
	2000		2000		2000	
Male	29,458	50.7	154,697	49.7	1,304,693	48.8
Female	28,589	49.3	156,424	50.3	1,368,707	51.2

Source: U.S. Census

TABLE 3.2 ETHNIC ORIGIN Fayetteville (2000 & 2010)				
Ethnic Origin	Population		Percent of Total Population	
	2010	2000	2010	2000
White	61,661	50,212	86	86.5
African-American	4,379	2,969	6	5.1
American Indian, Eskimo or Aleut	785	730	1	1.3
Asian or Pacific Islands	2,439	1,574	3	2.7
Other Ethnic Group	2,054	1,158	3	2.0
Two or More	2,262	1,404	3	2.4
Hispanic Origin (of any group)*	4,725	2,821	6.6	4.9

* Hispanics may consist of one or more of the above groups.
Source: U.S. Census

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**TABLE 3.3
ETHNIC ORIGIN
NW Arkansas and Arkansas (1990 & 2000)**

Ethnic Origin	Percent of Total Population			
	MSA		Arkansas	
	2010	2000	2010	2000
White	81.1	89.4	78.5	80.0
African-American	2.0	1.3	15.7	15.7
American Indian, Eskimo or Aleut	1.4	1.4	.8	.7
Asian or Pacific Islands	3.7	1.6	1.5	.9
Other Ethnic Group	8.8	4.2	3.5	1.5
Two or More	2.7	1.9	2	1.3
Hispanic Origin (of any group)*	15.5	8.4	6.5	3.2

* Hispanics may consist of one or more of the above groups.
Source: U.S. Census

REGIONAL TRENDS.

While Arkansas diversified in the last 10 years, Northwest Arkansas diversified even more. The White population declined by eight percent, while the African-American population increase by one percent, the Asian American and Pacific Islander population increased by two percent, and the population that self-identified as another ethnic group increased by over four percent. Notably, the Hispanic population increased by over 7 percent, almost doubling in population from 2000. This reflects the findings in a report completed by the Urban Institute and funded by the Winthrop Rockefeller Foundation in 2007 that found a significant increase in the Hispanic population in Arkansas overall and particularly in Northwest Arkansas.



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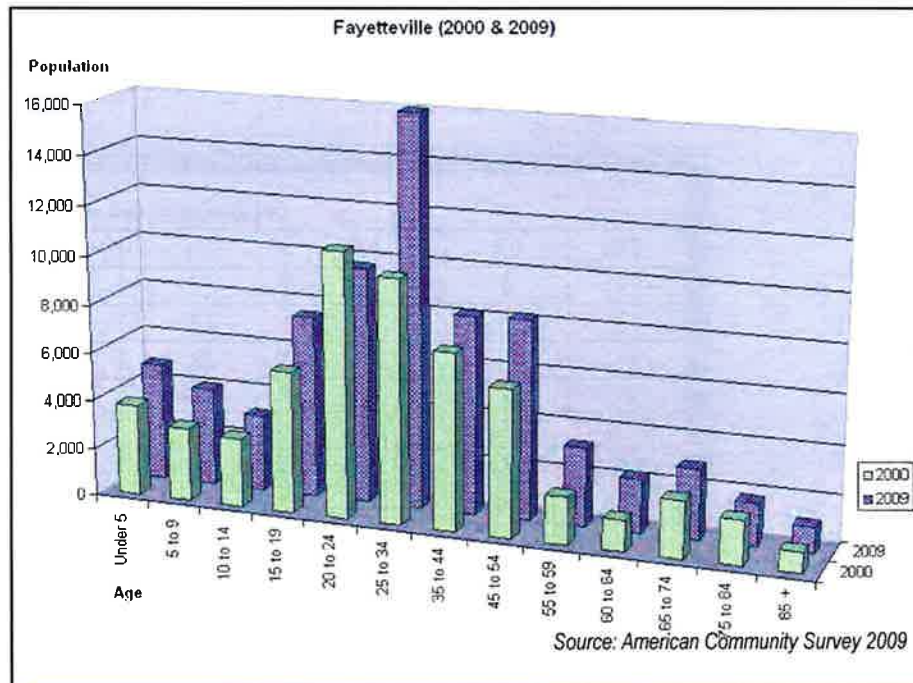
3.4 Age

FAYETTEVILLE AGE CHARACTERISTICS. Fayetteville has a relatively young population. The largest percentage of the population, at approximately 35 percent, continues to be between the ages of 20 and 34 years. This percentage is due in large part to the presence of the University of Arkansas and the undergraduate and graduate student population.

Like the nation, Fayetteville is experiencing an increase in the older population. Between 1990 and 2000, persons between the ages of 45 and 54 years increased by 81 percent. This age bracket increased again in 2009 from 6,066 to 8,228, an increase of 26 percent. The graph also shows a significant increase among persons ages 55 to 59. Fayetteville is often recognized by national publications as one of the best places to retire, which may also contribute to the population increases in these age brackets.

CHILDREN. Children represent a relatively small percent of the population. The percentage of children between the ages of 0 and 14 has remained fairly constant between 1990 and 2009.

Further, a report generated for the Fayetteville Public School District does not anticipate the number of school-age children increasing significantly over the next 10 years (McKibben Demographic Research, 2010).



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REGIONAL TRENDS. The presence of the University of Arkansas becomes more evident when comparing Fayetteville age data with the larger MSA and Arkansas. The 2009 percent of population for ages 20 to 24 and 25 to 34 is significantly higher than that of the region or the state. Persons age 20 to 34 years represent 13 percent of the population in Fayetteville, 7 percent in the MSA and 7 percent in Arkansas.

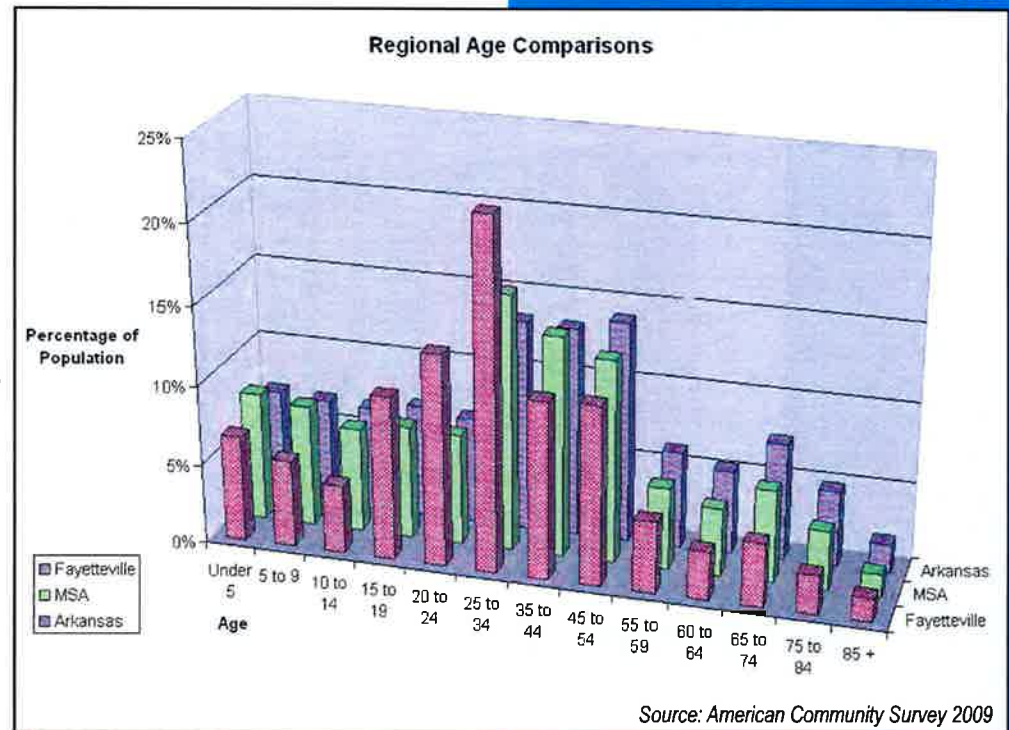
Fayetteville's children represent a smaller percent of the population than the region. In Fayetteville, children under age nine represent 13 percent of the population, while those children represent 16 percent of the population in the MSA.

Fayetteville also has a smaller share of persons over age 65 than the state or region. Persons over age 65 represent 7 percent of the population, while those persons represent 11 and 14 percent of the MSA population and Arkansas, respectively.

MEDIAN AGE. Median age is an indicator of the vitality of a population, representing the "middle," not the average, age of the population. Half of the population is older than the median age and half is younger than the median age. Fayetteville's median age is 28.4, significantly younger than the MSA and Arkansas, which have median ages of 33 and 36.9, respectively.

3.5 Households

The U.S. Census defines a household as all of the people who occupy a housing unit. Households are categorized as family and non-family. Family households include a householder and one or more people living in the same household who are related to the householder by birth, marriage or adoption. A non-family household is a householder living alone or with non-relatives only.



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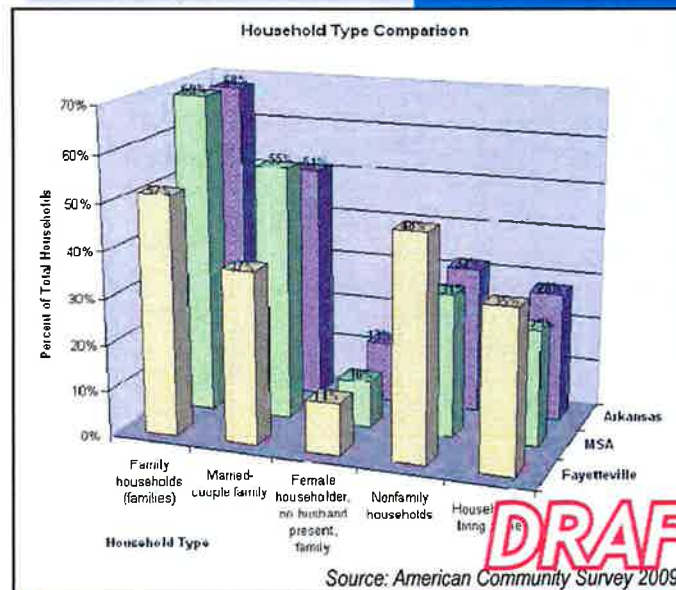
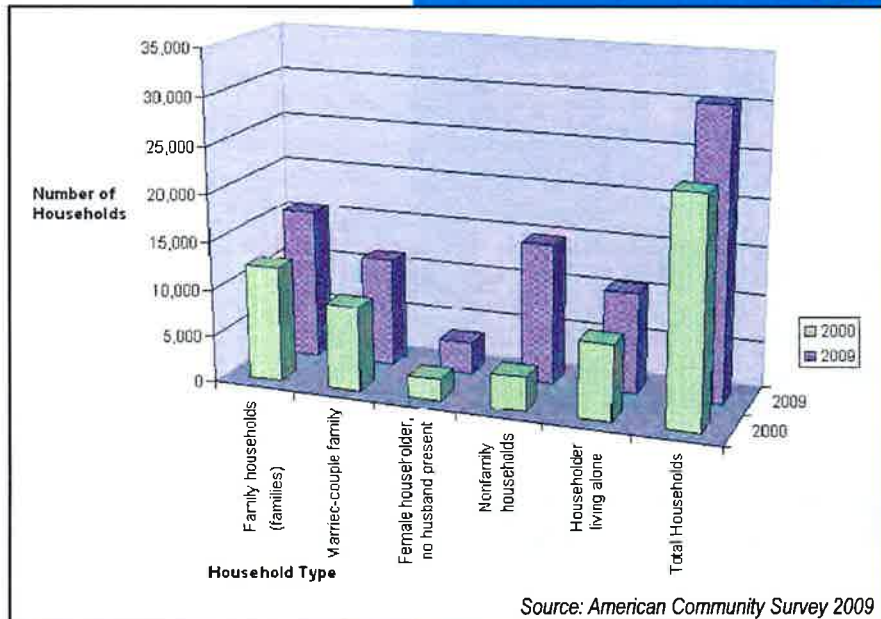
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Household characteristics are diverse in comparison to the rest of the region. As of 2009, Fayetteville had a total of 30,531 households. The number of households has increased approximately 28 percent since 2000, when the number of households was 23,798. Approximately half are family households and half are non-family households. The percent of non-family households has remained fairly constant between 2000 and 2009 at 43 percent. This is inconsistent with the regional and state household numbers, where 70 percent of the households are families and 30 percent are non-families.

MARRIED COUPLES. Married couples represent the largest share of households, with 37 percent of total households. Almost three-fourths of the family households are married couples. The percent of households that are married couples remained constant between 2000 and 2009. The share of married couples in Fayetteville is considerably lower than the region, where 55 percent of all households are married couple households.

FEMALE-HEADED HOUSEHOLDS. Female-headed households with no husband present comprise 11 percent of all households, a slight increase from 10 percent in 2000. This is slightly higher than the region where female-headed households represent 10 percent of total households, but is less than 13 percent of state households with female headed households.

NON-FAMILY HOUSEHOLDS. The total number of non-family households was 14,758. The number of persons living alone comprise 35 percent of the total households, which is also fairly constant from 2000. Other non-family households also remained fairly constant between 1990 and 2000. The non-family share of households in Fayetteville is 43 percent, significantly higher than the MSA's 31 percent. In the region, persons living alone account for less than one-fourth of the households.



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HOUSEHOLD AND FAMILY SIZE. Compared to the region and the state in 2000, Fayetteville has the smallest average household size, 2.2, and smallest average family size, 2.88. Household and family size averages have remained steady since 1990, with only slight shifts for each average.

GROUP QUARTERS.

Awaiting data from Census. It will be inserted when available.

TABLE 3.09 HOUSEHOLD AND FAMILY SIZE Fayetteville (2010 & 2000)						
	Fayetteville		MSA		Arkansas	
	2000	2009	2000	2009	2000	2009
Average Household Size	2.21	2.2	n/a	2.69	2.49	2.48
Average Family Size	2.91	2.88	n/a	3.23	2.99	3.02
Source: U.S. Census, Social and Economic Characteristics, Fertility and Household and Family Composition: 1990; Table DP-1. Profiles of General Demographic Characteristics: 2000, 2010						

TABLE 3.10 GROUP QUARTERS Fayetteville (2010 & 2000)			
	2010	2000	Percent Change
Group Quarters		5,350	36.8
Institutionalized		1,420	198.9
Non-Institutionalized		3,930	14.4
Source: U.S. Census.			

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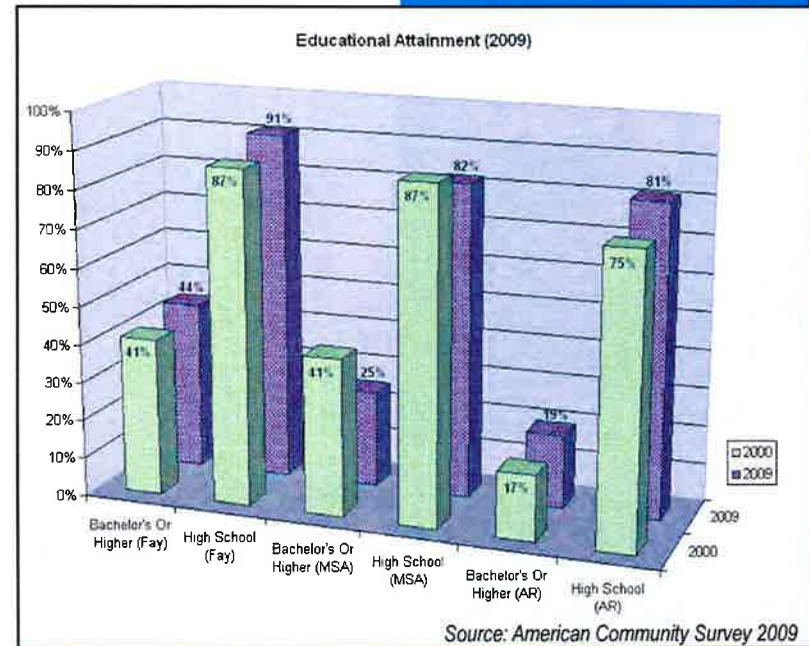
3.6 Educational Attainment

Educational attainment is relatively high in Fayetteville compared to all of Washington County and the State. Of the population in 2009, persons 25 years and over, 91 percent have a high school diploma compared to 82 percent and 81 percent for the MSA and State, respectively. Forty-four percent of the population have a college degree or higher.

In comparison, 25 percent of all persons 25 years and over in the MSA have a bachelor's or higher degree. For the entire State, the same degreed group comprises 19 percent.

3.7 Population Projections

The Northwest Arkansas Regional Planning Commission uses building permit data to develop future population estimates for the City of Fayetteville and it's planning area. The average number of dwelling units permitted between 1980 and 1994 was 575.1 per year. This average was used to project future population to the year 2020. Fayetteville is projected to grow by approximately 37,000 people, for a total population of 110,725 by the year 2030.



**TABLE 3.11
FUTURE POPULATION
Fayetteville and Planning Area (1990-2030)**

Year	City of Fayetteville		Including Planning Area (Projected)
	Actual	Projected	
1990	42,247	42,247	50,620
1995	n/a	49,264	59,269
2000	58,047	56,429	67,900
2005	n/a	63,595	77,196
2010	73,580	70,760	87,228
2015	n/a	77,925	96,060
2020	n/a	85,090	104,893
2025	n/a	96,083	
2030	n/a	110,725	

Source: Northwest Arkansas Regional Planning Commission

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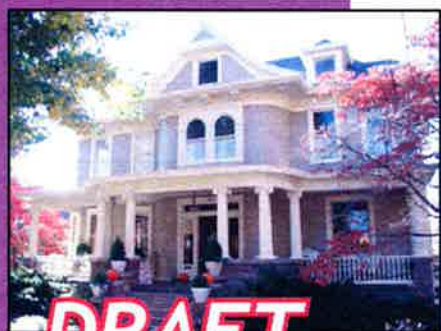
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4

HOUSING



Various Housing types in Fayetteville



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- Housing Occupancy and Tenure 4.1
- Housing Types 4.2
- Residential Building Activity 4.3
- Age of Housing 4.4
- Gross Rent 4.5
- Housing Concerns 4.6

**TABLE 4.1
HOUSING OCCUPANCY AND TENURE**

Occupancy	Housing Units		
	2010	2000	Percent Change
Total Occupied Housing Units	30,531	23,798	28%
Owner-occupied	12,852	10,047	28%
Renter-occupied	17,679	13,751	29%
Total Vacant Housing Units	3,783	1,669	127%
Total Housing Units	34,314	25,467	35%

Source: American Community Survey

4.1 Housing Occupancy And Tenure

OCCUPANCY. Historically consistent, the number of renter-occupied housing units is higher than owner-occupied housing units, reflective of the large student population. According to the 2009 ACS Data, the total number of occupied housing units increased by approximately 28 percent from 2000, adding 6,733 units. Both renter and owner-occupied housing increased by a little less than 30 percent.

VACANCY. While the vacancy rate in Fayetteville was significant by lower than the national average in 2000 at 6.6 percent, in 2009 the vacancy rate is at 11 percent compared to a national vacancy rate of 12 percent. This increase in the vacancy rate can be attributed to overbuilding that occurred between 2005 and 2008.

**TABLE 4.2
RESIDENTIAL HOUSING TYPE (FAYETTEVILLE)**

	Number of Units				Percent of Total Units	
	2000	2009	Units Added (01-10)	Percent Change (00-10)	2000	2009
Single Family	13,731	16,815	3,084	22%	52%	50%
Duplex and Multi-Family	12,479	16,678	4,199	34%	48%	50%
Total	26,210	33,493	7,283	28%	100%	100%

Source: American Community Survey

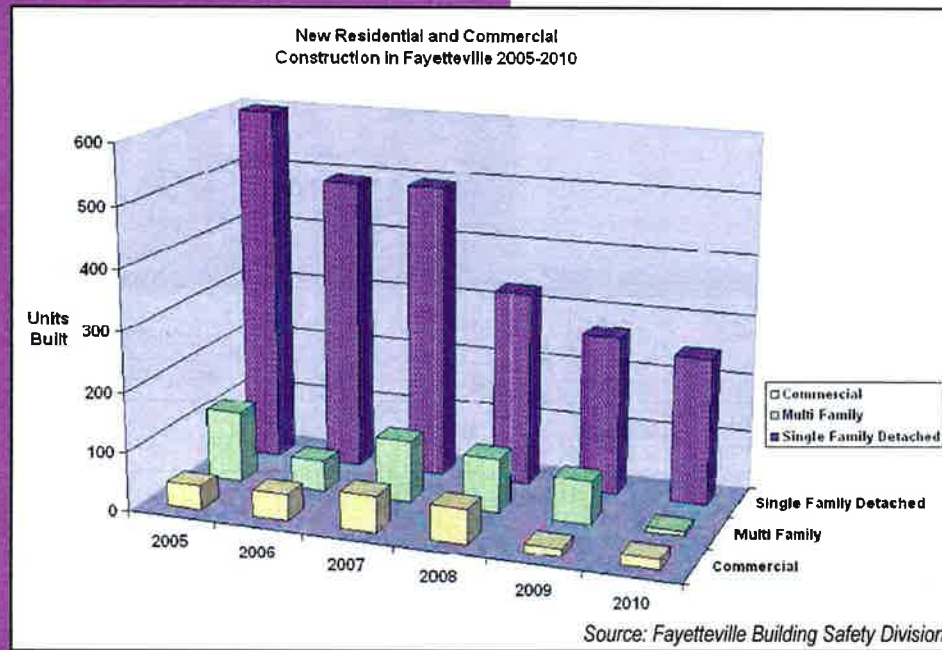
4.2 Housing Types

Table 4.2 provides information on residential housing by type. To calculate the number of units in 2000, annual building permit data between 1990 and 2000 was added to data from the 1990 Census. Duplex and Multifamily are not separated because in 1990 duplexes were included in the category 2 to 4 units, thus combining duplexes with multifamily counts. From 1990 to 2010, the percent of single family housing of total housing continues to decrease by two percent each decade, reflecting a national trend.

UNIVERSITY HOUSING. The University of Arkansas provides on-campus and off-campus student housing facilities. On-campus facilities include fifteen residence halls: one men's; three women's, and eleven coed. The residence halls house 4,675 students and 200 students are living in on-campus apartments, for a total of 4,870 on-campus housing units.

4.3 Residential Building Activity

The residential building activity reflects the national housing trend, which shows record single-family units added between 2005 and 2007 and then declining through 2010. Multi-family development shows less fluctuation, although it also shows a precipitous decline in 2010.



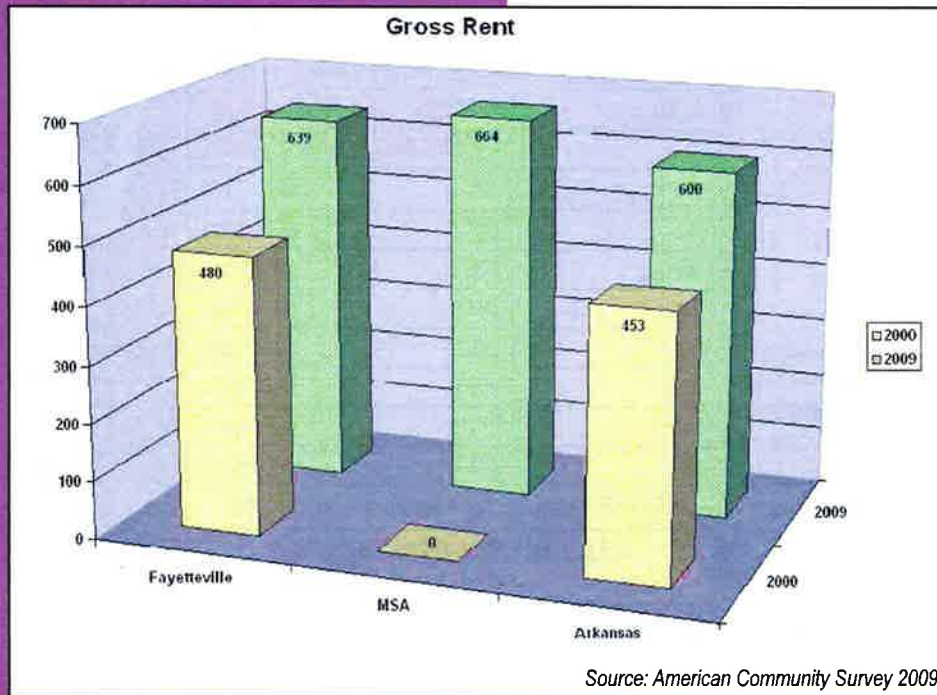
**TABLE 4.3
HOUSING: YEAR CONSTRUCTED**

Time Period	Units Built	Percent of Total
2005-2009	2,102	6%
2000-2004	4,723	14%
1990-1999	8,984	26%
1980-1989	5,683	17%
1970-1979	4,737	14%
1960-1969	2,838	8%
1950-1959	2,242	7%
1940-1949	1,240	4%
1930 or earlier	1,765	5%
Total	34,314	100%

Source: Northwest Arkansas Regional Planning Commission

4.4 Age of Housing

Almost 90 percent of the existing housing stock was built during the last half of the twentieth century and almost 50 percent was built during the last two decades. The largest number of homes were built between 1990 and 2000 with 8,984 units. Approximately 3,000 units were built prior to 1950 indicating a number of units that could face deterioration without adequate maintenance.



4.5 Gross Rent

In 2009, the monthly median rent in Fayetteville was \$639 compared to \$664 for the MSA and \$600 for the entire State. The City's median rent increased by approximately 30 percent since 2000 whereas median rent increased 25 percent for the State. In 2009, 7,419, or 44 percent, of the total 16,990 renter-occupied units in Fayetteville had rents in the \$500-749 range.

4.6 Housing Concerns

One measure of housing affordability is a comparison of changes in median house value and median household income over time. The percent change in Fayetteville's median house value is greater than the change in median household income, indicating that the values in homes are outpacing increases in household income, which significantly impact the ability of home ownership for many potential home buyers.

**TABLE 4.4
HOUSING COST CHANGE**

	2009	2000	Difference	Percentage Change
Median House Value	169,700	100,300	69,400	69%
Median household Income	40,655	31,345	9,310	30%

5 EMPLOYMENT AND INCOME



- 5.1 Fayetteville Establishments and Employment by Industry
- 5.2 Fayetteville Occupations
- 5.3 Civilian Labor Force
- 5.4 Income

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5.1 Fayetteville Establishments and Employment

According to ACS data, Fayetteville's largest sector of employment (29%) is the education and health services sector, which employs 11,365 people. This employment is driven primarily by the University of Arkansas and a significant difference exists between Fayetteville and the MSA (19%) and the state (22%). The next group of sectors each employ between 10 percent and 12 percent of the labor market: 1) Professional, scientific, management (10%); 2) Arts, entertainment, recreation, accommodation and food services (11%); 3) Manufacturing (11%); and 4) Retail trade (12%).

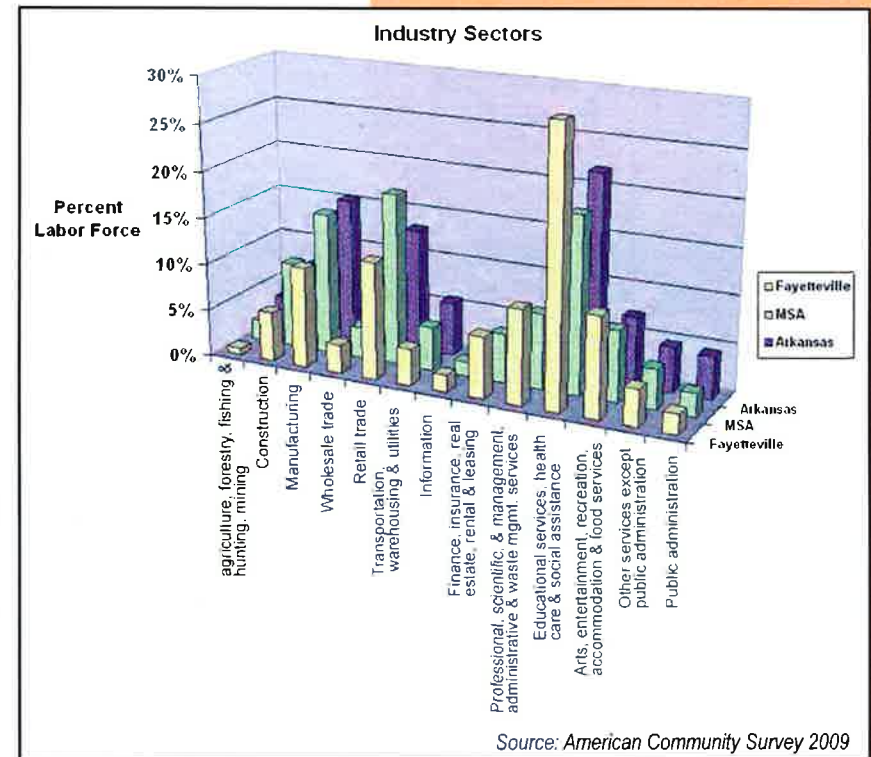
5.2 Fayetteville Occupations

In 2009, the total employment in Fayetteville was 38,939. The largest employer continues to be the University of Arkansas, which is followed by Washington Regional, the Northwest Arkansas Mall, WalMart Company, Fayetteville Public Schools and the Veteran's Hospital. Some of Fayetteville's major employers experienced reductions in employees during the past several years, including Tyson foods, Superior Industries and Pinnacle Foods.

TABLE 5.2
LARGEST EMPLOYERS (Number of Employees)

University of Arkansas Faculty & Staff	5,309	City of Fayetteville	754
Washington Regional Medical System	2,100+	Pinnacle Foods	565
Northwest Arkansas Mall	1,700	Tyson - All Divisions	515
WalMart Company	1,600	Arkansas Western Gas	354
Fayetteville Public Schools	1,300	Lowe's Home Centers, Inc.	255
Veteran's Hospital	1,050	Procter & Gamble	252
Superior Industries	782	Dillard's Department Store	148
TOTAL			16,684

* University of Arkansas at Fayetteville student population 2011: 21,405



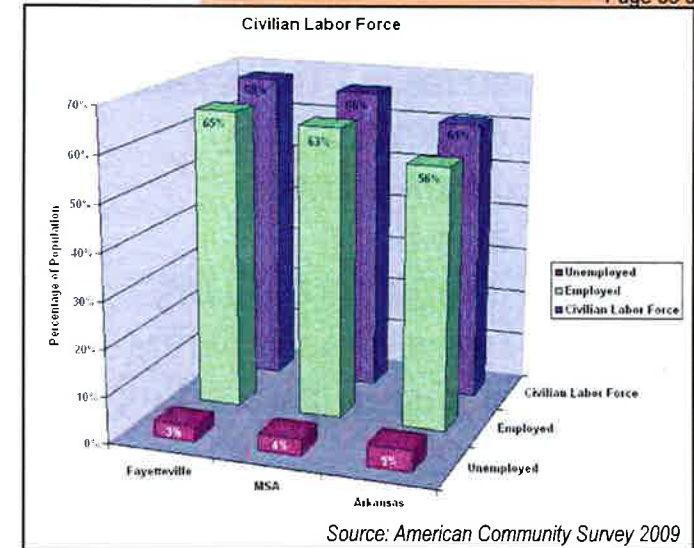
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5.3 Civilian Labor Force

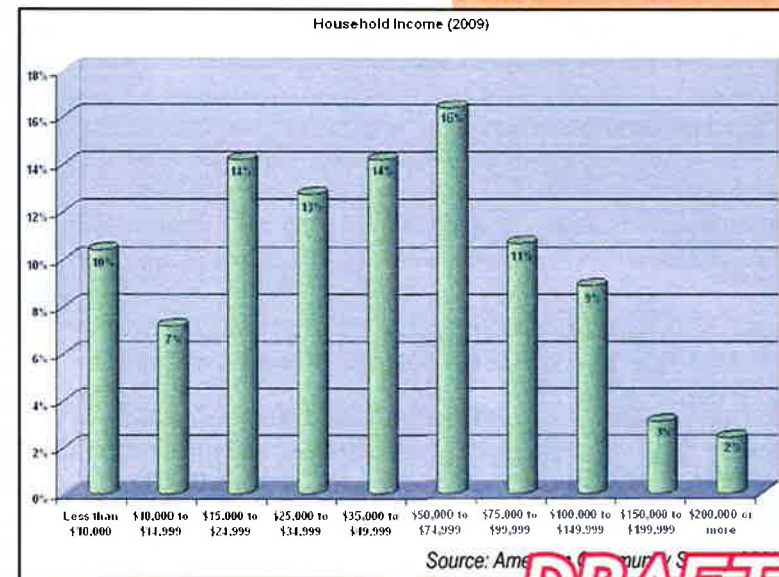
The growth of the Fayetteville-Springdale-Rogers MSA is significant when compared to the state and the nation. In 2000, the MSA civilian labor force was 148,175, an increase of 35.9 percent from 1990. Similarly, the labor force in Washington County increased by 29.4 percent and by 41.6 percent in Benton County. These growth rates are much higher than the 9.9 percent growth in Arkansas and 11.9 percent growth for the nation.

The growth in the civilian labor force in Fayetteville and the MSA continues to outpace Arkansas. From 2000 to 2009, the labor force grew by 20.5% in Fayetteville and 51% in the MSA whereas Arkansas only grew by 8%. While the unemployment rate still remains low compared to the nation, the recent recession has caused the unemployment rate for Fayetteville and the MSA to increase from 2% to 3% and 4%, respectively.



5.4 Income

Fayetteville's median household income is \$40,655, which is greater than the Arkansas median household income of \$38,542 but less than the MSA median household income of \$45,757. This difference likely stems from the student population associated with the university. Students typically earn less income than the average adult.



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LAND USE



- Geological History 6.1
- Soils 6.2
- Slope and Hillsides 6.3
- Watershed System 6.4
- Surface Drainage 6.5
- Flooding 6.6
- Groundwater 6.7
- Water Quality 6.8

Current Zoning and Annexation Patterns 6.9

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6.1 Geological History

The City of Fayetteville is located on the northwestern edge of the Boston Mountains along the southeastern rim of the Springfield Plateau. Elevations within Fayetteville range between 1,100 to 1,500 feet above sea level.

The eastern and southern portions of the area are hilly uplands characterized by domelike formations. The portions to the west and north are more level and consist of deep soils.

Most of Fayetteville is underlain by black shale and Boone limestone of Mississippian and Morrowien age. The rock is dense and somewhat resistant to weathering. Where exposed to the surface, this rock has created some prominent natural features.

There has been little folding where some sub-surface areas have been pushed up and folded over adjoining areas. There has been faulting wherein sub-surface areas have separated, creating a fault line or crack along where one area can move independent of another. Two such faults have been found within the general Fayetteville area. The Fayetteville fault dissects the middle of the city from southwest to northeast. The White River fault runs west-east along the area between Fayetteville and Springdale. No seismic activity has been experienced in either of these faults in recorded history.

6.2 Soils

Fayetteville is located on the divide between the White River watershed and the Illinois River watershed. The soils of the White River watershed in the south and east of the City were mostly derived from the Boston Mountains plateau; the soils of the Illinois River watershed were mostly derived from the Springfield plateau. The valleys in both of these eroded plateaus are floodplains consisting of terraced soils. The soil associations of the Boston Mountains formed under hardwoods and are underlain mainly by acid sandstone, siltstone and shale, or by alluvium derived from these rocks. The soils of the Springfield plateau also formed under hardwoods. They are underlain by silty deposits or cherty limestone, or by alluvium derived from these sources.



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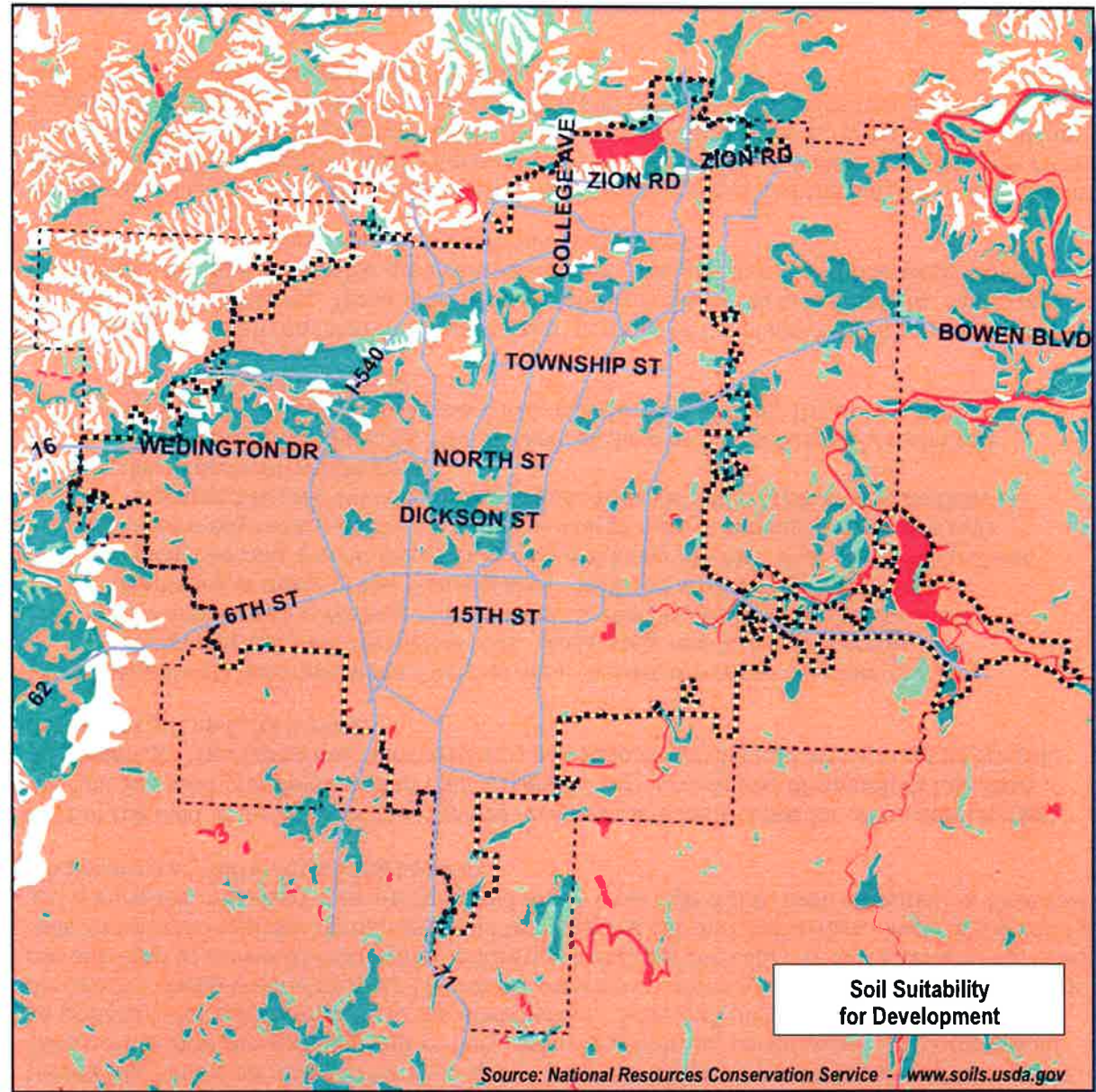
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Legend

- Not limited
- Moderately limited
- Limited
- Very limited
- Not rated

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Soil characteristics are an important determinant of land use. Steep slopes and floodplains are less suitable for more urban forms of development and may require special treatment. Ideally, these areas should be reserved for open space, passive recreation, conservation and agriculture. Where more intensive development of these areas is permitted, performance standards should be utilized in mitigating impacts to the environment. Soils with high water tables and poor percolative ability greatly increase the cost of community sewerage systems. Edaphic conditions can also lead to increased stormwater infiltration and stress the capacity of wastewater facilities. Soils also dictate engineering requirements for industrial use and trafficways. Many of the soils in and around the urbanized area are stony and rocky, have high shrink-swell potential, or have low load-bearing or traffic-supporting capacity.

Most of the land in the Fayetteville Planning Area has some restrictions for urban development. The Soil Suitability for Development map groups soil series by degree of suitability for urban development. The Map can be summarized by a description of the four major areas where soil limitations are most restrictive:

- Southwest quadrant of the Planning Area: Almost the entire quadrant is covered by the most restrictive soils. Moderately restrictive soils occupy the area between Wedington Road and U.S. Highway 62 west of Interstate 540.
- Southeast extreme of the Planning Area: Included are pockets of the most restrictive soils around the country club and along the West Fork of the White River.
- Eastern edge of the existing city limits: A large mass of the most restrictive soils is located between Mission Boulevard and Crossover Road. This area is partially developed with residences.
- Northeast edge of the older city: Pockets of the most and moderately restrictive soils are located between Mission Blvd. and Crossover Road. The area is partially developed with residences.

Generally, the western and extreme northeastern portions of the planning area contain soils with the least restrictions. These soils are sufficiently permeable to be suitable for septic tank drainfields. Perched watertable occurrences are more frequent in the extreme west. Some watertable restrictions are found in the extreme east as well.

Soil capability and its companion topographic features have influenced the pattern of land use in Fayetteville. Through streets and rail lines follow the stream valleys while roads that cross steep grades tend to be short and discontinuous. The pattern established by early settlers of building houses on the hills and farming the creek bottoms still prevails, with residential areas on the hills and commercial development along the highways.

Urban development is best suited in areas to the west and northeast where soil limitations are the least restrictive. These are also the areas where current development and future market activities are most active.

6.3 Slope and Hillsides

Slope, or gradient, is a critical factor in determining a soil's suitability for supporting development. The development of severe slopes involving soils not capable of providing foundation support may result in extensive cutting and filling in an effort to stabilize them. When compounded by the removal of existing vegetation, excavation and fill of soil can result in severe erosion and run-off, slumping and shearing.

In Fayetteville, areas of more severe slope are also characterized by soils less suitable for development. Shallower depth to bedrock conditions compound problems in these areas. There are several identified beds of cherty limestone, acid sandstone, siltstone and shale that have shown some faulting and folding at steeper locations.

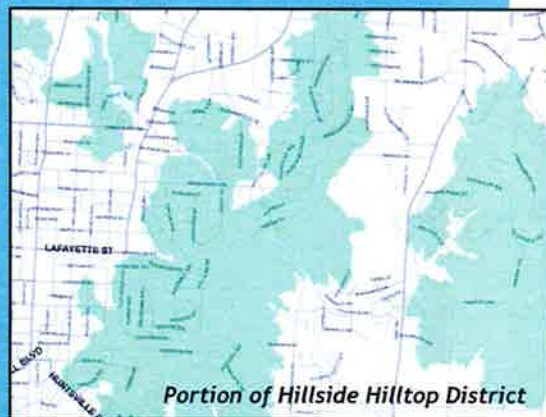
Of the 56,730 acres within the City and its Planning Area, approximately 16 percent, or 8,900 acres, have slopes of 15 percent or greater. With notable exceptions, such as Mount Sequoyah, these slopes previously remained largely undeveloped; however, more recent trends indicate that development on hillsides is increasing, which has led to the passage of an ordinance that provides additional protections on slopes that are 15 percent or greater and hilltops.

The Hillsides and Hilltops map identifies major areas where severe slopes are predominant:

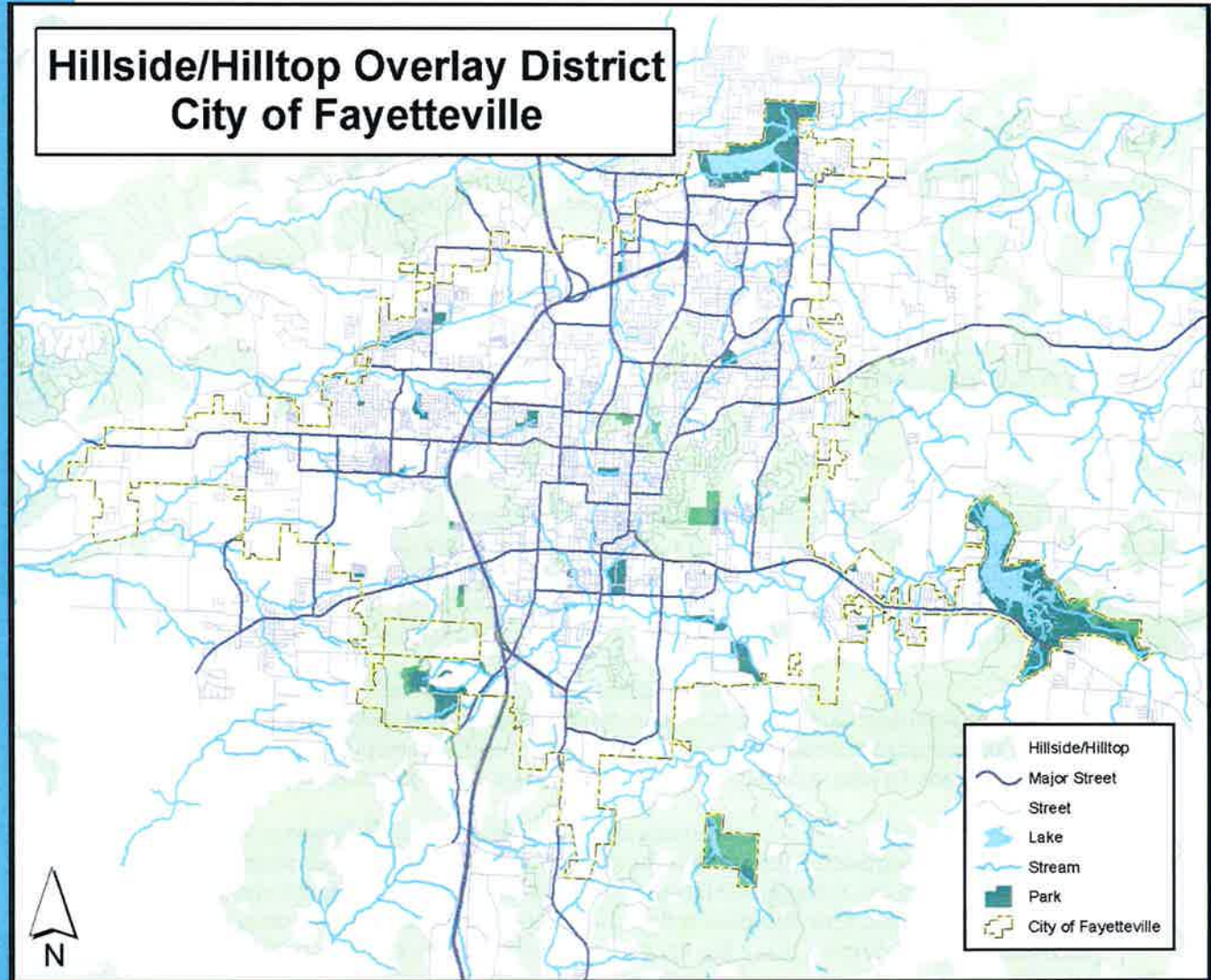
Southwest quadrant of the Planning Area paralleling both sides of the route for U.S. 71. Almost the entire quadrant is restricted. Some of the highest elevations in the Planning Area are found here.

Southeast extreme of the Planning Area. The area is blocked by a solid line of severe slopes. Pockets are found around the Country Club.

Northeast quadrant of the Planning Area paralleling and to the east of Old Wire Road. The steeper slopes are generally confined to a narrow line that terminates on the southern end with Mount Sequoyah.



Hillside/Hilltop Overlay District City of Fayetteville



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Niokaska Creek

6.4 Watershed System

The urban area is dissected by two major drainage basins. The White River provides drainage for the area to the south and southeast and is periodically subjected to storm flow from the Boston Mountains. The White River flows into Beaver Lake, the drinking water source for the region. The second principal drainage course is the Illinois River. This drainage basin covers approximately 30 percent of the western and northern portions of the urban area and flows into Oklahoma.

The natural drainage system consists of many smaller streams in a dendritic pattern along the upper reaches of the watersheds. All of these streams eventually flow into the White or Illinois Rivers. The sheet run-off that is more characteristic of areas to the north and west is intermittent depending on the seasonal variations in intensity and duration of rainfall.

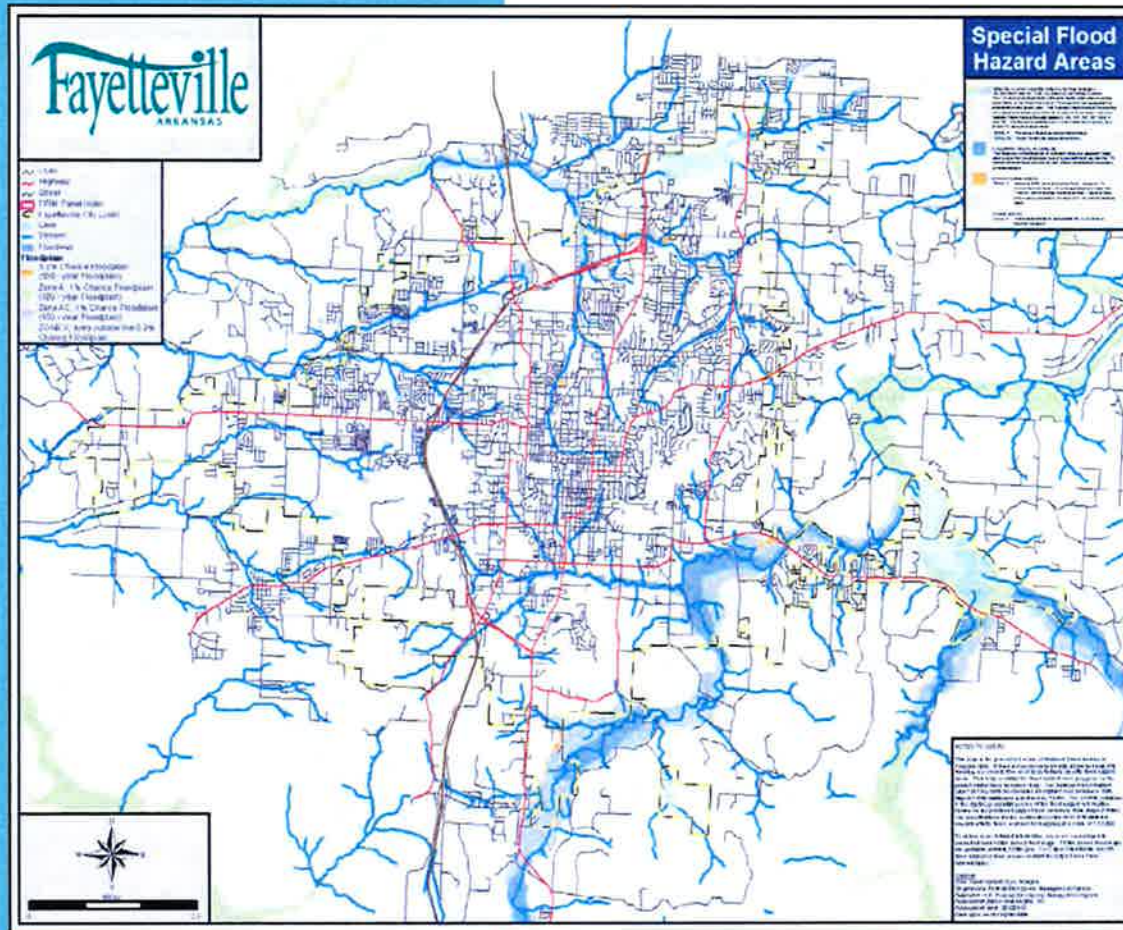
6.5 Surface Drainage

Surface water resulting from storms is a major problem in the built-up area of Fayetteville. Steep slopes in the northeast, east and southwest are associated with rapid run-off from storms, causing surface water build-up in low lying areas where permeability is notably poor and the city's storm drainage system is limited. The lack of control and rapid rate of run-off, combined with the intense urban development creates flooding hazards during major storms.

6.6 Flooding

At the request of the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers conducted a study of the flood hazards posed by the White River and its tributaries. The findings of this study resulted in a determination of the boundaries, depths and elevations of the White River 100 year floodplain limits. As determined by the Corps of Engineers, these limits define the areas which would be flooded in the event of an intermediate regional flood (100 year) and standard project flood (200 year to 500 year).

An intermediate regional flood is defined as the largest flood that would probably occur on the order of once every 100 years. The peak discharge used for determining the 100 year floodplain limit is 48,000 cfs (cubic feet/second). The standard flood is defined by the Corps of Engineers as a major flood that can be expected to occur from the most severe combination of meteorologic and hydrologic conditions reasonably characteristic of the geographic region. Although the standard project flood is not assigned a recurrence interval, it is generally



considered to approximate a 200 year to 500 year frequency flood.

The Floodway map indicates two major areas of flooding. The floodway along the southern city limits of West Fork of White River is fairly confined and frequently floods until it becomes more widespread near the Industrial Park. In northern Fayetteville, Scull Creek, with a moderate amount of adjacent development, and Mud Creek also see flooding problems because the floodway is fairly confined until the confluence of the two streams near the Northwest Arkansas Mall.

6.7 Groundwater

The groundwater level in Fayetteville is approximately 80-200 feet below the ground surface, with some areas as deep as 300 feet below surface level. Groundwater supply is generally dependable and of good quality; however, water is moderately hard and high in iron in some places. There are few, if any, ground wells within the city limits but numerous such wells in the Planning Area.

6.8 Water Quality

Water quality is generally high, although urbanization has led to increased levels of sedimentation and turbidity in Beaver Lake, the City's source of drinking water. From relatively high water quality at the upper end of the White River and Illinois River watersheds, the quality decreases progressively downstream. Major sources of pollutants include agricultural run-off, construction and urbanization.

Treatment procedures include the use of lime and aluminum sulfate. The use of these chemicals is followed by a process of coagulation, sedimentation, filtration, chlorination and the use of activated carbon for taste and odor control. Fluoride is also added to the water.

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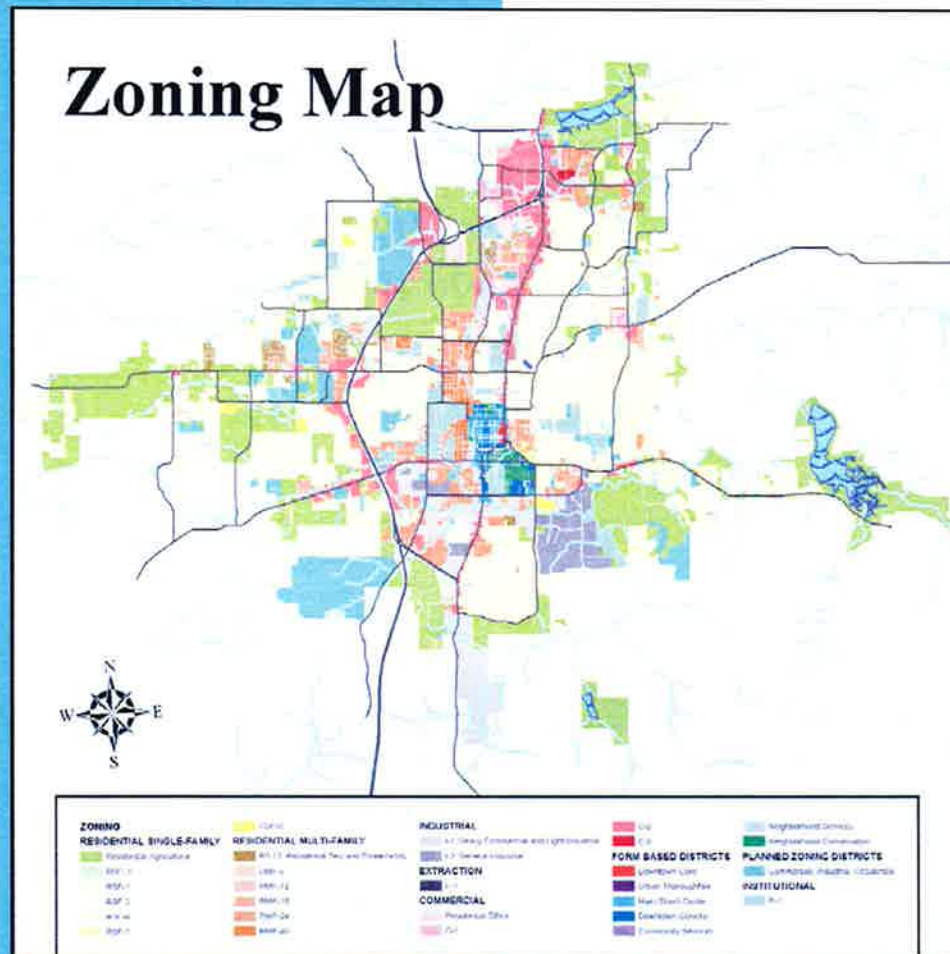
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6.9 Current Zoning and Annexation Patterns

CURRENT ZONING

Fayetteville has utilized a Euclidian zoning pattern, or a pattern that primarily separates uses, for almost 85 years. In general, commercial, residential and industrial uses are separate. However, in July of 2005, City Council passed an ordinance that created Planned Zoning Districts (PZDs), which developers may use to combine uses within one development. PZDs are typically larger developments, and developers submit an overall concept before submitting phases of the development over a period of several years. City Council must approve the overall concept.

The adoption of City Plan 2025 and the Downtown Master Plan led to the adoption of form-based zoning districts, which emphasize the form of development rather than the separation of uses. Four form-based zoning districts are utilized within the Downtown and Walker Park neighborhood area, each with separate building height, use, and build-to line requirements. The code was designed to ensure that these areas retain livability and a human-scale, while allowing for an increase in density and economic value. The City Council also adopted three form-based zoning districts in 2010 that parallel three conventional commercial zoning districts. Form-based zoning districts allow for a wider range of uses and have architectural design standards. Once a property is rezoned to one of the form-based districts, development proposals that meet the architectural and site design standards can be approved administratively.



ANNEXATION

The current annexation policy allows individual property owners or groups of property owners to petition for annexation into the corporate limits. State statutes allow the City to annex unincorporated islands within the City limits and to annex land by voter referendum. A.C.A. § 14-40-501 also allows the municipality with the greatest perimeter to annex unincorporated islands surrounded by two or more municipalities.

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TRANSPORTATION



- 7.1 Street Network
- 7.2 Pedestrian Mobility
- 7.3 Public Transportation
- 7.4 Rail
- 7.5 Aviation

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7.1 Street Network

ACCESS INTO FAYETTEVILLE. Primary vehicular access to Fayetteville is provided by state and federal highways that link this community to others in the region. Fayetteville is accessed by one Interstate, two U.S. Highways and via several State Highways.

In 1999, Interstate 540 (I-540) was extended northward to Fayetteville and Springdale. By 2001, I-540 reached Bentonville, connecting Northwest Arkansas to the Interstate Highway System for the first time. I-540 originally served as a bypass to the west of Fayetteville, but recent trends indicate that development will continue west of the freeway. To the east, State Highway 265 provides a similar function; however, due to its uncontrolled access, the efficiency of this route is not comparable to I-540. Highway 71B (College Avenue) is an alternate route for traffic to and through the Fayetteville and Springdale city centers.

Vehicular access from the east is provided by State Highway 45, entering the City approximately at its midpoint and also from State Highway 16 entering the city to the south. Both of these routes intersect and connect with State Highway 265 (Crossover Road) and Highway 71B. From the west, access is provided by State Highway 16 at approximately the city midpoint and U. S. Highway 62 to the south. Both of these routes intersect and connect with I-540, and U.S. Highway 62 also extends east (as State Highway 180) to intersect with Highway 71B.

TRAFFIC CIRCULATION. Privately owned motor vehicles represent the primary means of transportation within Fayetteville. In 1980, a total of 67,936 vehicles were registered with Washington County. By 1990, this figure had grown to 79,002 vehicles. In 2004, there were 98,025 vehicles registered in Washington County, an increase of 25 percent; however the county population increased by 66 percent. In 1990 the ratio of cars to people in Washington County was 1:1.4, which decreased to 1:1.9 in 2004. Despite the decrease in the ratio of cars to people, the 25 percent increase in cars on city roads has had an



effect on congestion, noise and accidents. Further, the traffic contributes increased energy consumption, pollution and creates expenses for the city in terms of street maintenance and traffic law enforcement. Fayetteville, in conjunction with the University and the State, will need to make decisions related to additional transportation facilities to provide adequately for traffic circulation and to offer transportation choices that may reduce the vehicle miles traveled.

As U.S. Highway 71B (North College Avenue) is the only continuous north/south route through the City, it necessarily serves as the major route for traffic circulation and residential/business access. At the city center, Highway 71B has an average daily traffic (ADT) count of 27,000 with a projected ADT of up to 36,000 by 2023. I-540 had ADT counts between 44,000 and 48,000 in 2005, but has a projected ADT of over 93,000 in 2024.

Other key north/south routes are State Highway 265 and Gregg Avenue. Neither Highway 265 nor Gregg Avenue are continuous for the length of the city, and they do not connect to continuous east/west streets. State Highway 112 also provides north/south circulation within Fayetteville; however, it functions primarily to provide access to the University from the north and west.

Due to better functioning north/south routes for traffic circulation, there are fewer key north/south traffic circulation routes than east/west routes. The more numerous east/west routes have been influenced by the same ridge lines that divide Fayetteville into the two (White/Illinois River) watersheds. As the ridge traverses Fayetteville at its center (in terms of development density), circulation routes become more numerous and less direct. An additional factor influencing traffic circulation is the Arkansas and Missouri Railroad line, which bisects the city in a north/south direction. Crossings of the rail line are expensive and present the potential for dangerous conflicts. These two factors have resulted in a circuitous street pattern in an east/west direction. East/west routes near Fayetteville's center include Poplar Street, Sycamore Street, North Street (connects to Wedington Road), Maple Street and Dickson Street.

Other key east/west routes are Joyce Boulevard, which is rapidly developing. Joyce Boulevard currently connects State Highway 265, U. S. Highway 71B and Gregg Avenue. State Highway 45 (Mission Boulevard), which connects to U. S. Highway 71B, is also a key east/west route. As Highway 45 (Mission Boulevard and Lafayette Street) enters the developed portions of the city, it becomes constrained by both topography and development. Highway 16E (Huntsville Road) provides the most nearly continuous east/west route which exists in Fayetteville. Like Highway 45 (Mission Boulevard), it experiences



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topographical and developmental constraints as it enters the developed city.

ACCESS TO THE UNIVERSITY. The University of Arkansas student population of 21,406 accounts for approximately 15 percent of the 2010 population of the City of Fayetteville. Due to the age of the student population (all are of legal driving age) and the fact that the University is the major employer within Fayetteville, the University is a major traffic generator and greatly affects circulation patterns.

Existing access to the University is provided by I-540 and then via State Highway 112 to (Wedington Road) or State Highway 180 (Martin Luther King Jr. Boulevard). After exiting to Wedington Road (east/west route), State Highway 112 (Garland Avenue - north/south route) provides entrance to the University. The 2008 average daily traffic at the entrance to the University on Garland was 15,000.

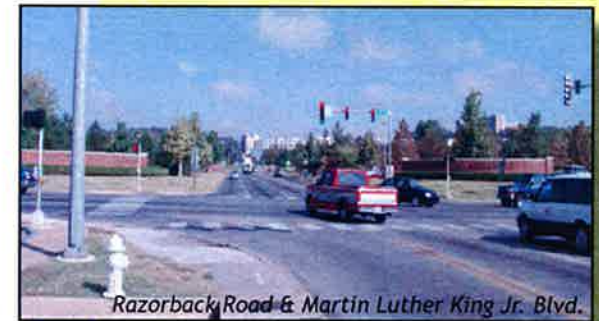
To the south, after exiting to Martin Luther King Jr. Boulevard (east/west route) from I-540, State Highway 112 (Razorback Road - north/south route) provides an entrance to the University. The 2008 average daily traffic count for this route was 15,000 vehicles.

Alternatively, traffic may exit I-540 onto Cato Springs Road, which connects directly to Razorback Road. ADT on this route was 7,100 in 2008. When compared to the route described above, the Highway 180/Razorback Road route provides the most direct path.

Access to the University may also be gained from Highway 71B (North College Avenue) via Maple Street and Dickson Street. North College Avenue and Dickson Street were original to the city and, as traffic patterns are difficult to change once established, this route continues to be the traditional entrance to the campus and is heavily traveled. ADT counts on Maple Street approaching the university were 5,500 in 2003 and have a projection of 8,000 in 2023.

SYSTEM CAPACITY. In order to assess level of service of City streets, traffic counts are made and average daily traffic (ADT) volumes are calculated. In September 2006, City of Fayetteville voters approved a bond issue for the purposes of improving the City's transportation system. The \$65 million bond issue, along with State and Federal Funding of \$24.6 million, is providing funding for numerous transportation improvement projects, including intersection projects, new locations, major widening projects, street enhancement projects, and bridge rehabilitation projects.

Notable projects include the widening of Crossover Road to a four-lane boulevard, the widening of Garland Avenue north of the University, the addition of a flyover onto the Fulbright Expressway and the extension of Ruppel Road to Martin Luther King Blvd., which will complete a significant regional north-south corridor.



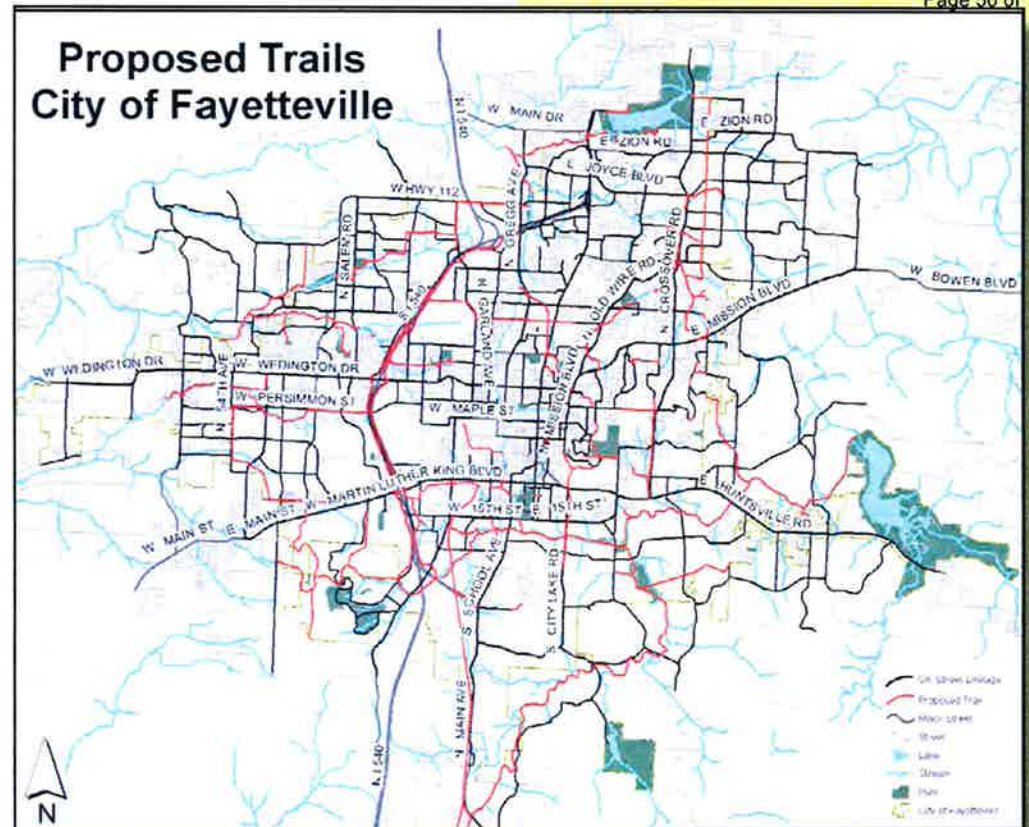
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7.2 Pedestrian Mobility

TRAILS. The City utilizes two additional types of transportation in addition to the transportation system necessary for moving vehicular traffic and transporting people and goods within the Fayetteville area. These are sidewalks for pedestrians and a system of trails for hiking and biking. In accordance with the Master Street Plan, sidewalks are provided on both sides of all functional classifications of streets except for streets within the Hillside/Hilltop Overlay District. If called for by the Plan, developers are required to provide sidewalks in accordance with the Master Street Plan on any new street, or along existing streets that do not already have sidewalks. Many areas of the City do not have sidewalks or have discontinuous sidewalks because of the hilly terrain and historically inconsistent requirements for sidewalks. Fayetteville currently places a high priority on developing sidewalks, and the Capital Improvement Program has designated funds annually to upgrade sidewalks within the City.

In 2009, the Fayetteville Alternative Transportation and Trails (FATT) Master Plan was updated to incorporate newly completed trails and improve the overall connectivity of the system. The updated plan identifies corridors for the development of a 100-mile interconnected network of multi-use trails and 280-miles of on-street bike facilities to be constructed within the next 30 years. Since the adoption of the FATT master plan in 2003, over 18 miles of multi-use trails have been constructed including 7.6 mile continuous backbone trail composed of Mud Creek, Scull Creek and Frisco Trails. These trails together connect the heart of the City from north to south and are utilized by over 1,000 people per day on average.



7.3 Public Transportation

Fayetteville is served by two public transportation systems—Razorback Transit and Ozark Regional Transit (ORT). Razorback Transit is a partially federally funded system operated by the University of Arkansas in a proactive effort to reduce traffic congestion and parking problems on the University campus. Its service is free to the public as well as students of the University. Between 2000 and 2010, Razorback Transit gave approximately 1.3 million rides per year. Razorback Transit operated sixteen bus routes serving the University, the Fayetteville Square, shopping malls, and medical and other service areas. The service varies based on the university calendar, which means the buses do not run during holiday seasons or college football games.

ORT, located in Springdale, Arkansas, serves the broader MSA and offers both limited demand service and fixed routes. The system currently operates in conjunction with local human service agencies, private operators and local government and costs between \$.60 and \$1.25 ride. ORT plans a broad expansion based on a report released in 2010 that provides a vision for public transit in Northwest Arkansas. The *Northwest Arkansas Transit Development Plan* offers an ambitious scaling up of Ozark Transit to make service more frequent and efficient, adjusting the system to better serve a rapidly urbanizing region.

	Current	Near-term	Short-range	Long-range	Ozark Regional Transit- Current and Projected Fixed- Route Operating Requirements
Peak Buses	12	11	34	59	
Annual Hours	29,116	29,116	122,655	234,032	
Annual Miles	496,862	488,788	1,570,137	3,178,511	
Annual O&M Costs	\$2.6 million	\$2.6 million	\$10.7 million	\$20.2 million	

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7.4 Rail

A NORTHWEST ARKANSAS LIGHT RAIL TRANSIT SYSTEM

Beta-Rubicon, Inc. completed a preliminary feasibility study for a light rail transit (LRT) system in Northwest Arkansas in July 2005. The study examined the possibility of a “green” light rail system that would operate between Drake Field in Fayetteville and Bentonville. The study concluded that a LRT system is a viable option for the region but requires both public and private support.

The study concludes that the most cost-effective route would predominantly follow the current Arkansas-Missouri railroad line, utilizing existing right-of-way. However, the current estimate of costs ranges between \$550 million to \$1.24 billion. This cost will only increase as the price of land increases in Northwest Arkansas, which creates a sense of urgency in moving a LRT project forward.

The Northwest Arkansas Planning Commission has on multiple occasions applied for federal funding for an Alternatives Analysis, which is the first step in pursuing federal funding for a rail mass transit system. To date this funding has not been awarded.

The University of Arkansas Community Design Center published *Transit Oriented Development: Visioning Rail Transit in NWA in 2007*. “The study’s goal is to mobilize the financial and political support needed to enroll NWA in the Federal Transit Administration’s New Start program for public transit development” (UACDC). The Fayetteville City Council passed a resolution in 2009 supporting this initiative.

CURRENT RAIL

Fayetteville is served by an active rail line, the Arkansas and Missouri Railroad, which divides the city in a north/south direction and stretches from Monett, Missouri to Fort Smith, Arkansas along 149 miles of track. Though primarily a freight line, the Railroad also operates a tourist passenger train, making day trips originating in Springdale to local areas of interest. The Railroad has recently expressed interest in expanding freight services in the city and has been willing to discuss the potential for a commuter or special event passenger rail service in the future.



2007 University of Arkansas Community Design Center Light Rail Transit Study

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7.5 Aviation

Fayetteville Executive Airport, Drake Field is a FAR Part 139 Class IV General Aviation airport located within 3 miles south of the heart of Fayetteville adjacent to Highway 71 with easy access to I-540. The airport serves the needs of private and corporate aviation along with unscheduled charter of commercial aircraft in support of the U of A sports teams. There are 111 aircraft based at the airport. There are eight T Hangar buildings with 81 individual units, the FBO hangar which can store up to 20 aircraft and six corporate hangars utilized by various corporations and the University of Arkansas. An aircraft maintenance hangar and an avionics shop are housed in separate hangars.

Drake Field is the premiere general aviation airport in Northwest Arkansas where Million Air, Fayetteville, the Fixed Base Operator provides personalized and professional customer, line and fueling services for airport customers. A FAR Part 141 Flight School provides a full compliment of pilot training services and another flight school provides individualized flight training. The Arkansas Air Museum and the Ozark Military Museum provide a wide variety of displays for the young and old.

The airport leases space to several non-aviation related businesses. A catering business, an event florist, the US Postal Service and a Wildlife Management Group lease space in the Terminal Building. FAA Facilities Maintenance leases a building from the airport. The USDA Forest Service leases a large parcel from the airport for a Fire Fighting Base. Space is available at the airport for aircraft storage. The Airport can provide a ground lease for owner-built hangars.

Since 2007 aircraft operations (takeoffs and landings), and aviation fuel sales have decreased due primarily to a nationwide industry downturn caused by economic conditions and an increase in the cost of aviation fuel. Industry forecasts indicate slow but steady recovery beginning in 2011.

Staff is pursuing projects outlined in the 2005 Airport Master Plan Update and recently completed the first major project to upgrade the Runway 16 Safety Area by realigning Highway 71B. Projects for the future include the purchase of Runway 34 aviation easements, pavement overlay of the Terminal Apron and security upgrades.



Drake Field Airport



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8

Historic and Cultural Resources



Historic Resources 8.1
Cultural Resources 8.2

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8.1 Historic Resources

RELATIONSHIP TO COMMUNITY. Fayetteville offers rich and diversified historic resources. Numerous historic neighborhoods, buildings and landscapes provide both architectural and cultural reminders of the historical past that contributes to the character of the City.

The City of Fayetteville and its stakeholders have successfully integrated many of the City's historically significant structures into functionally viable uses for present day residential and commercial business activity. This has been accomplished through revitalization, restoration, and renovation efforts, as well as a community-wide commitment to the preservation of Fayetteville's historical past. Downtown Fayetteville, centered around the Square, is a striking example of the community's commitment to the integration of its historical past with the social and economic dynamics of its present.

With the exception of the City Administration Building, historically city government has taken a laissez-faire approach to preservation, leaving such efforts to private initiatives. For example, the Old Post Office, Eason Building and Lewis Hardware Store - all fundamental elements of the downtown square - were privately restored.

The City of Fayetteville took its first step toward a proactive stance on preservation in March of 1979, when the Board of Directors created the Fayetteville Historic District Commission and endowed it with all the authority allowed under State Act 484. Lacking leadership and direction, the Commission languished for over a decade. In 1989 and 1990 the City hired its first professional planners, who began to work closely with the Commission. The Commission was disbanded in 2003, but was reinstated in 2006 in a renewed effort to establish a commercial historic district. Since then, Fayetteville has increased the number of historic districts throughout the city and established its first Local Ordinance District, White Hangar at Drake Field.

HISTORIC RESOURCES. Numerous districts, landscapes, and structures have qualified for listing on the National Register of Historic Places. As the official list of the Nation's historic places worthy of preservation, the National Register of Historic Places can list historic properties that meet specific criteria, but the register does not accept all significant historical structures if the criteria are not met. It's the community's responsibility to preserve its past and protect its story.

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Districts listed on the National Register of Historic Places. There are presently five established historic districts listed on the National Register of Historic Places within the City of Fayetteville. The largest district, Washington-Willow, lies mostly within the Masonic Addition, the first addition to the original town. Washington-Willow consists of 105 primary structures sited along two north-south streets and five traversing east-west streets. The district encompasses approximately 37 acres. Nineteen of the buildings possess special significance. Twenty-five do not contribute to the primary character of the district. All the buildings are residential. Forty-six of the structures were built between 1890 and 1910. This district is believed to contain the highest concentration of significant structures worthy of preservation in Fayetteville.

The Washington-Willow District is renowned for its attractive and prestigious character. Architectural styles within the district range from Greek Revival to ranch style and include various Victorian themes, Classical Revival, bungalow, modern workers cottages and 20th Century period homes. The area has never really confronted hard times; thus, buildings have been well maintained even during periods of growth and change. The district's cohesiveness stems from visible boundaries, its residential character, well maintained homes, numerous large mature trees lining the streets, and a large concentration of buildings possessing architectural merit.

Although the archaeological potential of this district has not been fully explored, there has been some productive excavation (salvage archeology) behind the Headquarters House revealing evidence of early Indian and white settlers. It is suspected that further archaeological remains exist and that the area is a significant archaeological resource.



The second historic district is Mt. Nord. The district consists of one distinctive block in Fayetteville situated on a hilltop to the north of the City's historic downtown commercial square. Five residential structures of wood frame and masonry construction built between 1900 and 1925 comprise the Mount Nord Historic District. Each structure contributes to the integrity of the district by virtue of its architectural character, its natural and physical setting and its visual association.

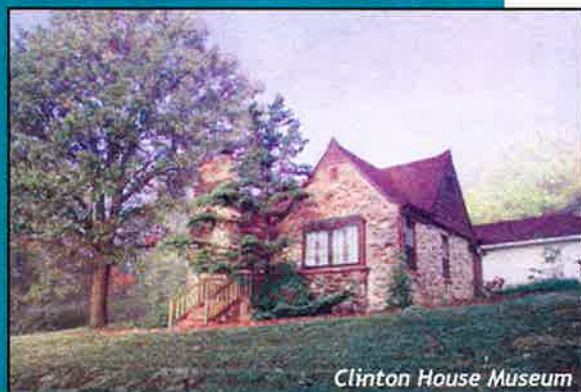
This district was once the City's most prestigious residential area and consequently attracted some of Fayetteville's most prominent and successful citizens. The landscape, atop one of Fayetteville's many rolling hills, reinforces the area's strong physical definition. Although a less eminent residential neighborhood than when constructed, the district is now a focal point for a larger residential area that emerged in the 1920's and 1930's. This

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Walker-Stone House



Clinton House Museum

residential eminence is what attributes to the successful retention of the district's original integrity.

The Wilson Park Historic District, located just to the north of Fayetteville's historic commercial downtown, extends roughly between College Avenue on the east, Wilson Avenue on the West, Maple Street on the South and Louise Street on the north. Exclusively residential in nature, the district contains a total of seventy buildings spread over roughly twelve blocks. The entire district is characterized by hilly, tree-covered lots connected by relatively narrow streets, all of which lend the Wilson Park Historic District an unspoiled, rustic ambience.

The initial development of the district occurred in the early part of the century during a boom period for Fayetteville. By 1910, the population had reached 5,000 and Fayetteville Lumber and Cement, Hill City Lumber and Red Star Spoke Factory were doing record business. The tons of produce and grain leaving Fayetteville yearly kept three train lines running. Canning factories and cold storage companies were built to package the produce for shipping. Many permanent homes were established during this period within the district.

The West Dickson Commercial Historic District was designated as a National Register District in 2009. "The history of the Dickson Street area dates back to 1835, to the original survey of the town of Fayetteville, and its commercial growth began in earnest after the arrival of the St. Louis - San Francisco Railroad to Dickson Street in 1881. Fifty-seven resources; 35 contributing resources and 21 noncontributing resources comprise the West Dickson Street Commercial Historic District. One building, the Frisco Depot, is listed in the National Register of Historic Places." (Arkansas Historic Preservation Program) Dickson Street is considered one of the most popular entertainment districts in Arkansas with a wide variety of music venues, restaurants and local shops. The University Historic District was added to the National Register in 2009.

A portion of the University of Arkansas campus is the most recent historic district in Fayetteville to be listed on the National Register of Historic Places. This district is bounded by Garland Avenue, Maple Street, Arkansas Avenue, and District Street and contains 15 buildings and five landscape areas dating back to 1875. These buildings range from the iconic Old Main, constructed in the second empire style, to the international style Fine Arts Center designed by well-known local architect Edward Durell Stone.



The Lafayette Street and Maple Street Overpasses. As a result of an increase in the number of automobiles in Fayetteville, the Lafayette Street and Maple Street Overpasses were constructed over the Frisco Railroad Lines in the late 1930s to replace two wooden pedestrian bridges connecting the City with the University of Arkansas campus. The construction of these Art Deco style overpasses was funded by the Works Progress Administration through President Franklin D. Roosevelt's New Deal. These bridges were listed on the National Register of Historic Places in 1995, indicating their historic significance worthy of preservation.

The Evergreen Cemetery. This site was originally a family farm located near Downtown Fayetteville and was used as a private burial ground until 1970 (the University of Arkansas Libraries Special Collections, Manuscript Collection 926). The Evergreen Cemetery is now one of the largest historic cemeteries in Northwest Arkansas. Many notable Arkansans are buried here, including Lafayette Gregg, architect Edward Durell Stone, Governor Archibald Yell, and Senator J. William Fulbright.

Heritage Trail. In the late 1830s, the Trail of Tears passed through Fayetteville and, in 1858, the Butterfield Stage Coach route passed through Fayetteville. The Trail of Tears is a designated National Historic Trail, and efforts are underway to give the Butterfield Stagecoach route the same designation. Both these trails, as well as a Civil War trail are part of the Northwest Arkansas Heritage Trail system.

8.2 Cultural Resources

ART RESOURCES, PLANS AND PROGRAMS. In 1992, the Walton Arts Center opened its doors to the public, the product of a six-year collaboration among city government, the University of Arkansas and the private sector. Located on the corner of West Avenue and Dickson Street, The Walton Arts Center Campus includes the Walton Arts Center, the Nadine Baum Studios and Just Off Center, which houses administrative offices. The Center has a yearly budget of over \$6 million and hosts over 350 events with over 140,000 attendees. In addition to nighttime performances and weekend matinees, the center hosts daytime performances for over 40,000 students each year.

The Walton Arts Center holds the Baum Walker Hall, which has 1200 seats, the Box Office, two galleries, an art studio, and the smaller Starr Theatre. The Bradberry Amphitheater provides an outdoor venue adjacent to the center. Each year, the Walton Arts Center attracts world-class performances from Broadway, in dance and in music, and it is the official home of the Northwest Arkansas Symphony.





The Nadine Baum Studios, located on the corner of West Avenue and Spring Street, houses five interactive studios, one gallery and Studio Theatre. Throughout the year, children and adult classes are offered after school, in the evening, and during special summer sessions. The studio has also become the home of Theatre Squared, a regional theater company.

Other community offerings provide an array of cultural and performing arts resources, including the Arkansas Music Pavilion (AMP), the only open-air pavilion in the region. This theater seats 2,500 people and features pop, rock and country musicians and has been added to the venues managed by the Walton Arts Center.

UNIVERSITY OF ARKANSAS. The university theater and music departments offer eight fully mounted plays, five student-directed plays and numerous choral and instrumental performances to the community. The university is also home to the 70,000 seat Reynolds Razorback Stadium, the 20,000 seat Bud Walton Arena, world-renound track and field and baseball programs, all of which provide a unique atmosphere to the city. In addition, the university attracts world-renowned political and literary figures to the campus, benefiting the entire Fayetteville community.



PARKS AND RECREATION. The City currently maintains 70 developed parks that include 10 acres of ornamental gardens. The parks provide recreational facilities, sponsoring athletic programs and maintaining 29 playgrounds. The Parks and Recreation Program also hosts a concerts in the parks series during the summer, featuring local and regional performance artists.

FARMER'S MARKET. With the downtown square gardens as a backdrop, open-air vendors sell produce and handmade items to the community every Tuesday, Thursday and Saturday morning from April 1 through mid-November. Plants, trees, herbs, vegetables, fruits, perennials, annuals, pottery, candles, watercolors and other items are regularly featured. Farmer's Market vendors also sell their wares in the Mill District on Thursday evenings and at the Ozark Botanical Gardens on Sunday mornings.



PUBLIC ART. The Walton Arts Center features outdoor sculptures by J. Seward Johnson, and the Peace Prayer Fountain, a bronze sculpture designed by local artist Hank Kaminsky, was introduced to the Town Center Plaza in 2002. Wilson Park features "The Castle," a whimsical structure completed in 1981 that delights children and adults alike. Frank Williams, a local artist, won the contest to create public art to cover an unsafe and unattractive area of the park. The Blair Public Library is currently in the process of gathering community input on how the library should incorporate art into its grounds and

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facilities, and the city's trail system has seen the installation of multiple public art pieces, of both temporary and permanent nature.

BLAIR PUBLIC LIBRARY. The first Fayetteville Public Library opened in 1917, occupying two rooms of the Washington County Courthouse. On June 4, 1962, a new library facility that eventually expanded to 31,500 square feet opened on Dickson Street near the Washington-Willow Historic District.

As the City continued to grow, the need for a new library led to the construction of the Blair Public Library located on the corner of School and Mountain Street in the downtown area. The construction was funded by a 1% 18-month sales tax, which 75% of the voters approved. The 88,000 square-foot facility opened in September 2004 and was the first building in Arkansas to be registered with the U.S. Green Building Council's Leadership in Energy and Environmental Design Certification (L.E.E.D.) program. Through a grant from the International City Managers' Association in 2009, University engineering students and library staff installed a 13.5 kilowatt solar panel system which is enough to power 2.5 Arkansas homes. The system reduces the electricity cost of the library, and citizens can track the amount of power being harvested at a kiosk inside the building.

The Blair Library is a multi-use building that was constructed to take advantage of the site's opportunities and location. It is complete with a café, terrace, community meeting rooms and multiple computer labs for different age groups in addition to a collection of 272,807 items, including books, magazines, CDs, DVDs, Blu-rays, DVD players, e-books and e-readers, laptops, downloadable and CD-format audiobooks and multimedia parenting kits. In 2010, more than 1 million items were borrowed from the library, for the third year in a row. The library has more than 64,000 cardholders, and in 2010, there were 553,802 library visitors. The library hosted 1,269 free public events in 2010, and 50,944 people of all ages attended those programs. With these statistics, in addition to extensive, innovative programming for adults and children alike, the Blair Library won the 2005 Thompson Gale/*Library Journal* Library of the Year Award, one of the industry's highest honors.



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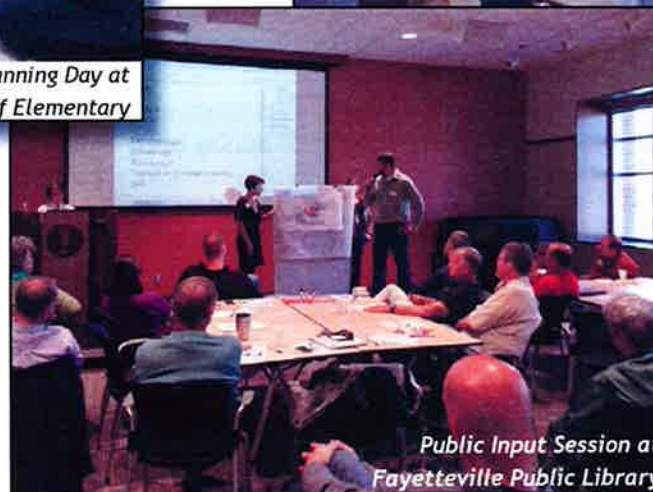
9 Planning Process



World Town Planning Day at
Vandergriff Elementary



Public Input Session at
Bank of Fayetteville



Public Input Session at
Fayetteville Public Library

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City Plan 2030 Planning Process

The City Plan 2030 update began in early 2010 with the formation of a project team that included staff from Planning, Geographic Information Systems, Parks and Recreation, Engineering, Strategic Planning, Community Services and Fire. Jesse Fulcher, Associate Planner, served as the project manager and led the cross-divisional team to identify City Plan 2025's successes and areas for improvement and identify performance measures that could be utilized in the future to measure progress.

RESEARCH AND ANALYSIS

The project team reviewed data over the past five years including the percentage of residential and non-residential development that was approved within and outside the core of the city, the number of dwelling units constructed within ¼-mile of a trail, park acreage and sidewalk footage added to the city, acres rezoned from Residential Agriculture to Residential Four Units Per Acre, and approval and denial rates of traditional neighborhood development by the City Council.

A review of the data resulted in several findings.

Strengths:

- The City consistently added trail segments that put approximately 100 new or existing dwelling units within a quarter mile of the trail network.
- The City Council rezoned approximately 650 acres to a form-based zoning district as a result of two neighborhood master plans
- Rezoning of rural land to low-density residential development declined significantly after 2006
- While infill development proposals generated greater controversy in the community, they were all approved within three readings by City Council.
- The City consistently added sidewalks and trails to create a continuous network for pedestrians

Areas for Improvement:

- A significant number of development projects where staff, and in some cases the Planning Commission, recommended denial of a project based on its failure to comply with the tenets of City Plan 2025 were approved by City Council with minimal discussion.
- The percentage of development in the core of the City (6%) remained relatively unchanged after 2006.
- The City annexed thousands of acres into the City between 2006 and 2010.



Performance Measures 2030

		2004	2005	2006	2007	2008	2009	2010
Single-Family/Two-Family	Total # of units	689	718	683	652	504	338	291
	Total # of units within infill boundary	165	36	59	48	43	29	29
	% of units within infill boundary	24%	5%	9%	4%	9%	9%	10%
	Units within 1/4 mile of trail today	167	158	166	265	103	63	31
	% of units within 1/4 mile of trail today	24%	22%	24%	41%	20%	19%	11%
Multi-Family	Total # of Units	734	297	382	506	267	800	406
	Total # of units within infill boundary	333	230	269	382	79	344	34
	% of units within infill boundary	45%	77%	70%	75%	30%	43%	8%
	Units within 1/4 mile of trail today	303	203	87	176	9	296	310
	% of units within 1/4 mile of trail today	41%	68%	23%	35%	3%	37%	76%
Nonresidential	Total square feet	347,486	216,609	422,467	748,132	1,067,953	890,032	?
	Total square feet within infill boundary	28,338	39,818	82,816	41,994	500,533	268,324	?
	% of square feet within infill boundary	8%	18%	20%	6%	47%	30%	?
	Square feet within 1/4 mile of trail today	76,174	89,732	195,951	482,139	395,224	618,747	?
	% of square Feet within 1/4 of trail today	22%	41%	46%	64%	37%	70%	?
Form-based rezonings		N/A	N/A	345	1	303	12	6.11
R-A rezonings to low density		578	269	529	5	64	0	0
Trail construction (Miles)		N/A	0.3	3.4	2.7	3.6	2.8	1.01
Sidewalk construction (feet)		17,459	20,008	17,435	15,088	9,933	11,090	5,519
Annexations		1945	1023	2055	348	924	39	0

The project team hosted a staff input session in March 2010 that included approximately 50 staff members from all divisions that participate or are affected by the development review process. Karen Minkel, Strategic Planning and Internal Consulting Director, gave a presentation on the goals of City Plan 2025 and then staff members worked in small groups to identify inconsistencies between City Plan and other codes and ordinances and suggest changes for City Plan 2030.

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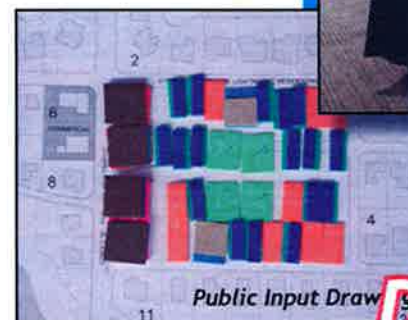
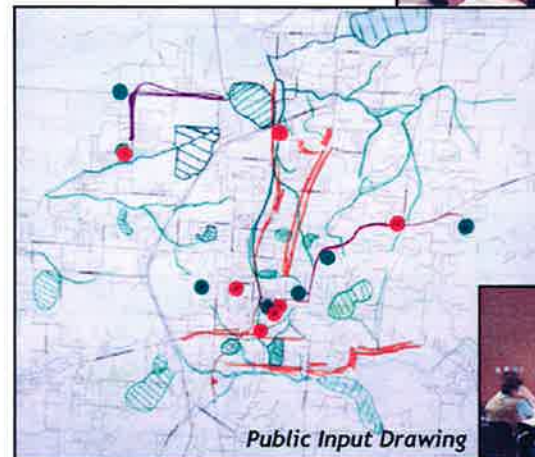
Strategic Planning staff also solicited input from the Planning Commission and City Council in September 2010, asking members to identify the success stories and areas for improvement. The project team utilized this initial input and analysis to develop the areas of focus for the public input process. City staff spread the word about City Plan 2030 by creating a public service announcement that aired on the government channel and other local stations, placing ads in the local newspaper and *Fayetteville Flyer*, conducting an interview for a local public radio station, distributing flyers at First Thursday events, and ensuring that email invitations were sent multiple times to the Chamber of Commerce membership, Fayetteville Council of Neighborhoods, Fayetteville Forward groups and previous participants in City Plan 2025 and neighborhood master plan charettes.

PUBLIC INPUT

Two public input sessions were held in October 2010 and one was hosted live on the internet in a webinar format, so that stakeholders could participate from an alternative location if they couldn't be present. The first session was held at the Bank of Fayetteville on the Square on October 7, 2010, and the second was held at the Fayetteville Public Library on October 15, 2010, where the presentation component was also broadcast as a webinar. At each session, participants gathered around base maps of the city and worked in small groups. A member of the project team was placed at each table to serve as a facilitator and guide the participants through a series of planning exercises.

Karen Minkel led the participants through a "food for thought" presentation that reviewed the goals of City Plan 2025 and then posed three key questions: 1) What should an enduring green network look like?; 2) Where should development be incentivized?; and 3) How would you design a new development within your own existing neighborhood and how would you deal with neighbors' concerns? Participants worked to answer these three key questions and reach a consensus in approximately 40-50 minutes.

A participant from each table then served as a spokesperson and shared the group's conclusion with the large group. A total of 12 table groups with 8-10



stakeholders participated in the exercise.

Strategic Planning staff also conducted an online survey from October 15 through November 15 that asked the questions posed at the public input sessions. The site included the presentation from the input sessions, and survey respondents were encouraged to view the presentation before completing the survey. Sixty-seven stakeholders completed the online survey.

In addition to the public sessions and online survey, staff held technical meetings with stakeholder groups to address specific topics. These meetings took place during the months of October and November and included the Fayetteville Chamber of Commerce, Fayetteville Public School Superintendent Vicki Thomas, the University of Arkansas Campus Planning staff and a session focused on attainable housing that included representatives from the Northwest Arkansas Housing Coalition, Partners for Better Housing, Fayetteville Housing Authority and local developers and architects.

Of the many ideas that emerged from the exercise and online survey, some of the most widely shared “big ideas” were:

- an Enduring Green Network should link natural areas and prohibit motorized vehicles
- development should be incentivized along corridors and nodes, particularly College Avenue
- infill development creates concerns mainly about traffic increases and potential for rental property
- mass transit must be promoted

UPDATING THE PLAN

After documenting and reviewing the input from staff, elected officials, members of the public and technical groups, the project team worked to assemble a new framework that keeps intact the original goals and identified concrete action steps that will advance the goals over the next five years. The project team then applied City Plan 2030’s principles to the Future Land Use Map and Master Street Plan, updating them based on the feedback received during the public input process. These drafts were reviewed during several work sessions with the Planning Commission to solicit additional critiques and then presented at a Community Presentation on February 24. City Plan 2030, the Future Land Use Map and Master Street Plan were formally reviewed by the Planning Commission on _____ and adopted by the City Council on _____.

green	walkable	
healthy	neighborhoody	comfort
welcoming	compact	efficient
community	entrepreneurial	thriving for all
fabulous	hub	inspired
unique	eclectic	conscious
progressive	innovative	forward thinking
vibrant	contraversial	busy
urbane	smart	international
accessible	home	friendly
livable	egalitarian	comfortable

Citizens' words for Fayetteville in 2030



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Framework

Goals

Objectives

Actions

*Goal 1
We will make appropriate infill and revitalization our highest priorities.*

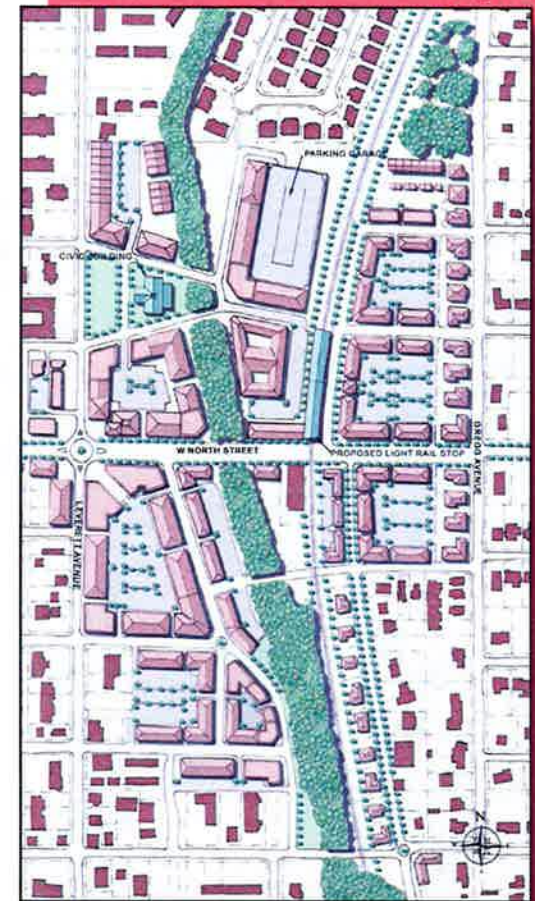
*Goal 2
We will discourage suburban sprawl.*

*Goal 3
We will make traditional town form the standard.*

*Goal 4
We will grow a livable transportation network.*

*Goal 5
We will assemble an enduring green network.*

*Goal 6
We will create opportunities for attainable housing.*



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FRAMEWORK

The Framework chapter establishes a vision for what Fayetteville can achieve by 2030 and is designed for use by elected and appointed officials, City staff, residents, businesses and developers. This chapter contains six goals that were developed through an intensive public participation and internal analysis process. Each goal contains policies that provide guidance for decision-making and achieving the stated goal. Policies typically don't have a time frame, as they provide direction only; however, action steps are specific measures that the City pursues to implement these policies. While some action steps are ongoing, most have an identifiable time frame for completion.

VISION STATEMENT

In 2030, Fayetteville will be a resource-efficient community, in which citizens and stakeholders can live, work, learn, and grow. Fayetteville will have adopted policies to achieve sustainability, to provide economic growth, to preserve and protect our natural and cultural resources, and to enhance the quality of life for all residents. Residents will have equitable access to neighborhoods that are healthy, walkable, and distinct.

GOALS

The six goals in the Framework chapter reinforce the community's vision for Fayetteville in 2030, and individually, address major concerns raised by the public. Collectively though, these goals advance the idea of a sustainable community, in both rural and urban areas. The City of Fayetteville defines "sustainability" as meeting the needs of the present population without compromising future generations' abilities to meet their own needs.

Our rural environment contains great natural resources, including forests, agricultural lands and numerous streams and lakes. These amenities must be preserved and enhanced, as they are unique qualities that set Fayetteville apart from other cities in the region. This generation and the next will observe the loss of these amenities, declining water quality and elimination of the most productive agricultural lands that support local food production, if inefficient, low-density development patterns are continued and transportation issues are not addressed. This will have an economic impact as well, since the quality of life offered by Fayetteville is an important marketing factor for residents and employers.

The core of the city contains many of our historically significant buildings, neighborhoods and landscapes. Each reflects the history of Fayetteville and the community's character and identity. Historic preservation is not only a cultural benefit, but an alternative to greenfield development. Smart urban design enhances Fayetteville's urban fabric by promoting the re-use of existing buildings and limiting suburban sprawl through the encouragement of infill development in core areas of the City.



Table Exercise at Public Input Session



Downtown Fayetteville



Goal 1: We will make appropriate infill and revitalization our highest priorities.

Encouraging appropriate infill and revitalization as a top priority will allow Fayetteville to maintain its unique character and minimize the impacts of sprawl. There are numerous areas throughout the City where opportunities for appropriate infill development exist. By making infill a priority, the City should also consider mechanisms to ensure quality development and promote appropriate development that reflects the existing community character of Fayetteville's neighborhoods. In order to realize appropriate infill development and revitalization opportunities, it is necessary for the City to inventory and map the locations of vacant or underutilized land. The City can then promote the inventoried opportunities to new investors.



Examples of residential and commercial infill & revitalization



*Southgate Shopping Center Infill,
From the Walker Park Master Plan*



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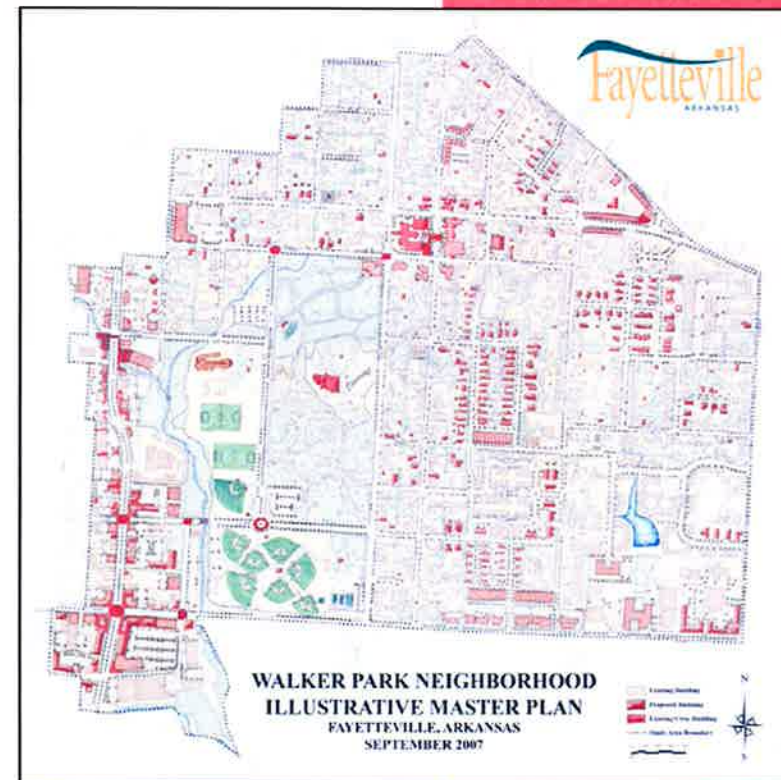
Objectives:

a. *Allow as-of-right development in designated locations*

As-of-right development in infill locations can lower the cost of development by removing uncertainty and speeding the approval process. The best way to achieve as-of-right development is to prepare specific area plans and revise the land development regulations to allow for the type of growth and development the community desires.

b. *Recognize the benefits and cost savings of utility and road infrastructure that exists in the core of the city and develop a fee structure that benefits infill over greenfield development*

Impact fees must have a rational nexus to the actual impact of development. The current fee structure is the same for infill as for greenfield development placed far from the urban core. Dispersed development requires more infrastructure per unit resulting in higher per unit costs, and additional maintenance costs. Development in the city core has access to existing infrastructure that is already available and currently maintained. There are definitely impacts from infill development, but when such development encourages walking and alternate transit use that reduces the burden on the existing transportation system, a lower fee or exemption may be warranted.

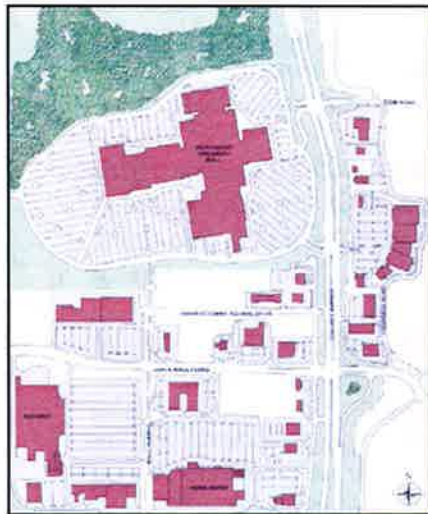


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c. Convert shopping centers & commercial corridors to mixed-use centers, adding residences, offices, & lodging

The infill of existing centers and corridors allows the economic re-capture of land value for the developer while producing development that shortens trips for residents and uses existing infrastructure. This strategy for converting shopping centers into mixed-use centers has been used by national developers and shopping center owners. A variety of uses creates the ability to live, work, shop and have daily needs and services met within walking distance. It is important to encourage and provide more opportunities for people to live and work in the City. Encouraging a balance of people living and working in the same area has several benefits, including: less daily trips that rely on the regional road network; increased support for local businesses; and a greater variety of housing options for Fayetteville residents.



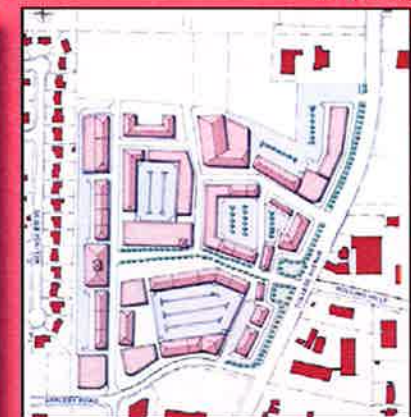
Uptown 2006



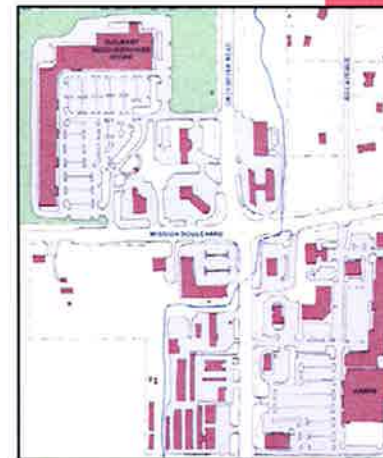
Uptown 2030



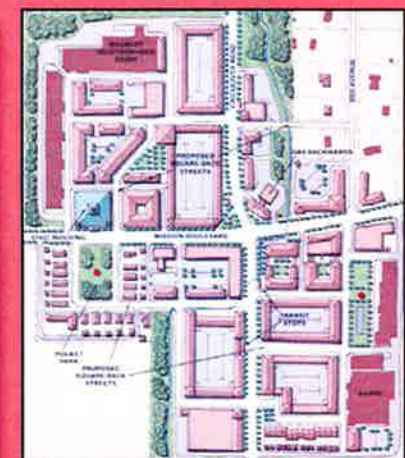
Fiesta Square 2006



Fiesta Square 2030



Mission & Crossover 2006



Mission & Crossover 2030

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d. Promote densest development around logical future transit stops

Transit requires density. In a study undertaken for the Portland Metro Area Westside Light Rail, a literature review demonstrated that mode capture was greatest within walking distance of the station (30 percent) and fell off as distance increased with very low capture outside of a mile radius unless park-and-ride facilities were provided. The implication is that providing transit requires the greatest concentration of housing and jobs to be within walking distance of transit stations. For this purpose, such development should be within a quarter-mile of the transit facility. If transit is to serve a regional function, the densest development should be located in the vicinity of transit stations to ensure an effective and well-used system.

e. Reinvest in parks, streets, & civic buildings within the heart of the city

The tree-lined streets, parks, and historic civic buildings found in Fayetteville's older neighborhoods greatly contribute to the unique community character and high quality of life that residents treasure. Preservation of our tree-lined streets and parks and adaptive reuse of our historic civic buildings will maintain the community's cultural identity.



Reinvestment in the City core



*North & Leverett,
2030 Transit-worthy design*

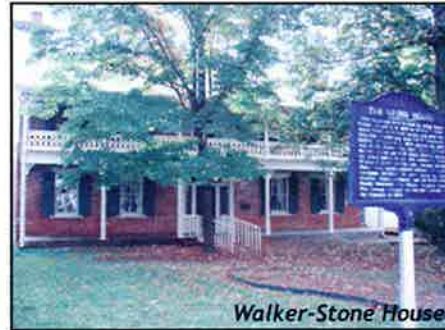
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f. Encourage historic preservation & adaptive re-use of buildings

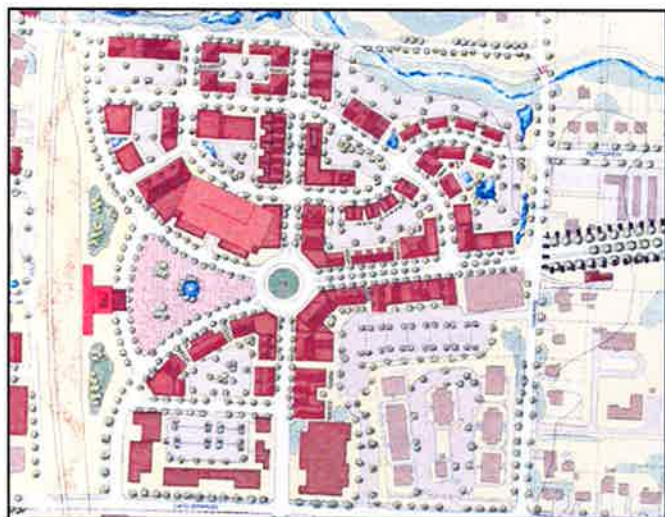
Historic preservation is crucial in retaining a community's character, identity, and evolution. Preservation and restoration can be an effective tool for economic development and revitalization, achieving urban sustainability through reducing waste and emissions, and maintaining property values. Recent calculations indicate that it takes 35 to 50 years for a new energy efficient building to save the amount of energy lost in demolishing an existing building (National Trust for Historic Preservation).

Preservation and adaptive reuse of Fayetteville's historically significant structures and landscapes should be encouraged and achieved by a variety of methods, such as public education and outreach, establishing local historic districts, accepting façade easements, and amending the City's zoning and development regulations.



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- g. *Encourage new development that supports and complements the unique characteristics and economic values of employment clusters in and around downtown, the U of A, the north end, the rail corridor, Drake Field and the Industrial Park.*



Fayette Junction Illustrative Plan showing mixed use/transit oriented development

- h. *Determine feasibility of a tiered impact fee system.*

A tiered impact fee system requires new development to pay its proportionate share of the costs to the municipality associated with providing necessary public services to the development based on its location. Phoenix, Arizona, Bellevue, Washington, Kansas City, Missouri and Conway, Arkansas have all implemented an impact fee system where the fee varies depending on where the development is proposed.



University of Arkansas Sports Complex



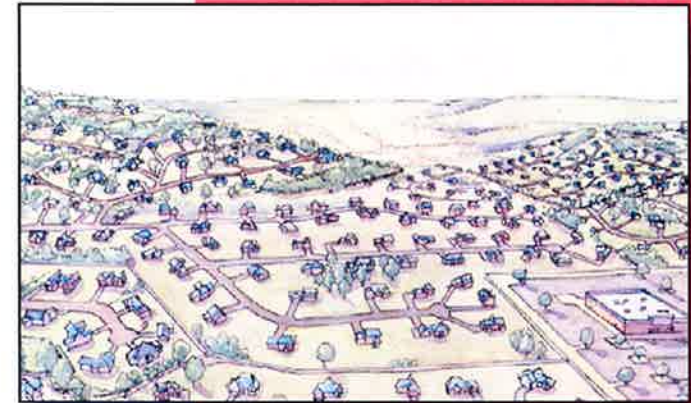
3-D model of proposed Fayette Junction build-out

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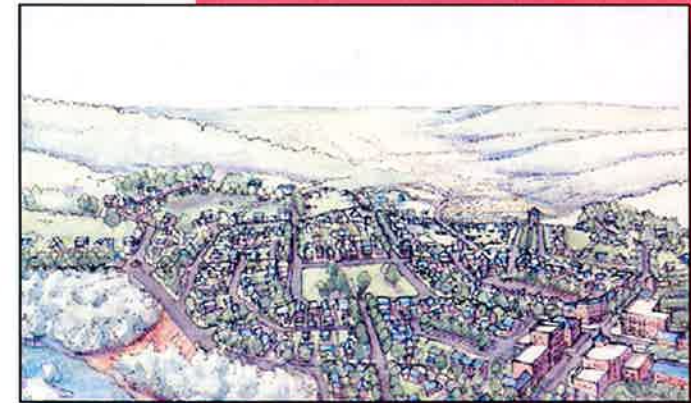
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Goal 2: We will discourage suburban sprawl.

As Fayetteville's population continues to increase, the city must continue to work with the community and enact regulations to discourage suburban sprawl. For decades, zoning practices have supported a separation of land uses; in doing so, development has spread across the natural landscape and made people solely dependent on the automobile to get from here to there. The impacts of sprawl have caused increased traffic congestion, as well as health problems relating to obesity and the lack of highly walkable places in communities. To counter suburban sprawl, the city should employ a Smart Growth strategy for handling new development. This update to the Comprehensive Plan is a step in the right direction for combating sprawl. Based on input received from the community throughout the planning process, it is apparent that Fayetteville residents want to maintain a high quality of life and support increased growth in the center of the city and limit growth on the edges of the city.



Sprawl Development Pattern



Traditional Development Pattern

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Objectives:

a. Pursue a transfer of development rights program, or other tools that compensate land owners for land preservation

Transfer of development rights can be used to reimburse property owners whose land is better used for open space, institutional use or low density by allowing the sale of density rights to parcels where the higher density is desired. This is important because it allows the City to zone density selectively where it is desired while compensating property owners whose land would otherwise have gone into suburban development in far-flung or inappropriate locations.

b. Develop alternative development patterns that encourage efficient use of land at the edge of the city, or in newly annexed areas

Development techniques such as conservation subdivisions allow the same number of homes as a conventional subdivision, often with reduced infrastructure costs, while also preserving open space, valuable farm land, and natural resources.

c. Direct capital improvements into infrastructure that encourages and supports infill and revitalization

Replacing and upgrading aged infrastructure in the core of the city provides improved service and fire protection for residents and businesses. Additionally, these improvements can provide a financial incentive for revitalization projects instead of extending new services into greenfield areas.

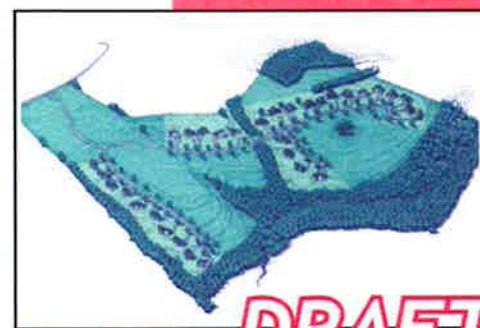
d. Maximum City influence over development and preservation in outlying unincorporated areas



Sprawl Development Pattern

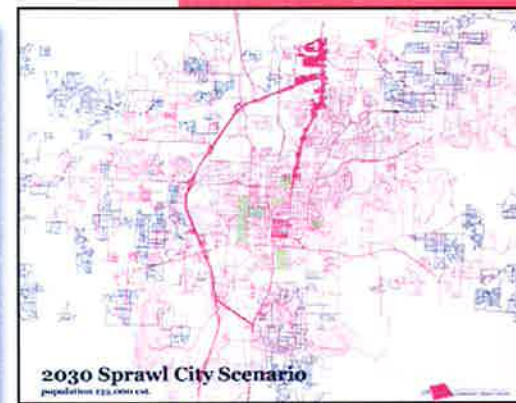
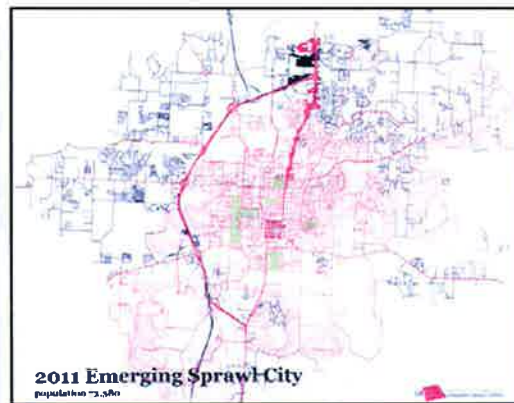
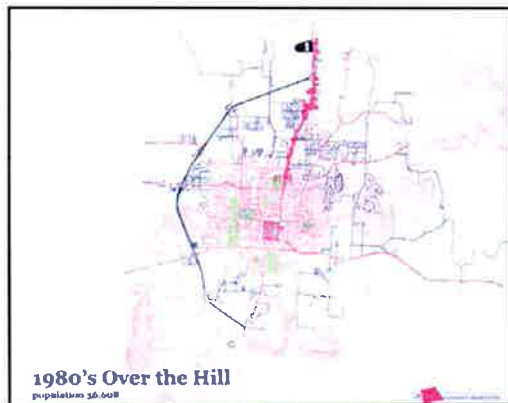
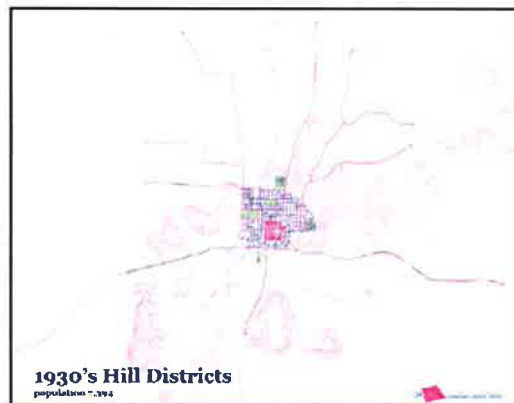
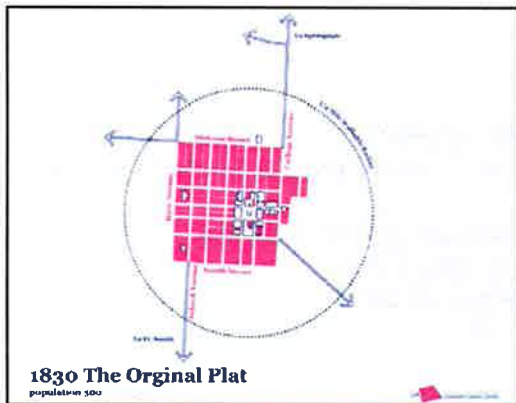


Conservation Development Pattern



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Source: "Conservation Design for Subdivisions" by Randall G. Arendt

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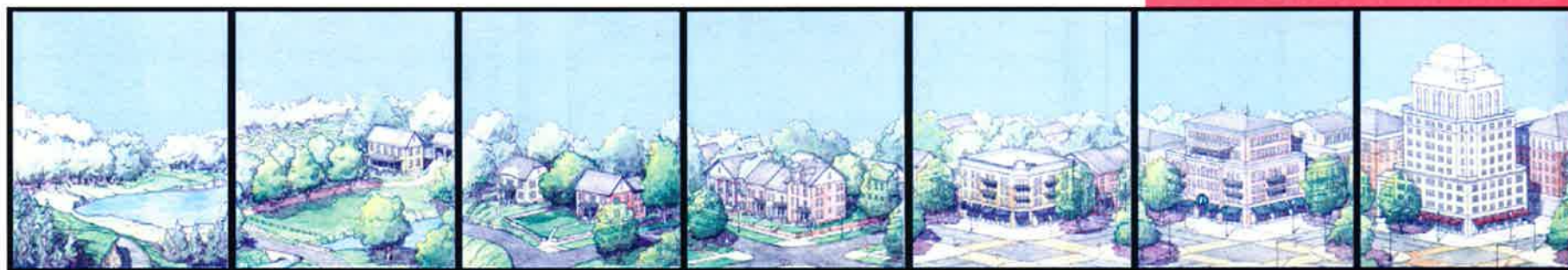
Fayetteville's growth over time. Images courtesy of University of Arkansas Community Design Center.

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Goal 3: We will make traditional town form the standard.

As cities grow, it is natural to add or fill-in existing neighborhoods and to build new neighborhoods. Whether completing an existing neighborhood or creating a new one, it is important to keep the entire neighborhood unit in mind - meaning, you don't just create a single use development, but that you create a place that has more of the things that people need every day. A complete neighborhood contains not just houses, but a mix of uses that are adaptable for change over time. The houses that are included are not just one type; they are a range of housing types that occur on a variety of lot sizes. A variety of uses within a neighborhood creates the ability to live, work, shop and have daily needs and services within walking distance. As we look to the future of Fayetteville, it is important to encourage and provide more opportunities for people to live and work in the same area. Encouraging a balance of people living and working in the same area has several benefits, including: less daily trips that rely on the regional road network; increased support for local businesses; and new and older homes can provide a greater variety of housing options for Fayetteville.



The Transect- See Illustration p. 10-16

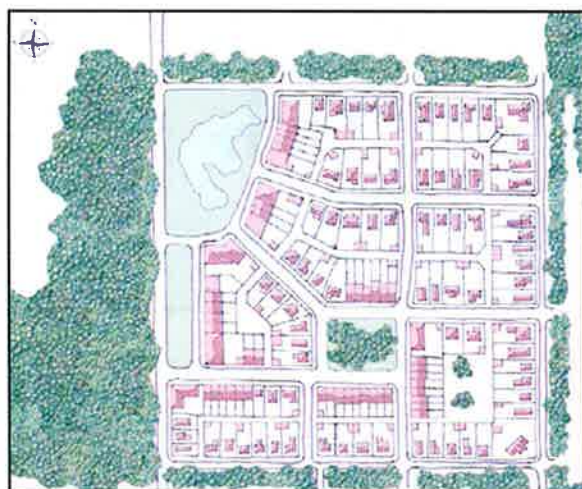
The Transect is a system of ordering human habitats in a range from the most natural to the most urban. The SmartCode is based upon six Transect Zones which describe the physical character of place at any scale, according to the density and intensity of land use and urbanism. These are administratively similar to the landuse zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and the enfronting public streetscape. The elements are determined by their location on the transect scale.

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Objectives:

a. Require new growth that results in neighborhoods, districts and corridors that are:

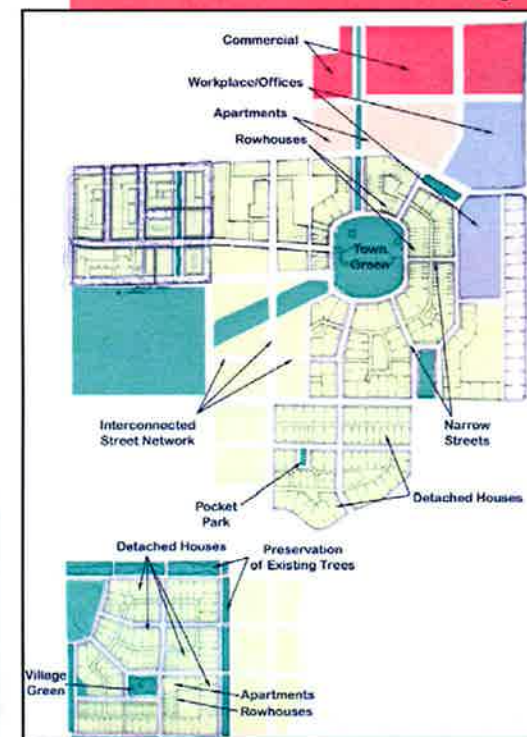
1. **compact** - via denser housing; meaningful open spaces & preserves; small blocks
2. **complete** - via varied housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods
3. **connected** - via street-oriented buildings; interconnected streets; interconnected greenways & trails



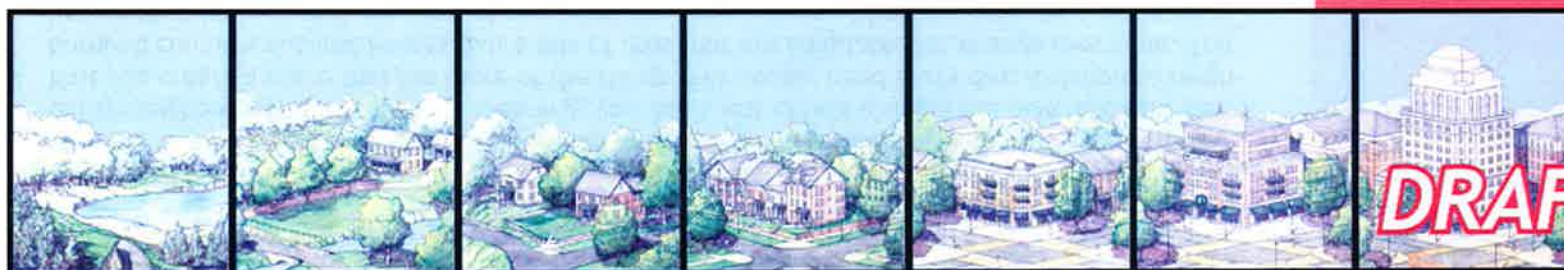
Complete and Connected, Greenfield Development



Compact Greenfield Development



Examples Traditional Neighborhood Development



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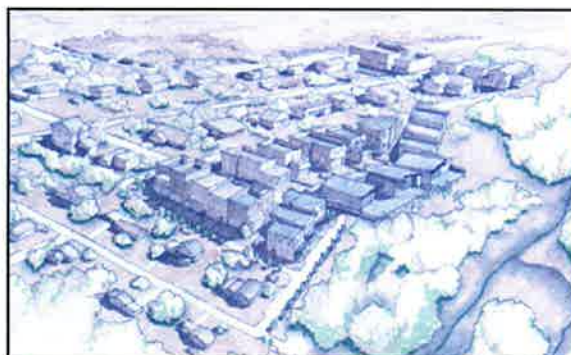
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- b. *Prepare a transit-worthy community: densify in highly walkable areas along logical future transit routes, and anticipate rail, street cars and other alternative transit modes*



Vision for North & Leveret, 2030

- c. *Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space*



Mixed Infill. From the Fayette Junction Master Plan



North Street, Transit Oriented Development

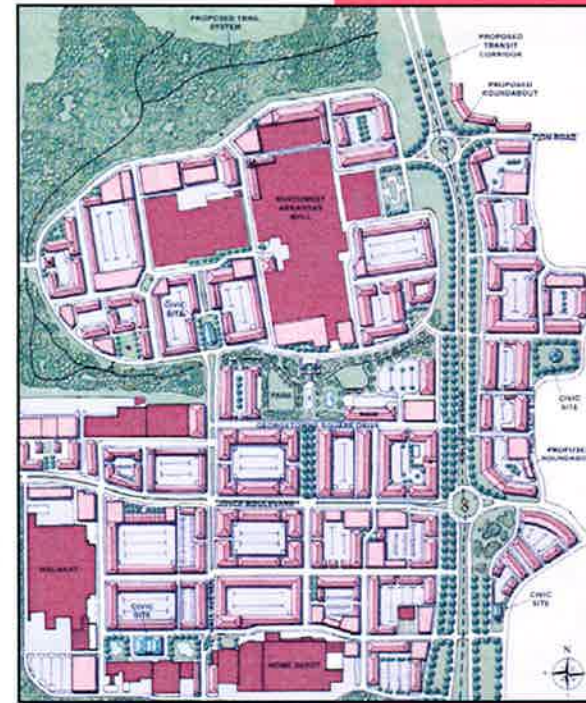
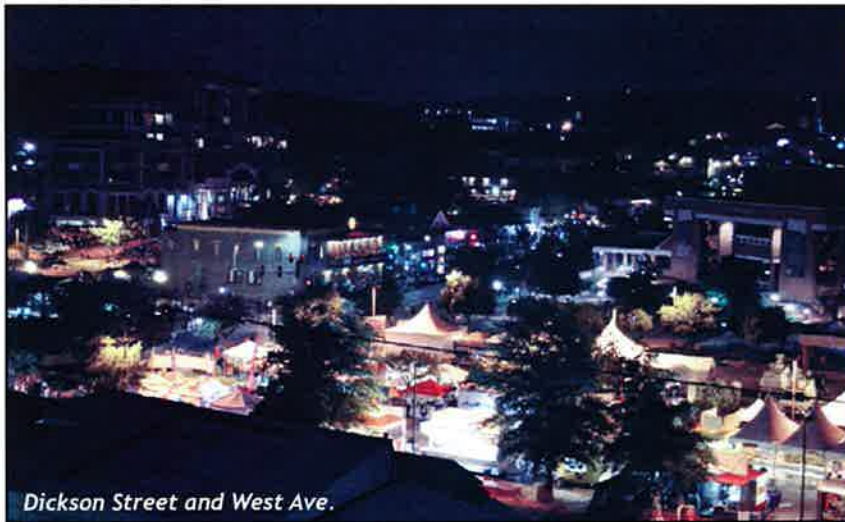


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d. Aggregate employment into mixed use centers with amenities

Single-use business districts should be expanded to include residential, retail, open space, civic and entertainment uses. Mixed-use developments create active urban areas during more hours of the day, increase housing options, reduce auto dependence, and create a local sense of place and a unique destination.



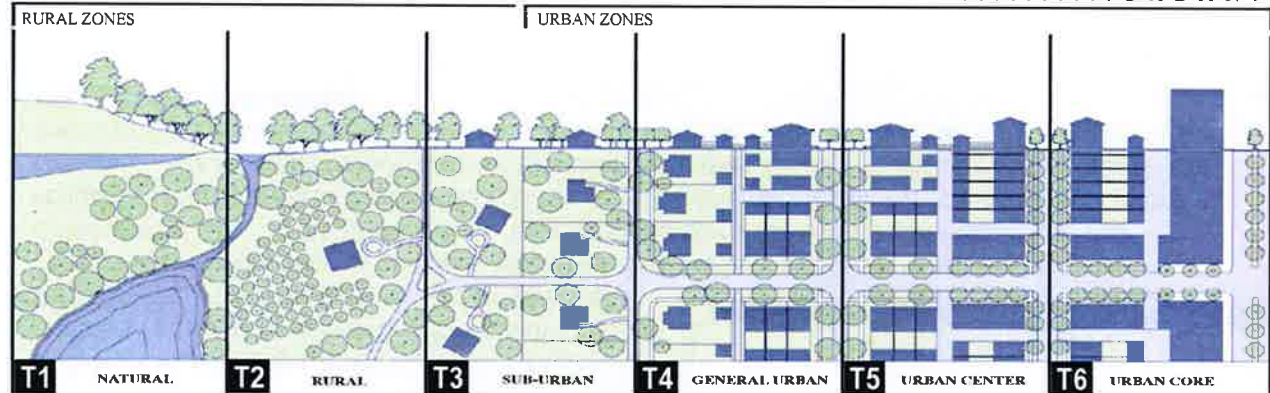
Uptown, 2030



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◀RURAL|||||||||||||||||TRANSECT|||||||||||||||||URBAN▶



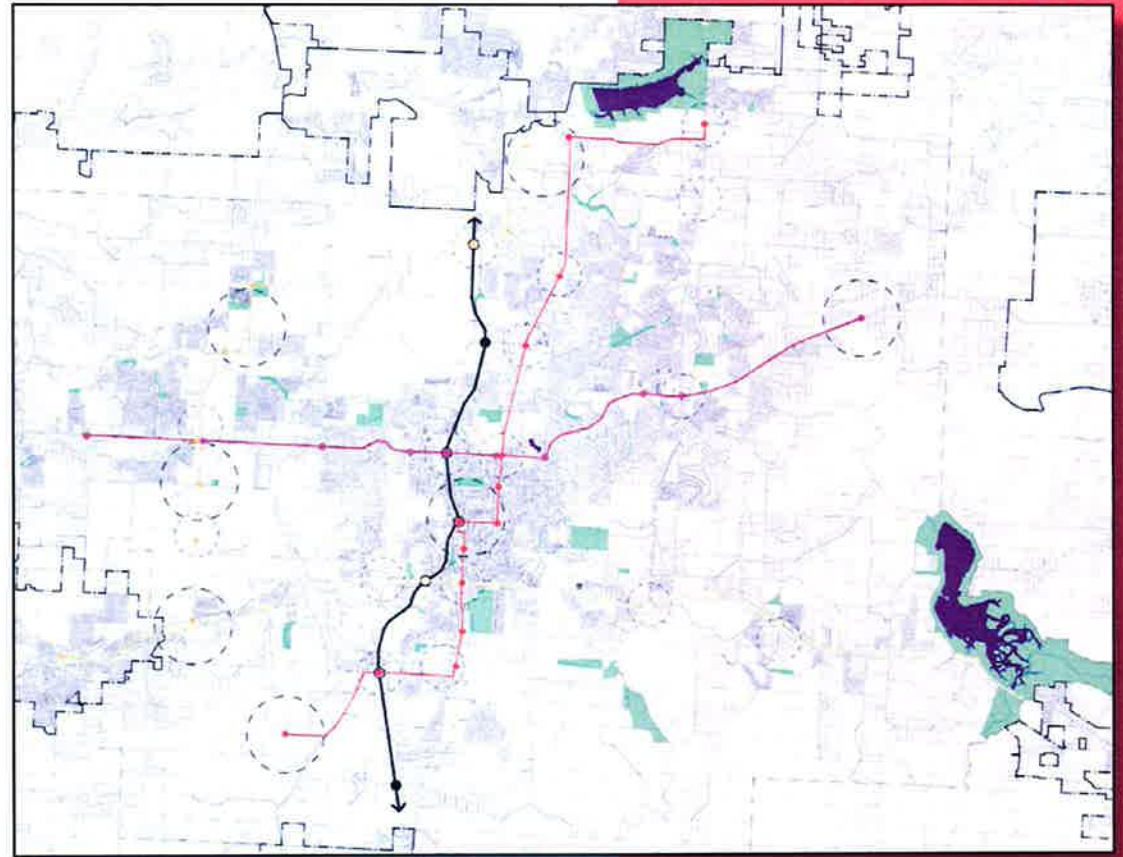
	LESS DENSITY	MORE DENSITY
	LARGER BLOCKS	SMALLER BLOCKS
	PRIMARYLY RESIDENTIAL	PRIMARYLY MIXED-USE
	SMALLER BUILDINGS	LARGER BUILDINGS
	MORE GREENSPACE	MORE HARDSCAPE
	DETACHED BUILDINGS	ATTACHED BUILDINGS
	ROTATED FRONTAGES	ALIGNED FRONTAGES
	YARDS & PORCHES	STOOPS & SHOPFRONTS
	DEEP SETBACKS	SHALLOW SETBACKS
	ARTICULATED MASSING	SIMPLE MASSING
	WOODEN BUILDINGS	MASONRY BUILDINGS
	GENERALLY PITCHED ROOFS	GENERALLY FLAT ROOFS
	SMALL YARD SIGNS	BUILDING-MOUNTED SIGNAGE
	LIVESTOCK	DOMESTIC ANIMALS
	ROADS & LANES	STREETS & ALLEYS
	NARROW PATHS	WIDE SIDEWALKS
	HIGH LOS STANDARDS	LOW LOS STANDARDS
	OPPORTUNISTIC PARKING	DEDICATED PARKING
	LARGER CURB RADII	SMALLER CURB RADII
	OPEN SWALES	RAISED CURBS
	NIGHT SKY	BRIGHT LIGHTING
	MIXED TREE CLUSTERS	ALIGNED STREET TREES
	MORE SILENCE REQUIRED	MORE NOISE ALLOWED
	LOCAL GATHERING PLACES	REGIONAL INSTITUTIONS
	PARKS & GREENS	PLAZAS & SQUARES

Goal 4: We will grow a livable transportation network.

In proposing to add 37,000 residents while maintaining the character of Fayetteville, transportation and congestion are of great concern to residents and businesses. To plan for the future of Fayetteville, the City must consider a multimodal transportation network.

Efficient transit depends upon nodes or concentrations of population and employment that can be served efficiently. At the same time, creating nodes of development is greatly enhanced by the addition of transit. In studying over 60 transit-oriented development areas, it was found that residents and businesses are willing to pay a premium to locate adjacent to fixed guideway transit, *even if they don't use it.** Transit can thus become a tool in the arsenal of economic development to provide incentives for employers and developers to locate in an area. As part of a regional strategy, the city that best makes use of the opportunities of transit by locating transit to capture regional markets can solidify its position in providing entertainment, arts, restaurants, and employment centers within proximity of multiple amenities that are less available in auto-oriented development. The implication is that if Fayetteville plans for transit and installs the prerequisite development, Fayetteville will become the originating hub for transit when funding is available. The strategic importance of this cannot be overstated. Transit allows the creation of employment centers and entertainment and arts districts that can serve an entire region rather than just the local market.

*This is counterintuitive. On a per square foot basis, retail and office rents were approximately ten percent higher than comparable space outside the station area, while residential varied greatly but appeared to have at least a fifteen percent increase in value. Hillsboro Westside Light Rail Study, Leland Consulting Group and ERA, 1994



Bus & Rail Line Map, 2025

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Objectives:

a. Community design should precede and outrank traffic planning

To achieve urban places that encourage (and thrive with) pedestrians as part of the mobility mix, the patterns of proposed development must be specified first, during the community planning stage.

Land use decisions should be the first priorities for cities, with suitable transportation planning to follow. Then, transportation plans for balanced mobility can be crafted with all modes of travel being considered.



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What are your two favorite places (for example, a street scene, neighborhood, landmark, or natural setting) in Fayetteville?

- 1) Wilson Park - friendly, neighborly
- 2) The Square and walk to library

Why? walking is easy and there is beautiful landscaping to look at.

What are your two least favorite places in Fayetteville?

- 1) College Ave.
- 2) Parking lot in Fiestra Square

Why? 1) Death trap - can't cross it safely
2) Very illogical and dangerous

Name at least one other place (around the state, around the nation, or around the world) that you admire as an example of a livable community design: Stockholm - Sweden, Boulder - Colorado, Old Curetta Springs

b. Make walkable, cyclist-friendly road designs with slow design speeds, and block-and-street layouts the standard; walkability is part of the street function

As new streets are added or existing streets are improved, walkability can be maintained through careful application of walkable street sections.



What factors contribute to an excellent pedestrian experience?

Observations & design experience suggest the following prioritized features.

1. Small Block Size
2. Buildings Fronting the Street
3. Mixed Land Use
4. Lower Traffic Speeds
5. On-street Parking
6. Interconnected Streets
7. Sidewalks
8. Lower Traffic Volumes
9. Street Trees

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c. *Plan & construct multiple corridors instead of single oversized ones*

An interconnected network of streets offers motorists a variety of options to get from one destination to the next. Generally, more streets per square mile result in a more open network and drivers can avoid the degree of peak hour congestion that occurs when a limited number of large streets become congested. Two two-lane roads are better than one four-lane road. Traffic can be easily dispersed within a road network, rather than all motorists having to depend on one major thoroughfare.



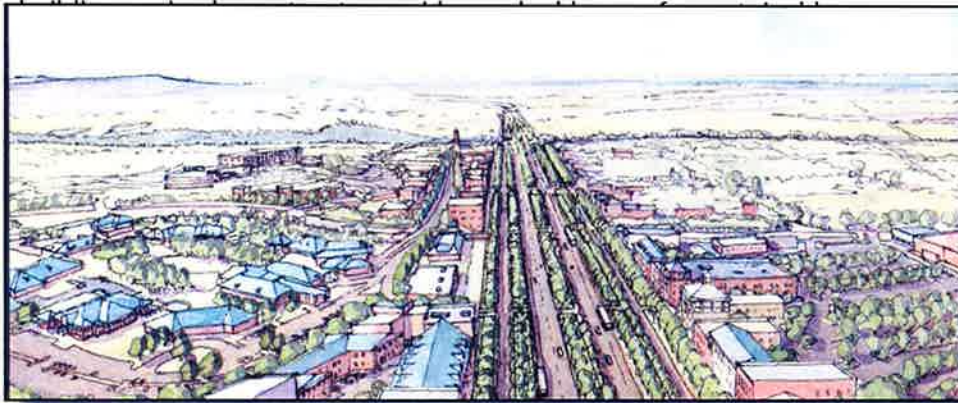
1910 Sanborn Map, Downtown Fayetteville



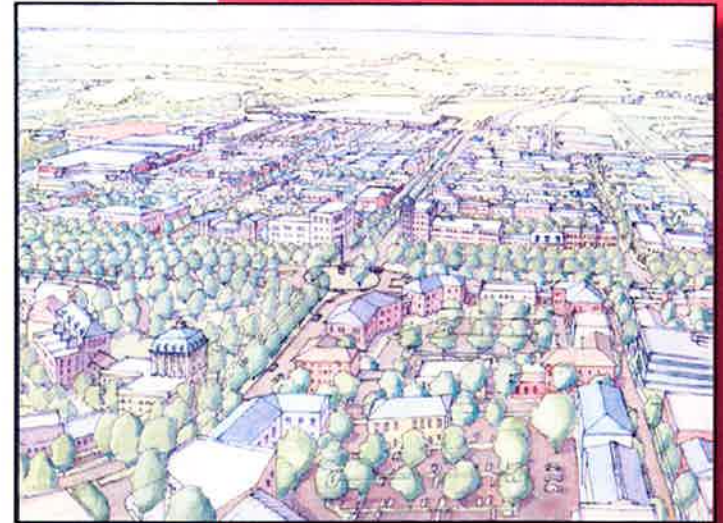
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d. Transform existing corridors into great streets: tree-lined, moderate speed, multi-modal, good addresses

More than any other feature, streets define a community's character. "Great streets" are walkable, accessible to all, interesting, comfortable, safe, and memorable. While great streets accommodate vehicular and pedestrian travel, they are also signature public spaces. Great streets showcase high quality



Fulbright Expressway, 2030



Joyce Boulevard, 2030

e. Develop context sensitive corridor plans for major thoroughfares.

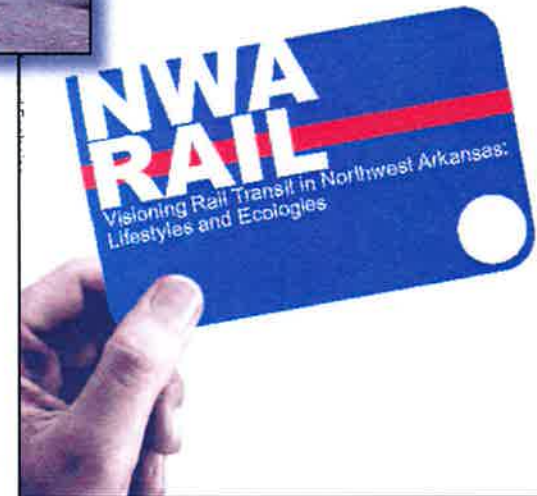
Major thoroughfares are intended to carry heavy traffic volumes, often at high speeds. However, thoroughfares connecting regions vary in context greatly from those that exist within the city. Often these streets travel through established neighborhoods, dense urban environments, or even rural communities. Each of these should be designed to facilitate the necessary traffic volumes, but with respect to

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the surrounding environment.

f. Commit to evolving a rich menu of transi

2007 University of Arkansas Community
Design Center Light Rail Transit Study

g. Develop a partnership with the Arkansas & Missouri Railroad

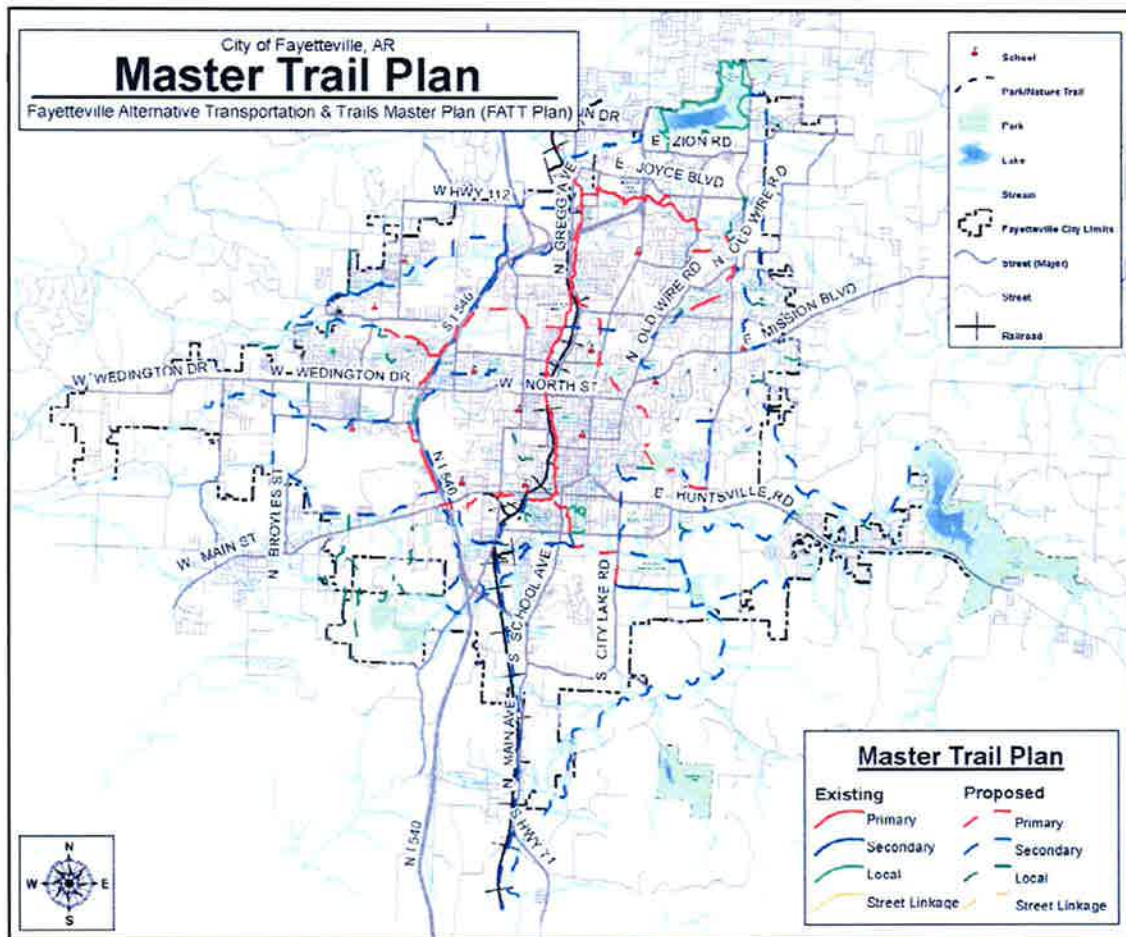
The Arkansas & Missouri Railroad has an established 139-mile rail corridor, providing services to communities from Fort Smith to Missouri. Railroads provide opportunities to transport raw materials and goods without using already congested roadways. And unlike the highway and interstate systems, railroads don't depend on governments to maintain

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or improve infrastructure. There is approximately seven miles of railroad within the City of Fayetteville, providing opportunities for economic development now, and through cooperation with the railroad, additional opportunities in the future.

h. Plan employment in locations with access to walkable amenities and transit rather than in isolated locations



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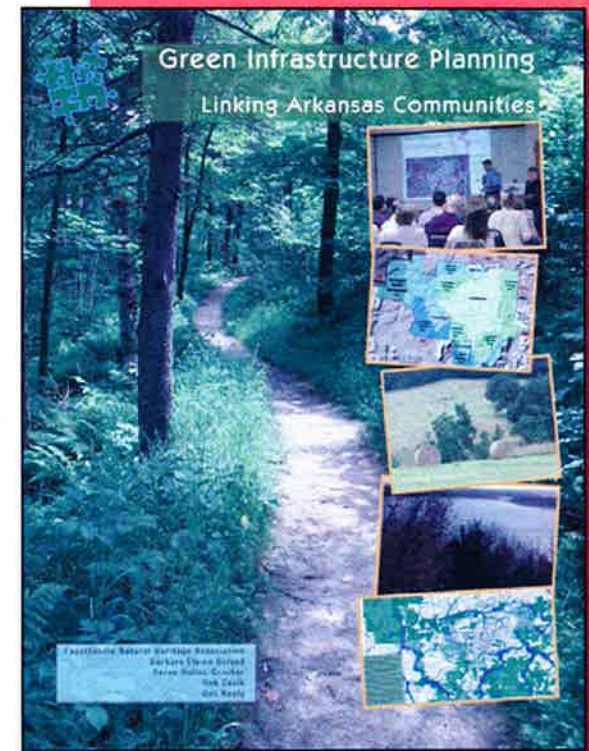
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Goal 5: We will assemble an enduring green network.

"The Enduring Green Network connects people and nature through a mapped system of trails and green infrastructure. This network recognizes and assembles the ecological assets in Fayetteville that need to be preserved while providing a lasting connected corridor for wildlife. The strength, function and appreciation of the Enduring Green Network will develop over time as our community experiences these natural areas and distinct ecosystems." (Description based on public feedback during City Plan 2030 public input sessions.)

The natural environment, and connections with the environment, is part of what makes Fayetteville special. Residents treasure the quality of life associated with living in a place that offers magnificent views and a variety of recreational opportunities. The natural environment of Fayetteville needs to be properly preserved and enhanced. The City of Fayetteville community needs to increase efforts to protect the natural landscape, increase parks and trails, and preserve long views across open green spaces.

A green network helps maintain the community character and quality of life that makes Fayetteville the great city that it is today, and contributes to the economic success and stability of the City. Fayetteville must compete with other cities in the region for population, jobs, and retail sales. It has a number of assets unavailable to the other cities including the University of Arkansas, the Walton Arts Center, Dickson Street, and an intact city core area that is improving and strengthening. One of Fayetteville's overwhelming differences from other cities is the character and quality of the environmental setting. As such, nurturing this setting is of economic benefit to the city, as a quality environment confers value and attracts residents who all get to share in the common amenity. If the City chooses unregulated development that strips away the natural setting or reserves pieces of it for only a select few, it will lose one of its advantages in the regional economic competition. Since this environment is one of the advantages that distinguish Fayetteville from other cities, it can be an important factor in marketing the unique quality of life to future residents and employers.



Fayetteville Natural Heritage Association
Green Infrastructure Study



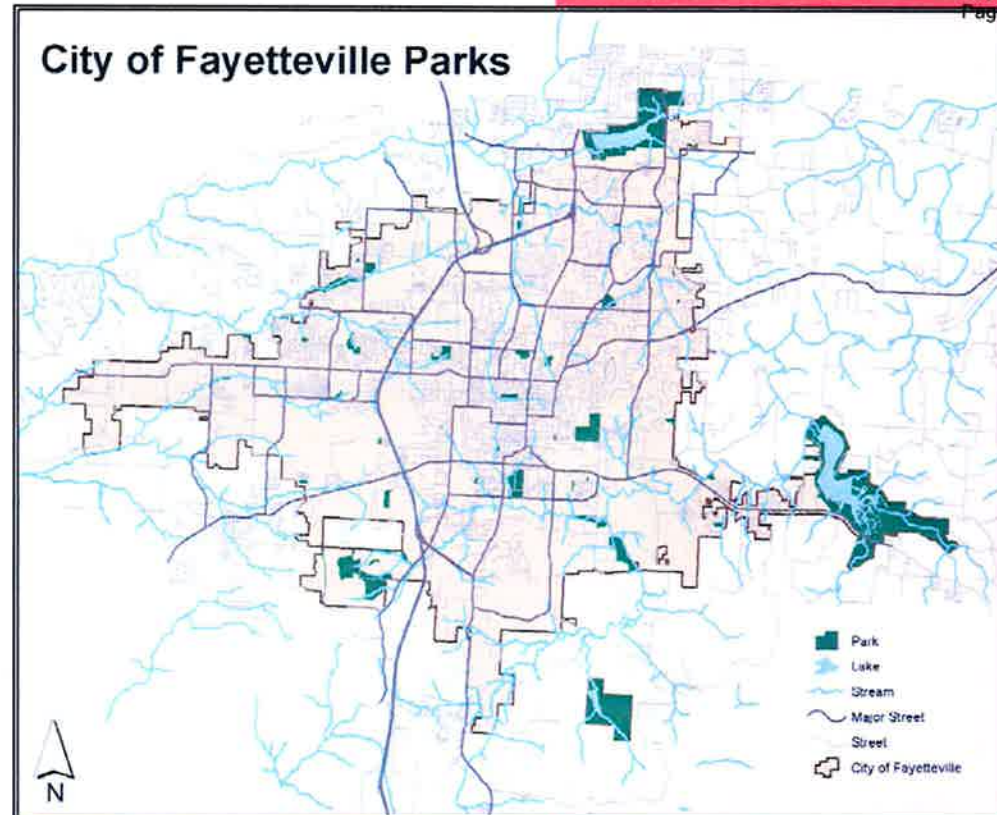
Objectives:

a. Vigilantly nurture a continuum of greenspace, including:

1. riparian buffer areas
2. canopy restoration and protection
3. small neighborhood parks, squares, commons and greenbelts
4. major parks and recreation facilities
5. greenways and trails
6. large-scale preserves for preserving hillsides, protecting natural habitats and water quality, and scenic vistas

b. Strategically plan for and acquire land that can be incorporated into the Enduring Green Network

c. Promote conservation easements and alternative development patterns that encourage efficient use of land

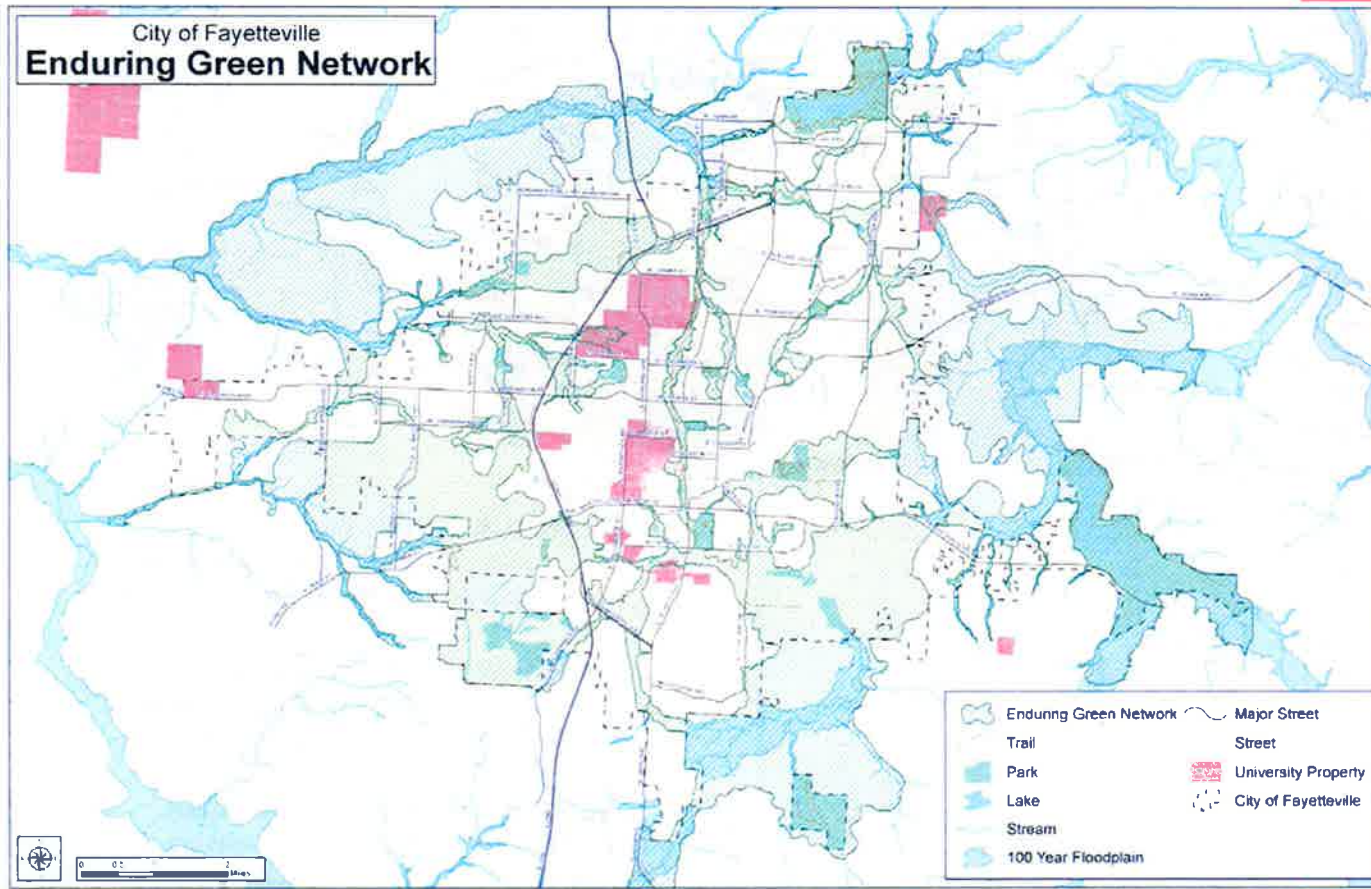


Fayetteville's Enduring Green Network

Fayetteville City Parks

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The Enduring Green Network (EGN) map was created by highlighting existing natural resources, including the 100 year floodplain, parks, and trails, as well as the region's ecological and geographical features that the 2010 Fayetteville Natural Heritage Association Green Infrastructure study found to be important to functioning natural systems. The EGN was mapped as a broad boundary for use in locating possible properties within that could eventually become a continuous network of greenspace and trails. As the EGN is realized it will likely be a narrow corridor connecting larger open spaces. This map will be used as one of many tools to inform planners on land use decisions, park planners during the parkland acquisition process, and a guide for planning future trail corridors, as well as a resource for policy makers to prioritize land for preservation or conservation.

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Goal 6: We will create opportunities for attainable housing.

Attainable housing typically refers to housing needed by those who make more than the income limit established for federal subsidies but still struggle in the current housing market. Rising land costs coupled with rapid growth in Fayetteville has resulted in a gap between the supply of attainable housing and the demand.

Housing also forms neighborhood identity and contributes to a sense of place. Creating opportunities for a variety of housing types, sizes and densities in all of Fayetteville's neighborhoods will help to accommodate a diverse population that significantly impacts the City's growing economy, preserve the City's sense of place, and meet our community's evolving housing needs.

Zoning District	Dwelling Type(s)	Percentage of Residential Zoned land 2010
RSF-4	Single- or Two-family	77.3%
RSF-7	Single- or Two-family	0.3%
RSF-8	Single- or Two-family	1.18%
NC	Single-, Two-, or Three-family	1.17%
RT-12	Single-, Two-, or Three-family	1.96%
RMF-6	Single-, Two-, Three-, or Multi-family	0.45%
RMF-12	Single-, Two-, Three-, or Multi-family	0.58%
RMF-18	Single-, Two-, Three-, or Multi-family	0.15%
RMF-24	Single-, Two-, Three-, or Multi-family	14.7%
RMF-40	Single-, Two-, Three-, or Multi-family	2.1%
Residential Zoning Acres in Fayetteville 2010		



Walker Family Residential Community



Accessory Dwelling Unit

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Objectives:

a. *Increase housing choices by encouraging a mixture of housing types and sizes and disperse throughout the city.*

Varied housing types promote mixed-income neighborhoods and vibrant communities where attainable housing does not exist in isolation. These neighborhoods reflect traditional urban neighborhoods where households of varying economic means are integrated in the same neighborhood, allowing residents to age in place.

b. *Maintain the quality and quantity of existing attainable housing.*

The City of Fayetteville contains a number of homes that due to the size and date of construction are relatively affordable to own - compared to constructing a similar sized unit with today's land and construction costs. However, older housing units are not usually energy efficient, and without proper care, will begin to decrease in quality. Allowing these homes to fall into disrepair can force families to leave, resulting in the loss of their primary investment. Dilapidated homes can also hurt values for surrounding properties and even entire neighborhoods.

c. *Establish partnerships with non-profit and private entities to facilitate the development of attainable workforce housing.*

Planning tools address a component of an attainable housing solution. A comprehensive approach to increasing the attainable housing available requires multiple partnerships among the public, non-profit and private sectors. However, attainable housing should not be grouped or focused in any particular area of the city, and should always respect the scale of surrounding developments.

d. *Make housing relatively more affordable by influencing cost of living items such as utilities and transportation.*

Complete, compact and connected neighborhoods are pedestrian-friendly and provide everyday services within walking distance, allowing residents to reduce transportation costs, which could positively affect their ability to obtain housing. Likewise, programs that support energy efficient housing and home energy retrofits reduce monthly utility bills and overall cost-of-living expenses.

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Action Steps:

Action steps are specific measures that the City pursues to implement the above stated goals and policies. While some action steps are ongoing, most have an identifiable time frame for completion in the next five years.

Create a complete neighborhood or corridor plan every other year utilizing a charrette process, and analyze water and sewer capacity to identify opportunities or limitations for development. (Goals 1, 4 & 6)

The City should designate areas within the current city boundaries for developing neighborhood and corridor plans. By working with the community to establish a clear vision for each sector of the city, a plan and corresponding revision to the land development regulations could be adopted. By adopting a plan and code that the community supports, as-of-right development could be supported. Complete neighborhood plans in the core of Fayetteville could also be used to provide density bonuses for developers who designate a percentage of their development for attainable housing or “green” buildings.

Evaluate the intent of the nonconforming section of the Unified Development Code, and provide opportunities for preservation and creative reuse of existing buildings that contribute to neighborhood character. (Goals 1 & 2)

Modify water and sewer growth models based on the Future Land Use Map. (Goals 1 & 2)

Continue to develop and implement form-based codes that establish clear design standards and assure neighbors that new development will be desirable and compatible. (Goals 1, 3, 4 & 6)

Appropriate regulations that are supportive of community endorsed planning policies can encourage development by providing clarity and certainty. A zoning process that requires additional hearings and variances increases the risk of time and money to developers but has not proven effective in guaranteeing the desired results. By establishing clear standards that support the City’s vision and providing a visual guide to design criteria, investors can be certain that their project will be approved if they follow the rules.

A Form-Based Code is a land development regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of “place”.



City Plan 2030 Public Input Session

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Conventional zoning primarily controls land use, through abstract regulatory statistics, which can result in very different physical environments. The base principle of form-based coding is that design is more important than use. Simple and clear graphic prescriptions for building height, how a building is placed on its site, and building elements are used to manage development. Land use is not ignored but regulated using broad parameters that can better respond to market economics, while also prohibiting incompatible uses.

A Form-Based district would allow as-of-right development of property in congruence with standards set forth in the code. The new code would streamline the process of getting projects approved because of the investment in public process and consensus that the code incorporates.

Utilize the Historic District Commission. (Goals 1,2 & 3)

Utilize the Historic District Commission as a resource for public outreach, establishing and expanding National Register historic districts, and incorporating historic preservation in the City's design regulations for infill and new development in historic neighborhoods. Create incentives for preserving and reusing existing historic structures.

Explore the possibility of establishing local historic districts for properties that do not qualify for the National Register of Historic Places but still embody local historic significance. Lead by example - establish local ordinance districts to preserve existing historic City-owned structures.

Adopt a tiered impact fee system. (Goals 1& 2)

A tiered impact fee system requires new development to pay its proportionate share of the costs to the municipality associated with providing necessary public services to the development based on its location. Phoenix, Arizona, Bellevue, Washington, Kansas City, Missouri and Conway, Arkansas have all implemented an impact fee system where the fee varies depending on where the development is proposed.

Form a coalition of cities and organizations in Arkansas that support a Transfer of Development Rights (TDR) program, and then identify elected officials within the state legislature to introduce TDR enabling legislation. (Goal 1, 2 & 6)

A transfer of development rights (TDR) program uses market forces to promote conservation in high value natural or open space areas while encouraging density or infill development in designated areas. TDR programs have been utilized around the country since 1980, and 22 states have enacted legislation to support TDR programs, while 6 currently have proposed legislation. In a TDR program, a community identifies an area within its boundaries that it would like to see protected from development (the sending zone) and another area where the community desires more urban



Clinton House Museum

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style development (the receiving zone). Landowners in the sending zone are allocated a number of development credits that can be sold to developers or the community itself. In return for selling their development credits, the landowner in the sending zone agrees to place a permanent conservation easement on his or her land. Meanwhile, the purchaser of the development credits can apply them to develop at a higher density than otherwise allowed on property within the receiving zone.

Develop a conservation development ordinance, or other development form for rural properties, or those with environmentally sensitive features. (Goal 2 & 5)

Conservation neighborhoods and other flexible site design techniques allow for the development of housing, streets and utilities in a more economical and efficient manner, and consume less open land, protect wildlife habitat, waterways, natural resources and agricultural lands.

Increase lot size requirements within the planning area to meet County zoning. (Goal 2)

The City's current development regulations do little to discourage development in the Planning Area, currently allowing up to four units per acre, a quarter of the size currently permitted in the County. However, the County's one acre minimum may be varied, allowing much denser development in areas that typically lack the infrastructure necessary to support auto-dependent suburban development. Additionally, these developments may result in additional utility infrastructure maintenance, and eventually lead to the City annexing individual or community septic systems.

Develop internal processes to align funding, development and planning of city infrastructure with the goals of City Plan 2030. (Goal 1 & 2)

The Capital Improvement Plan and Transportation Improvement Bond Program are important planning and development tools that address major capital improvements of the City. However, these programs, if not thoroughly analyzed, may have the unintended consequence of subsidizing development in rural areas that are not in line with the policies of City Plan 2030.

City staff should put forward proposals for funding that reflect the policies and goals of City Plan, directing investments into areas where growth is not only being encouraged, but where redevelopment is expected and existing infrastructure is inadequate to support new growth.

Identify existing properties that are vacant or prime for redevelopment and initiate rezoning discussions with property owners. (Goal 1, 2 & 3)

The city must promote infill, revitalization and traditional town form. Strip commercial development encouraged by conventional zoning has been the predominant development



Vacant Restaurant Building



form for the last 50 years. Major thoroughfares such as College Avenue, Martin Luther King Jr. Boulevard, and South School Ave. are prime examples of this form, but there is much opportunity for redevelopment now and in the future. The first step is to inventory and map the locations of vacant or underutilized property, and properties where buildings are approaching the end of their lifespan. Individual property owners should then be contacted and provided information regarding development opportunities. The City should also publicize these redevelopment opportunities and offer incentives for rezoning to form-based districts.

Pursue investment and transformation of the Fayetteville Expressway Economic Development Corridor. (Goal 1, 2 & 4)

The Fayetteville Expressway Economic Development Corridor is the most congested travel corridor in the region, carrying over 166,000 vehicles per day. The Corridor is generally bound on the north by Great House Springs Road/Main Street, on the west by Interstate I-540, on the east by North College Avenue, and the south by Millsap/Futtrall Avenue. Public and private investment within this area would increase land value, generating “great addresses” and allow the area to accommodate multiple modes of travel.

Develop alley design standards and regulations that enable all developers to utilize the Master Street Plan cross-section while meeting Fire Department and Solid Waste Division requirements. (Goal 3 & 4).

Evaluate existing street design speed, operating speed and posted speed limits, to ensure that each is appropriate based on the roadway design and context of the surrounding environment. (Goal 4)

Support rezoning proposals that result in increased density around logical future transit stops, rail corridors and major transportation corridors. (Goal 4)

Support development and redevelopment opportunities along the existing rail line and determine locations for expanding rail service to service industrial destinations such as the Fayetteville Industrial Park. (Goal 4)

Include public transportation providers in the design phase of new street projects and determine if there is a current or future need for benches, shelters, or bus turn-offs. (Goal 4)



Industrial Use Along Existing Rail Line

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Local transportation providers often have funds available for amenities that promote and improve public transportation services. However, it is often more challenging and expensive to add these facilities to existing streets. Therefore, consideration should be given to these facilities during the design of new streets, or major street improvements.

Use the Enduring Green Network boundary map as a tool when making decisions on parkland acceptance and acquisition; offsite tree preservation; and when updating the Master Trail Plan. (Goal 4 & 5)

Develop a system of metrics for the city to evaluate and prioritize properties for inclusion in the enduring green network. (Goal 5)

Grow the Community Revolving Loan Fund to a value that allows the energy efficiency program to be expanded to serve the small business and residential sectors, and pursue new funding that compliments the Community Development Block Grant program, and when necessary, provide staff support to obtain and administer these funds. (Goal 6)

Develop educational materials for homeowners, describing benefits and opportunities for improving energy efficiency and reducing monthly utility costs. (Goal 6)

Utilizing public meetings, town hall events, the Local Government Channel, appointed committees, and other outreach methods, City staff will educate residents on energy efficiency opportunities from local, state, and national sources. Opportunities include Federal tax credits and state rebates for energy efficiency and renewable energy, low income weatherization programs, energy efficiency rebates through local utilities, and the City's Revolving Loan Fund.

Determine the feasibility of a Local Housing Trust Fund and Land Bank. (Goal 6)

Develop a cottage development ordinance. (Goal 1, 2 & 6)

Cottage developments encourage innovation and variety in housing while ensuring compatibility with established neighborhoods, and provide opportunities for ownership of detached single-family dwellings for a population diverse in age, income and household size.

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City Plan 2030 Benchmarks

Short Term 2011-2013

Develop a conservation development ordinance, or other development form for rural properties, or those with environmentally sensitive features. <i>(Goal 2 & 5)</i>
Increase lot size requirements within the planning area to meet County zoning. <i>(Goal 2)</i>
Develop internal processes to align funding, development and planning of city infrastructure with the goals of City Plan 2030. <i>(Goal 1 & 2)</i>
Develop alley design standards and regulations that enable all developers to utilize the Master Street Plan cross-section while meeting Fire Department and Solid Waste Division requirements. <i>(Goal 3 & 4).</i>
Identify existing properties that are vacant or prime for redevelopment and initiate form-based rezoning discussions with property owners. <i>(Goal 1, 2 & 3)</i>
Use the Enduring Green Network boundary map as a tool when making decisions on parkland acceptance and acquisition, off-site tree preservation, and when updating the Master Trail Plan <i>(Goal 4 & 5)</i>
Develop a system of metrics for the city to evaluate and prioritize properties for inclusion in the enduring green network. <i>(Goal 5)</i>
Develop educational materials for homeowners, describing benefits and opportunities for improving energy efficiency and reducing monthly utility costs. <i>(Goal 6)</i>
Grow the Community Revolving Loan Fund to a value that allows the energy efficiency program to be expanded to serve the small business and residential sectors, and pursue new funding that complements the Community Development Block Grant program, and when necessary, provides staff support to obtain and administer these funds. <i>(Goal 6)</i>
Develop a cottage development ordinance. <i>(Goal 1, 2 & 6)</i>
Evaluate the intent of the nonconforming section of the Unified Development Code, and provide opportunities for preservation and creative reuse of existing buildings that contribute to neighborhood character. <i>(Goals 1 and 2)</i>
Continue to develop and implement form-based codes that establish clear design standards and assure neighbors that new development will be desirable and compatible. <i>(Goals 1, 3, 4 & 6)</i>
Determine the feasibility of a Local Housing Trust Fund and Land Bank. <i>(Goal 6)</i>

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Long Term 2013-2015

Utilize the Historic District Commission. *(Goals 1, 2 and 3)*

Adopt a tiered impact fee system. *(Goals 1 and 2)*

Form a coalition of cities and organizations in Arkansas that support a Transfer of Development Rights (TDR) program, and then identify elected officials within the state legislature to introduce TDR enabling legislation. *(Goal 1, 2 & 6)*

Evaluate existing street design speed, operating speed and posted speed limits, to ensure that each is appropriate based on the roadway design and context of the surrounding environment. *(Goal 4)*

On-going

Create a complete neighborhood or street corridor plan every other year utilizing a charrette process, and analyze water and sewer capacity to identify opportunities or limitations for development. *(Goal 1, 4 & 6)*

Support rezoning proposals that result in increased density around logical future transit stops, rail corridors and major transportation corridors. *(Goal 4)*

Support development and redevelopment opportunities along the existing rail line and determine locations for expanding rail service to service industrial destinations such as the Fayetteville Industrial Park. *(Goal 4)*

Pursue investment and transformation of the Fayetteville Economic Development Corridor. *(Goal 1, 2 & 4)*

Include public transportation providers in the design phase of new street projects and determine if there is a current or future need for benches, shelters, or bus turn-offs. *(Goal 4)*

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Economic Analysis

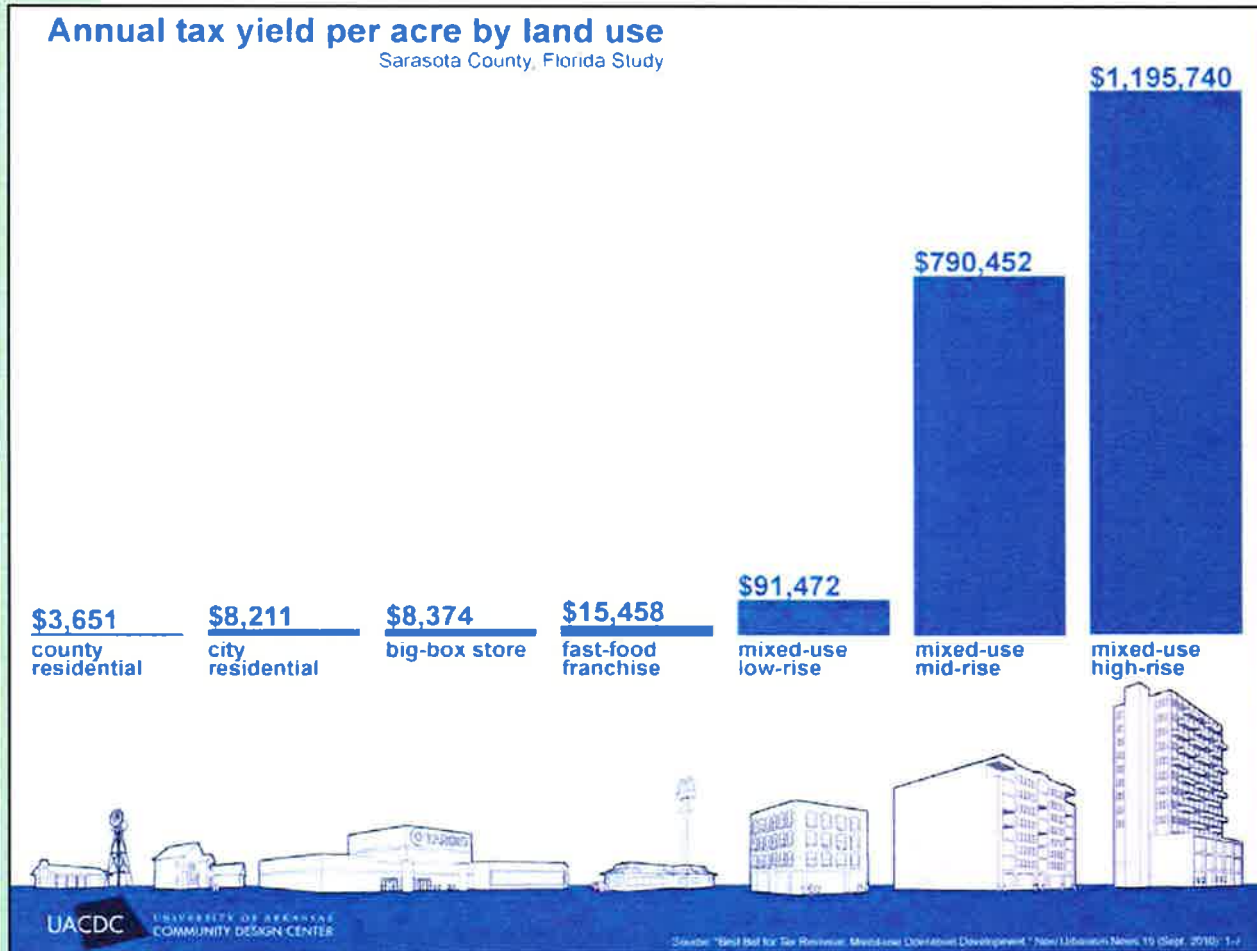


Image courtesy of University of Arkansas Community Design Center.

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The Economics of the City Plan 2030

A review of the economic impact of growth pattern options shows that implementing the City Plan 2030 strategies will have positive effects on businesses and public services.

The economic impacts of development growth may vary widely and are closely associated with land use patterns. The strategic and long-range planning of infrastructure, land use, and the intensity and density of development will positively influence the economic vitality of business and public services.

GROWTH PATTERNS.

The original pattern on which the City was laid out was a compact plan, using gridded streets with the town square at the center. This pattern continued up until the middle of the twentieth century, as the City continued to grow. The development pattern in the years leading up to World War II was typically more compact and well connected; for the purpose of this analysis we called this area the Inner Core. In the post war years the City's dominant development pattern was auto oriented, often disconnected with rigid land use separations. Areas adjacent to the Inner Core, because of their close proximity, represent much of the development that occurred from the 1940's to the 1980's. We called this area the Outer Core. The rest of the City is designated as the Non-Core area.

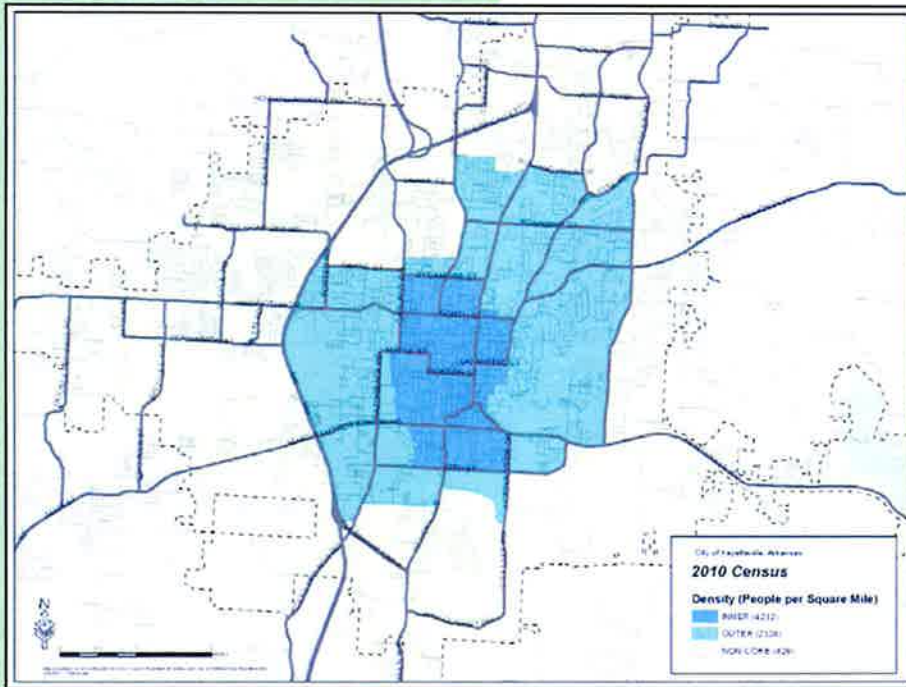
POPULATION DENSITY AND DEVELOPMENT PATTERNS.

The Inner Core, Outer Core and Non-Core areas of the city were analyzed for population density. Using the 2010 U.S. Census information the Inner Core has a population density of 4,212 people per square mile. This translates to 6.6 people per gross acre with a current household size of 3.25 per gross acre. This is approximately the density of the Washington Willow neighborhood. The Outer Core area has a population density of 2,336 people per square mile, or 3.7 people per gross acre and 1.82 households per gross acre. The density of the Non-Core areas of the city is much lower at 521 people per square mile, or around 0.8 persons per gross acre which yields 0.4 households per gross acre.

The Inner Core is comprised of approximately 3.3 square miles. The Outer Core is 11.5 square miles and the Non-Core are of the City is 74.3 square miles.



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Core Areas of Fayetteville

FUTURE GROWTH PROJECTIONS.

The Northwest Arkansas Region Planning Commission (NWARPC) estimates future population growth for the region using the latest U. S. Census Bureau data. Utilizing 2010 Census data the NWARPC estimates that Fayetteville will grow to a population of 110,725 by the year 2030. This will be an increase of an additional 37,145 people added to the existing 2010 population of 73,580. Planning and anticipating the location, form and function of land use and growth patterns enables the City and its existing residents to guide where this growth will occur. In repeated public input sessions for both City Plan 2025 and the City Plan 2030 update, residents have expressed their desire to accommodate this growth within the existing core and limit development sprawl on the edge. Infill, redevelopment and vertical development can easily accommodate the estimated future population within the core of the City.

DESIRED DEVELOPMENT PATTERNS TO ACCOMMODATE FUTURE POPULATION GROWTH.

The real estate crash of 2008 has had serious implications for the housing market and it will continue to impact future development patterns. Nationally, foreclosure rates have been especially high in the suburban fringe areas. Current real estate trends both locally and nationally show that people are rethinking how they prioritize home buying decision factors. Factors such as commute times or transportation costs are being weighed against typical suburban development features such as expansive private yard space or three car garages.

Generational housing preferences are also beginning to impact where and how future growth will occur. Both the Baby Boom and the Millennial generations are looking for mixed-use and walkable urban neighborhoods over single-use conventional suburban housing. Due to their large cohort size, these two generations will generally guide and determine the location and consumer housing preferences that will be built in the future. Fortunately, a lot of land within the core of the City remains undeveloped or underdeveloped. With infrastructure such as roads, utilities and expanding public open spaces in place, the inner and outer cores of the City have the most

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potential for accommodating future growth in an efficient and livable manner if the underlying zoning regulations are permitted to change accordingly.

This future potential development pattern is similar to that of Fayetteville's historic and highly regarded neighborhoods such as the Wilson Park, Washington Willow or Walker Park neighborhoods that were built with a residential net density of 6 to 10 units per acre. The historic neighborhoods of Fayetteville share some common characteristics; highly connected street systems with small blocks, a mix of residential housing types, sizes and densities, close proximity to commercial and retail uses and accessibility to meaningful open space. These basic characteristics are essential in order for residents to perform some of their daily functions without the use of an automobile.

Strip development and high arterial traffic counts are not necessary to support retail and commercial activity if it is located in or adjacent to walkable neighborhoods of sufficient residential density. Closely clustered shops and services encourage walking by creating interesting destinations to meet people, and allow sufficient aggregations of retail and services to achieve economic utility for consumers. Auto trips per household decline as fewer car trips are necessary for everyday needs.

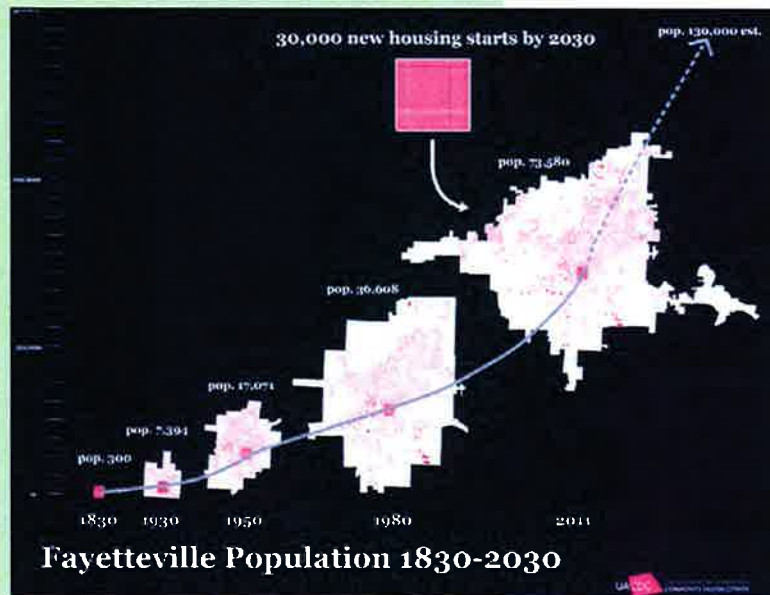
Perhaps the most important aspect of good neighborhood design is a rich variety of housing choices. The historic development pattern that exists downtown illustrates a robust diversity of housing stock. Located within a single block may be single-family homes, condominiums, multi-family apartments, duplexes, live-work units, accessory dwelling units and all other types of residential uses. This variety allows people to remain in the same neighborhood as their housing needs change over time. This concept of "age in place" is possible in neighborhoods that have highly walkable street networks and that contain a large variety of housing choices at residential densities supportive of retail uses and transit.

INEFFICIENCIES WITH CONVENTIONAL SUBURBAN DEVELOPMENT PATTERNS.

The trend towards efficient mixed use and walkable neighborhoods is encouraging because suburban development patterns are not sustainable. In suburban development patterns, low-density retail, employment and services are auto-oriented, resulting in more strip development and auto-oriented centers. The continuation of a suburban development pattern results in increased congestion because all activity undertaken outside the home will require car trips. Workforce housing is less likely to be built because the cost of land development and services per unit is higher in less dense development. Given the higher cost per unit, developers often



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Fayetteville's growth over time.
Source: University of Arkansas
Community Design Center

must seek to maximize land profit by building larger units that may be beyond the means of local workers such as firefighters, teachers and police personnel.

Dispersed development also often yields a poor balance between tax revenue received versus cost of service provision. For instance, a more traditional development pattern at 7 units per net acre with units priced at \$180,000 will have a total value of \$1.26 million. At three units per net acre, with housing valued at \$300,000 per unit, total value would come to \$900,000. But the cost of services for seven units on the same net acre is lower on a per unit basis than for the three units. When multiplied over thousands of acres, this means that the cost of services in a lower density growth pattern is higher for a given change in population because many more acres are used: pipelines become longer, more road length is required, police and fire response is more expensive or requires extra facilities, etc. While revenue from sales tax would be the same in either scenario, given the average incomes and growth of 37,000 people, the cost to the City of providing roads and improvements for auto-oriented retail and services is higher even though the return in taxes is constant.

Options for seniors are not typically as good in dispersed development patterns. According to the National Association of Homebuilders, as people age they value proximity to retail services and medical facilities so that the use of the car is not an automatic necessity. As people live longer, a growing portion of the population will be unable to sustain an auto-oriented lifestyle.

ECONOMIC IMPACT ON FAYETTEVILLE SCHOOL DISTRICT.

One indicator of the economic effect on the school district is the balance of commercial property and residential property. Currently, the school district generally receives more net revenue from a commercial square foot than a residential square foot because commercial properties do not add school children to the system. The cap on reappraisal for commercial property is also 10 percent versus 5 percent for residential development. City Plan 2030 policy recommendations target commercial growth within the City boundaries by making complete neighborhoods the standard, ensuring that commercial development accompanies residential development.



12 Guiding Policies



Lake Fayetteville Trail



Charleston Place



U of A Poultry Science

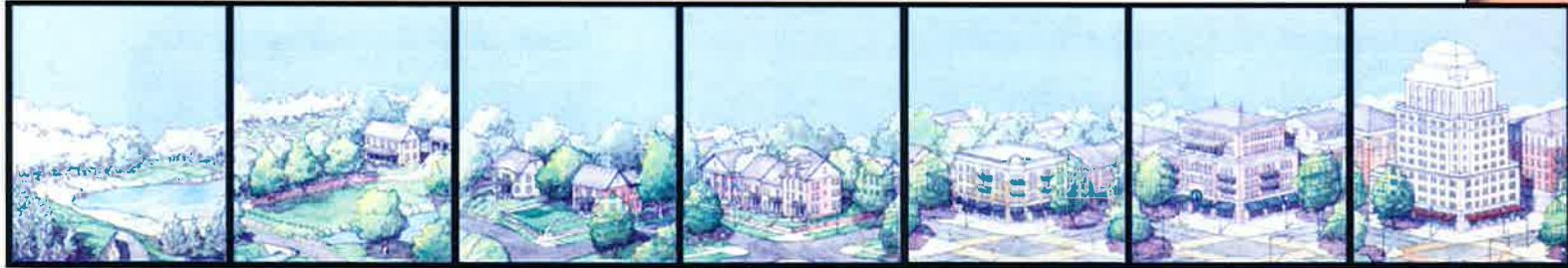
- 12.1 Future Land Use Plan
- 12.2 Master Street Plan
- 12.3 Annexation

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CITY PLAN 2030

12.1 FUTURE LAND USE PLAN

12.1.1 Introduction

The Future Land Use Map identifies and promotes a form-based development pattern that recognizes a sequence of built environments, from natural or very rural to densely urban. Rather than separating land uses, form-based development patterns emphasize mixed uses at the neighborhood, block and building level. The Future Land Use map is a tool used by the community to envision change over time regarding land use variety, intensity or density.



Staff has developed a set of land use designations based upon current development patterns and the vision of future development patterns as expressed in City Plan 2030. These area designations are intended to provide general guidance for land use decisions that will shape development growth for the next twenty years.

- Natural Areas
- Rural Residential Areas
- Residential Neighborhood Areas
- City Neighborhood Areas
- Urban Center Areas
- Complete Neighborhood Plan Areas
- Civic and Private Open Space Areas/Parks
- Civic Institutional Areas
- Non-Municipal Government Areas
- Industrial Areas
- Complete Neighborhood Plans

Each area is defined on the following pages and accompanied by examples and guiding policies. The Future Land Use Map is formally reviewed and updated by the Planning Commission and City Council every five years to reflect new decisions and changing circumstances.

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12.1.2 Future Land Use Map Designations



Natural Areas:

Natural Areas consist of lands approximating or reverting to a wilderness condition, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, as identified in the FNHA study, many of which make up the backbone of the enduring green network. A **Natural Area** designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development for all construction.

Guiding Policies:

- a. Preserve a network of habitat and open space, protecting biodiversity and enhancing the City's quality of life.
- b. Preserve native vegetation and meet the habitat needs of multiple species.
- c. Encourage recreational and educational opportunities in appropriate areas to enhance appreciation for existing environmental resources.
- d. Identify areas of environmental concern and protect and preserve environmental resources.
- e. Conserve open space and protect areas of significant riparian benefit, tree canopy and other environmental resources through cluster development provisions, density controls, protective easements and/or other development tools.



Clabber Creek



Lake Wilson

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Rural Residential Areas:

Rural Residential Areas recognize existing low-density, large lot residential development, but are identified to encourage the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled. They may or may not have adequate street and water infrastructure or public services, such as police and fire, to support urban or suburban densities and development patterns nor should these services be expanded to accommodate further growth unless they are in line with the following guiding principles:

Guiding Policies:

- Allow and encourage historical agricultural and related uses to continue and to occur as permanent land uses within planned developments.
- If developed, encourage alternative development patterns, such as conservation or cluster development types, to achieve compatibility with surrounding rural areas.
- Foster a culture that supports local food production on a variety of scales.
- Encourage, preserve and protect viable agribusinesses such as orchards, berry farms and small scale produce-yielding businesses that provide goods for the local market.



Mally Wagnon Road



Low Density Rural

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Residential Neighborhood Areas:

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and row-houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.



Charleston Place



Wilson Park Neighborhood



Brookhaven Neighborhood



Lakewood Neighborhood

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Guiding Policies:

- a. 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. Eliminate design elements that prohibit complete, compact and connected neighborhoods.
- d. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- e. Encourage a development scale to maintain compatibility, use and proportionality between a variety of residential and nonresidential land uses.
- f. Site new residential areas accessible to roadways, alternative transportation modes, community amenities, schools, infrastructure, and retail and commercial goods and services.
- g. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.
- h. Continue to encourage context-sensitive streets, allowing for efficient access to commercial and residential areas for vehicles, pedestrians and cyclists.



Corner Business



Monterey Apartments



Neighborhood Residential

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City Neighborhood Areas:

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

City Neighborhood Areas encourage complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

Guiding Policies:

- Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.
- Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
- Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function.



Three Sisters Building



Chestnut Lofts

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Neighborhood shopping should be within walking distance of residential use, or approximately one-quarter mile.

- d. Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.
- e. Encourage pedestrian-friendly, mixed-use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.
- f. Encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.
- g. Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
- h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- i. Encourage properties to redevelop in an urban form.
- j. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- k. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- l. Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.
- m. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.



Summerhill Townhouses



Hill Place Apartments



Girl Scouts Building



Sycamore Lofts

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Urban Center Areas:

Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although **Urban Center Areas** recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

Guiding Policies:

- Encourage mixed-use development to allow for shared parking and day and night utilization of available parking.
- Encourage intensive mixed-use development within one-quarter mile of public transit routes.
- Provide enough retail business and service space to enable Fayetteville to realize its full potential as a regional market.
- Encourage continuing improvements and expansion of regional shopping and entertainment attractions.
- Require that large commercial sites be designed and landscaped in a manner that preserves the aesthetic character of their surroundings.
- Direct new regional development into designated regional commercial centers.
- Approve new regional commercial development as Planned Zoning Districts (e.g. shopping centers, business parks, medical parks, industrial parks and mixed-use developments) or complete neighborhood plans in order to assure the overall integration of design and use.



Arkansas Research & Technology Park



The Lofts at Underwood

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- h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- i. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- j. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- k. Utilize open space by providing pocket parks and community green space, creating connectivity of natural areas across the community.
- l. Encourage the integration of clean tech industrial uses with residential and commercial uses.



Garland Center



Washington Regional Medical Center



Marriott Hotel



Dickson Street

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Civic and Private Open Space/Park Areas

Civic and Private Open Space/Parks Areas are sites that are permanently dedicated to open space or park land.

Guiding Policies:

- a. Encourage parkland dedication and conservation easements for trails that support the Fayetteville Alternative Trails and Transportation Plan, the 10-Year Parks Master Plan and the Enduring Green Network.
- b. Provide an integrated network of open space areas throughout the City to serve local residents as well as provide a regional asset and visitor attraction.
- c. Plan for the long-term preservation and enhancement of open space (including undeveloped natural areas, utility corridors, and key scenic corridors) within the Fayetteville green network.
- d. Conserve open space within the Fayetteville green network through private acquisition and other acceptable conservation methods.
- e. Encourage the creation of connected trails and walkways between community activity areas and neighborhoods and enhance with kiosks and rest stations.
- f. Encourage community-based “green” infrastructure such as rain gardens, vegetated drainages and bio-retention facilities.
- g. Encourage pocket parks, especially in the urban center areas.



Confederate Cemetery



Lake Fayetteville
Spillway Bridge

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Civic Institutional Areas:

Civic Institutional Areas are dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, government, education or transit and municipal parking.

Guiding Policies:

- a. Encourage the establishment of civic institutional areas in locations that would serve large concentrations of Fayetteville citizens.



Blair Library



Boys and Girls Club

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Complete Neighborhood Plans:

Complete Neighborhood Plan Areas are areas that have a Master Development Plan created through a public input process that has been approved by the City Council and includes the elements of a complete, compact and connected neighborhood.

Guiding Policies:

a. Refer to the applicable master plan for the guiding policies specific to the neighborhood because each complete neighborhood plan has been adopted with specific goals, objectives and strategies for implementation. These master plans should be referred to first as a land use guide.

Downtown Master Plan Res. 140-04
Walker Park Master Plan Res. 19-08
Fayette Junction Master Plan Res. 119-08



Downtown Master Plan

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Industrial Areas:

Industrial Areas are those areas with buildings that by their intrinsic function, disposition or configuration, cannot conform to one of the other designated areas and/or its production process requires the area to be separated from other uses.

Guiding Policies:

- a. Noise, visual, air and water pollution shall be minimized through performance standards.
- b. New industry shall be recruited and encouraged to locate within the existing industrial park unless rail access is necessary to the industry.
- c. Industrial zones that are not consistent with the Future Land Use map should be rezoned to more appropriate uses.
- d. Encourage the use of “green” technologies to minimize noise, air and water pollution.



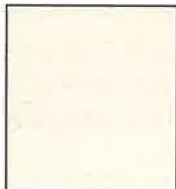
Tyson Plant



Clean Technology Building

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Non-Municipal Government Areas:

Non-Municipal Government Areas are those areas that do not fall within the City's jurisdiction and are not subject to zoning or development regulations. These areas may include institutional campuses, county or state offices, etc.

Guiding Policies:

- a. Encourage the integration and coordination of non-municipal government areas with planning and development in surrounding City-regulated areas,
- b. Provide opportunities for integration of the areas into the City should the existing non-municipal government ever change, adding street connections, pedestrian and utility connections.



Washington County Courthouse



University of Arkansas

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12.2 MASTER TRANSPORTATION PLAN

Amended September 17, 1996, Street Classifications, Res. No. 97-96

Amended September 6, 2005, Downtown Master Plan Street Classifications, Res. No. 183-05

Amended September 4, 2007, Res. No. 161-07

The Master Transportation Plan is the guiding policy that the community, City Staff, the Planning Commission and the City Council utilize to proactively guide decisions regarding street classification, design, location, form and function. The Master Transportation Plan prescribes and plans for the development of a multi-modal transportation system in the form of streets, sidewalks, bike lanes, trails and transit. A multimodal transportation system is vital to growing a livable transportation network. Consistent planning ensures that streets will efficiently circulate traffic within the community and connect Fayetteville to the rest of the region. Special emphasis should be placed on multi-modal transportation infrastructure design, access management and traffic speed and volume considerations when planning streets. The Master Transportation Plan is updated on a five year basis in conjunction with City Plan 2030 in order to be adaptable to change over time.

The Master Transportation Plan contains the Master Trails Plan and the Master Street Plan.

Master Trails Plan

The Fayetteville Alternative Transportation and Trails Master Plan (FATT Plan), guides the development of trails in the City's expanding trail network. The Master Trail Plan Map illustrates future trail alignments and trail corridors for the purpose of acquiring easements and right-of-way. As development occurs adjacent to future trail alignments, careful attention will be paid to acquiring easements and providing site design input during the development review process. The trail cross-sections that follow the Master Street Plan cross sections will be utilized for the construction of City trails. Trail surface materials may vary according to site considerations such as proximity to floodplains or floodways.

Master Street Plan

The Master Street Plan is comprised of a map illustrating the street classification and location, and a document of street cross sections showing the dimensional requirements of the street. In conjunction, these two documents are used to guide long range traffic planning through street function, design and location.

The City supports context sensitive street design that acknowledges the function and use of the street in relation to current and future land use. The design and dimensions of streets that fall under the same functional classification may vary greatly due to the surrounding existing or future land uses and the function of the street. For instance, a low traffic

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speed collector in a neighborhood may have on-street parking while a higher traffic speed collector would have bike lanes. The City's access management and street connectivity policies provide the tools to guide the access and dispersal of traffic.

Low Impact Development: The City encourages the use of Low Impact Development (LID) stormwater management strategies in street design and construction. Each of the street cross sections can be modified to incorporate LID best practices for stormwater management. Streets that include landscape strips or bump-outs are ideal for implementing LID strategies such as swales or infiltration basins. Developers and engineers should work closely with the City's Development Services Department to plan and design appropriate stormwater management strategies and structures.

Public Transportation: The construction of bus benches, shelters and pull-offs is a critical part of a successful transportation system. However, the need for such facilities is ultimately determined by the transportation providers. Therefore, the City should consult with transportation providers prior to the design of any new street, or major street improvement project to determine if the need for new facilities exists.

Streets in University of Arkansas Campus: The City of Fayetteville and the University of Arkansas will partner together in the planning, design and construction or reconstruction of streets located within the University of Arkansas campus area. These streets are identified on the map and within this document. Streets identified on the Master Street Plan Map and within the University of Arkansas boundary are intended to be reviewed concurrently with City and University staff prior to design. These streets should be consistent with the policies of the Master Street Plan, but may require alternative cross-sections due to physical constraints unique to the University.

International Fire Code: The International Fire Code (IFC), which the State of Arkansas has adopted, requires a 20-foot minimum of unobstructed width on all roads, which is reflected in the proposed street cross-sections. If structures on either side of the road exceed 30 feet or three stories, then the IFC requires a 26-foot minimum of unobstructed width. This document recognizes that street cross-sections may be modified to meet the IFC requirements.

The following street cross-sections are functionally classified in accordance with the U.S. Department of Transportation's National Highway Functional Classification Study Manual. In addition, the street cross-sections provide sensitivity to context by providing options for both suburban and urban developments and accommodating cyclists and low-impact development neighborhoods. Additional utility easements will be required outside of the specified right-of-way on a project specific basis, as determined by the utility companies.

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12.2.1 ALLEYS

Alleys are used in conjunction with streets to provide rear access to properties, garages and off-street parking. Driveways connected to alleys should have sufficient depth to allow vehicles to park and not encroach into the alley right-of-way.

Solid Waste

Solid waste pick-up is allowed, subject to the following standards:

- "No parking" signs are installed at the entrance(s) and mid-block locations.
- Designated locations for carts and recycle bins are kept free of obstructions.
- Bulk hauling and brush collection is placed at the public street.
- A 20' driveway is provided between the garage/house and alley right-of-way.
- On-street parking is provided.
- Address numbers are installed on the front and rear of every structure.
- Minimum radius requirements are provided.
- Dead-end alleys are prohibited.

Fire Department

Alleys used in conjunction with single- and two-family units are not intended to serve as fire access roads when structures also adjoin a private or public street that provides the required fire access. Fire access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

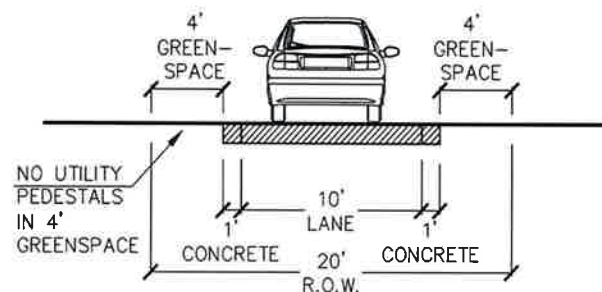
When an alley serves as the sole access, or when more than one access is required due to building height, condition of terrain, climatic conditions, the potential for impairment of a single road by vehicle congestion, or other factors that could limit access, alleys may need to be designed in accordance with the Arkansas Fire Code to support apparatus access, with approval from the fire code official.

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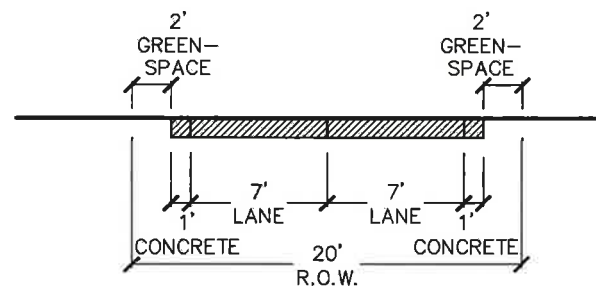
1a RESIDENTIAL REAR ALLEY: ONE-WAY

Design Service Volume: < 200 vpd
Travel Lanes: One 10' lane
Parking: Not allowed within alley R.O.W.
Paved Width: 12' from outer edge of concrete strip
Right of Way: 20'
Sidewalks: None
Greenspace: Both sides of alley, min. 4' wide, unencumbered
Curb cuts: Continuous access possible
No curb required



1b RESIDENTIAL REAR ALLEY: TWO-WAY

Design Service Volume: < 200 vpd
Travel Lanes: Two 7' lanes
Parking: Not allowed within alley R.O.W.
Paved Width: 16' from outer edge of concrete strip
Right of Way: 20'
Sidewalks: None
Greenspace: Both sides of alley, min. 2' wide, unencumbered
Curb cuts: Continuous access possible
No curb required

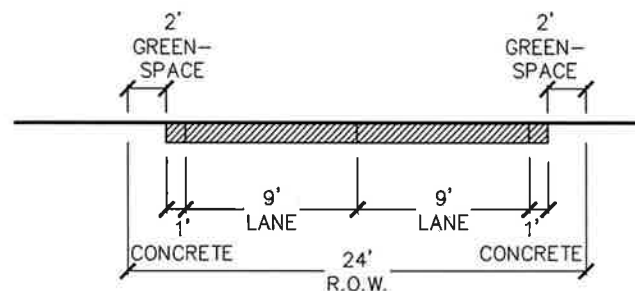


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1c COMMERCIAL REAR ALLEY: ONE- OR TWO-WAY

Design Service Volume: < 200 vpd
Travel Lanes: Two 9' lanes
Parking: Not allowed within alley R.O.W.
Paved Width: 20' from outer edge of concrete strip
Right of Way: 24'
Sidewalks: None
Greenspace: Both sides of alley, min. 2' wide, unencumbered
Curb cuts: Continuous access possible
No curb required



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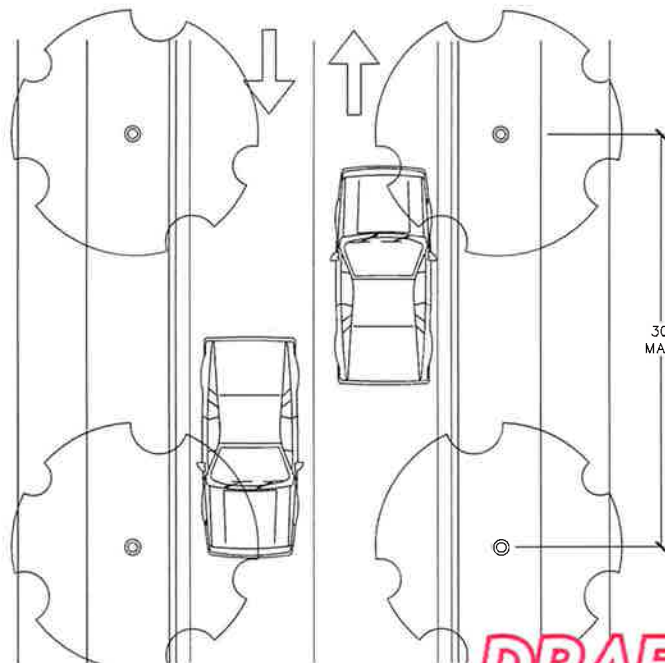
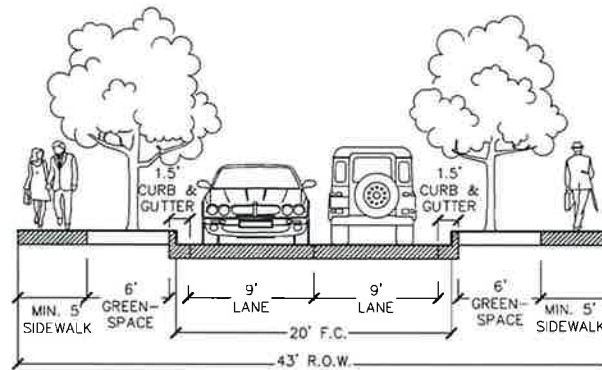
12.2.2 RESIDENTIAL STREETS

RESIDENTIAL STREETS provide for the lowest level of traffic and service. They provide access to residential property and are intended to be used only by local traffic. A high degree of street connectivity is required for easy dispersal of traffic. Residential Street block lengths shall not exceed 600 feet. Residential streets have a low level of access management, with curb cuts permitted every 50 feet.

2a RESIDENTIAL:

Design Service Volume:	< 300 vpd
Desired Operating Speed:	15-20 mph
Travel Lanes:	Two 9' lanes
Parking:	Not Allowed
Paved Width:	20' from face of curb
Right of Way:	43'
Sidewalks:	Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace:	Both sides of street, min. 6' wide

* ST 37 may substitute for the Residential Street cross-section urban condition.

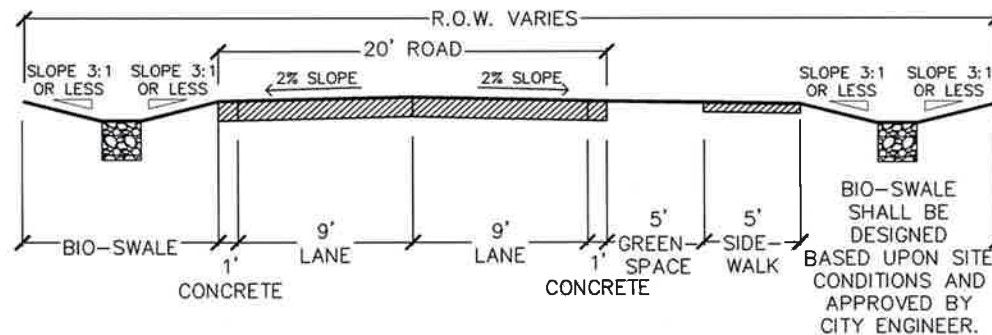


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2b RESIDENTIAL LOW-IMPACT DEVELOPMENT:

Design Service Volume: < 300 vpd
Desired Operating Speed: 15-20 mph
Travel Lanes: Two 9' lanes
Parking: Not Allowed
Paved Width: 20'
Right of Way: Varies
Sidewalks: One, at least 5' wide, adjoining 5' greenspace
Greenspace: One side of street, min. 5' wide
Bio-Swale: Both sides of street, width dependent upon site conditions and approved by City Engineer.
Tree plantings may be permitted by the Urban Forester



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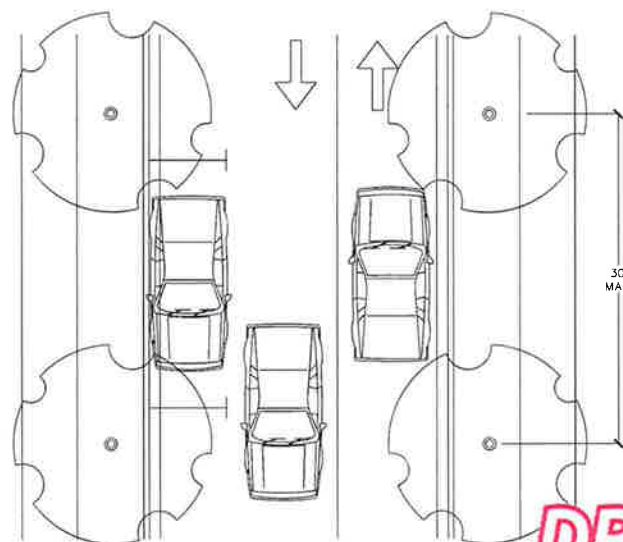
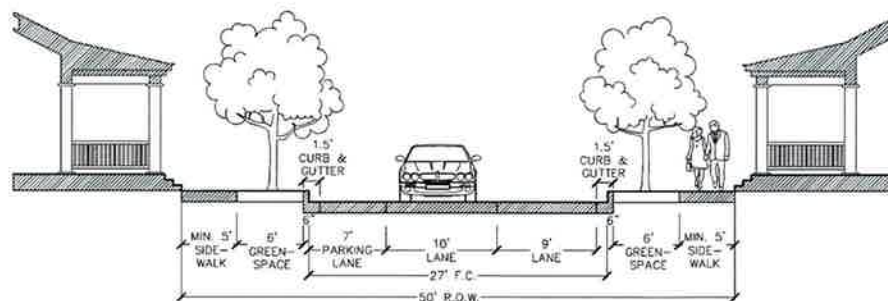
12.2.3 LOCAL STREETS

LOCAL STREETS provide for a moderate level of traffic flow and service. They provide access to abutting land uses and provide connections to higher order street classifications. Local Urban streets are encouraged in City Neighborhood and Urban Center areas as depicted on the Future Land Use Map. Local Urban Streets are also appropriate for areas that may function as a main street for a neighborhood, offering mixed uses and a pedestrian-friendly environment. LOCAL STREETS have a low to medium level of access management, with curb cuts permitted every 50 feet.

3a LOCAL:

Design Service Volume: < 4,000 vpd
Desired Operating Speed: 20-25 mph
Travel Lanes: One 10' lane,
One 9' lane
Parking: One 7' lane
Paved Width: 27' from face of curb
Right of Way: 50'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace: Both sides of street, min. 6' wide. May be widened to facilitate Low-Impact Development techniques, subject to approval by City Engineer.

* ST 45 may substitute for local street cross-section in an urban condition.

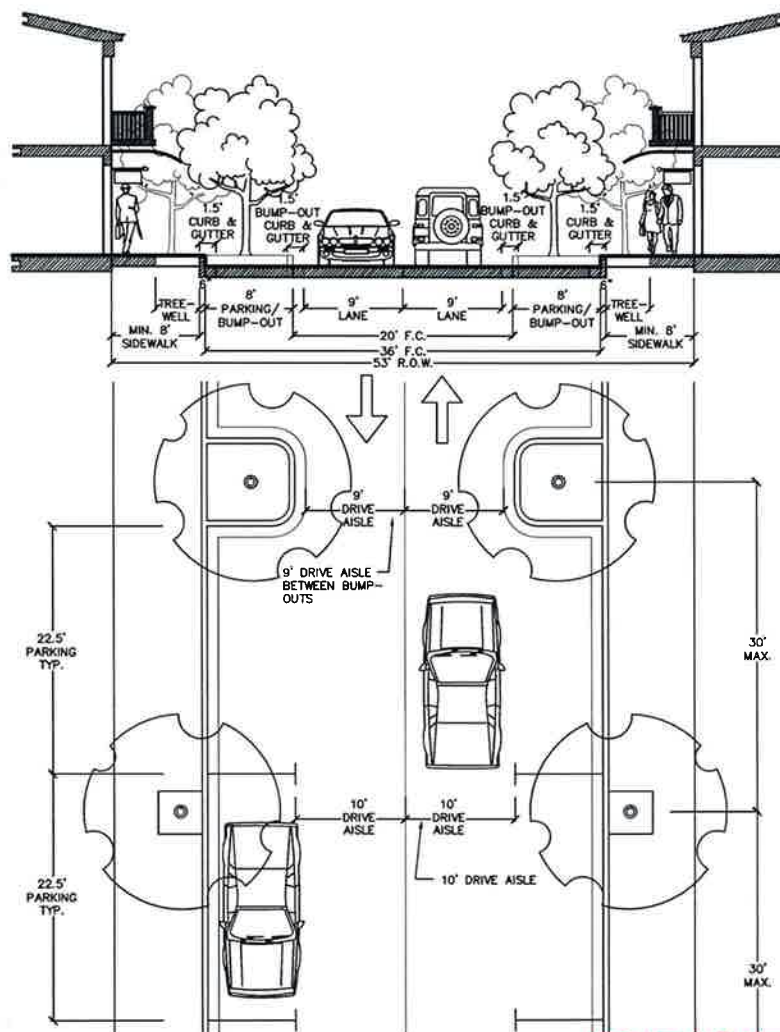


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3b LOCAL URBAN:

Design Service Volume: < 4,000 vpd
Desired Operating Speed: 20-25 mph
Travel Lanes: Two 9' lanes
Parking: Two 8' lanes with bump-outs
Paved Width: 20' from face of bump-out curb
36' entire width to face of curb
Right of Way: 53'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells



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12.2.4

COLLECTOR STREETS

COLLECTOR STREETS provide traffic circulation within residential, commercial, and industrial areas. They collect traffic from local or residential streets in neighborhoods and facilitate traffic movement into the arterial system. Connections between arterials should be direct in order to disperse traffic throughout the city. Collector streets vary in width and function as they respond to the context of the adjacent land uses. A minimum right-of-way of 59 feet shall be provided where a collector is depicted on the Master Street Plan with a 70-foot right-of-way provided at intersections with other collectors, minor arterials and principal arterials. The intersection right-of-way must extend a minimum of 200 feet from the intersection. A 70-foot right-of-way may be required if the volume or turning movements of traffic generated or predicted warrants a continuous turning lane. All collectors have a moderate level of access management with curb cuts permitted every 100 feet.

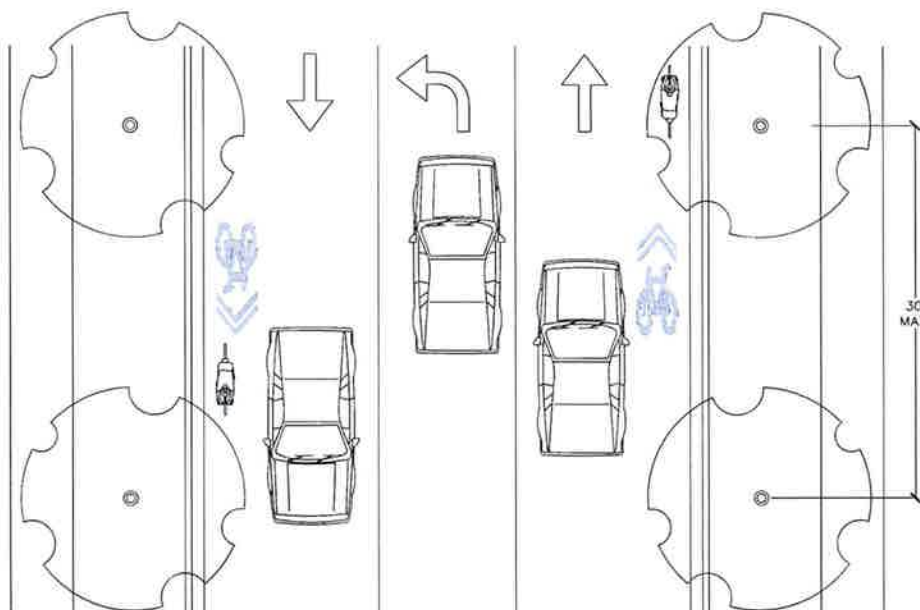
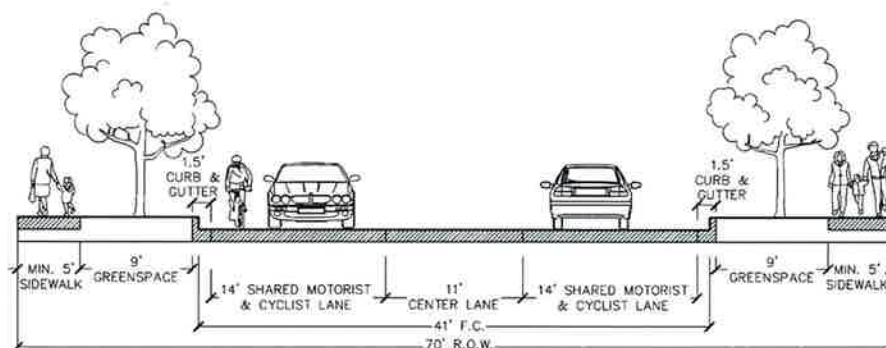
The City recognizes that the design of collector streets may vary depending upon the context of the existing and future land use in a particular area. The following three collector cross sections provide flexibility in context while utilizing a standard right-of-way and pavement width. This permits multiple configurations of on-street parking and bicycle facilities through different pavement markings and striping. The standard pavement width will enable the street to easily transform as land use intensity or density changes over time.

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4a COLLECTOR (INTERSECTION):

Design Service Volume: < 4,000 vpd,
< 6000 vpd
with left
turn bays
Desired Operating Speed: 25-30 mph
Travel Lanes: Two 14' shared
motorist and
cyclist lanes
Turn Lane: 11' turn bays
where warranted
Bicycle Lanes: Shared with
motorist lane
Parking: None
Paved Width: 41' from face
of curb
Right of Way: 70'
Sidewalks: Both sides of
street, min.
5' wide,
located in R.O.W.
at R.O.W. line.
Greenspace: Both sides of
street, min.
9' wide



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4b COLLECTOR (SHARROW):

Design Service Volume: < 4,000 vpd,
< 6000 vpd with left
turn bays

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 14' shared
motorist and cyclist
lanes

Turn Lane: 11' turn bays where
warranted (See 4a)

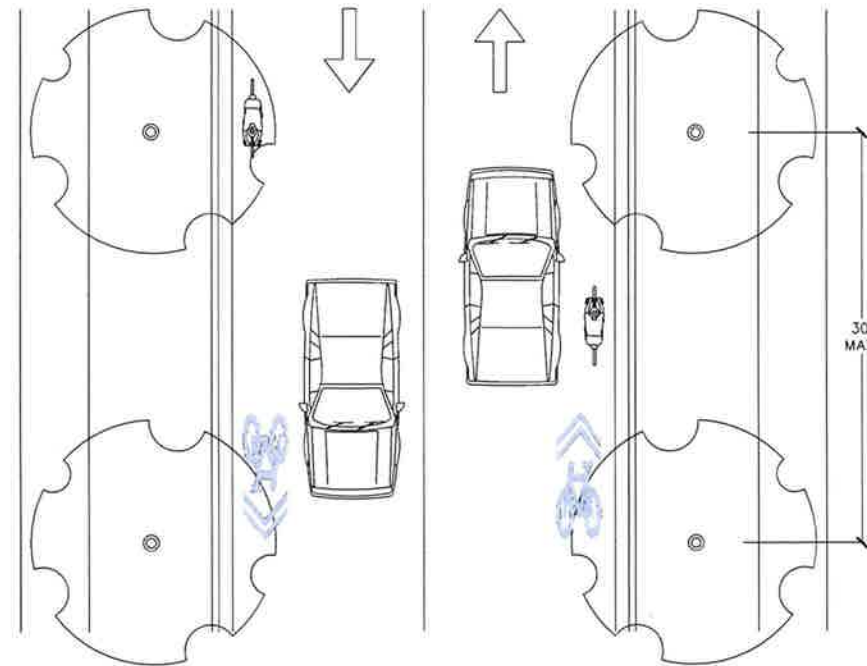
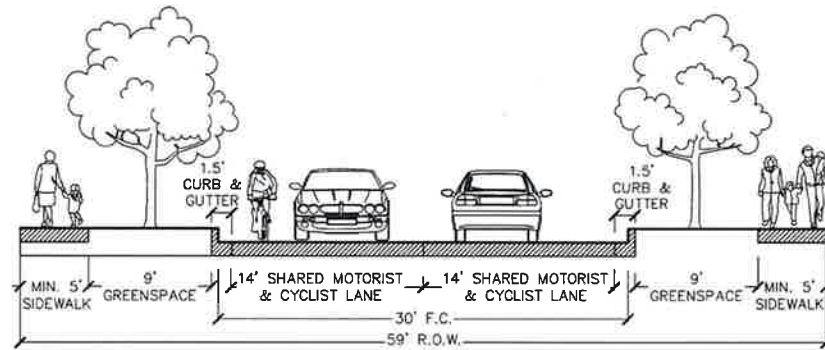
Bicycle Lanes: Shared with drive lane
Parking: None

Paved Width: 30' from face of curb

Right of Way: 59'

Sidewalks: Both sides of street,
min. 5' wide,
located in R.O.W. at
R.O.W. line

Greenspace: Both sides of street,
min. 9' wide

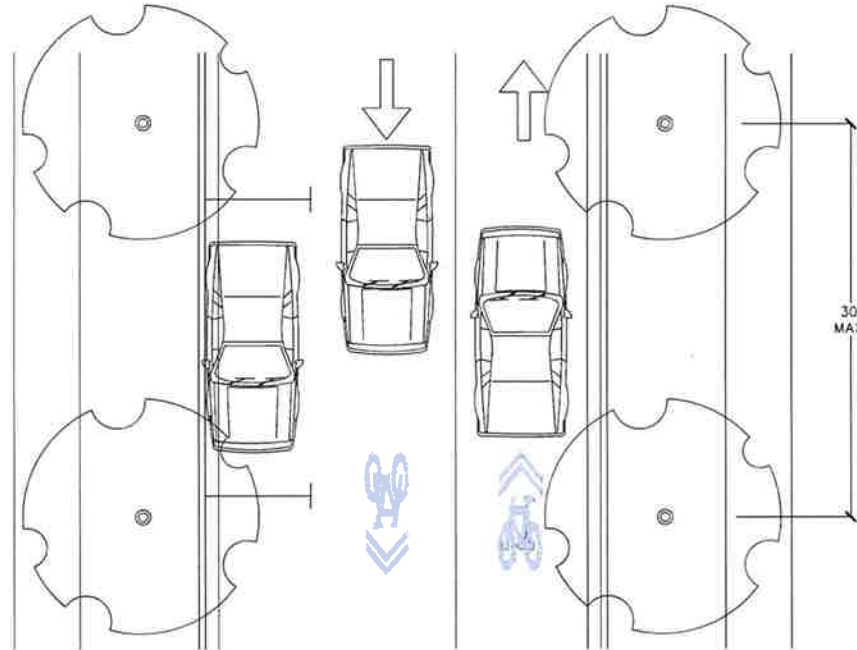
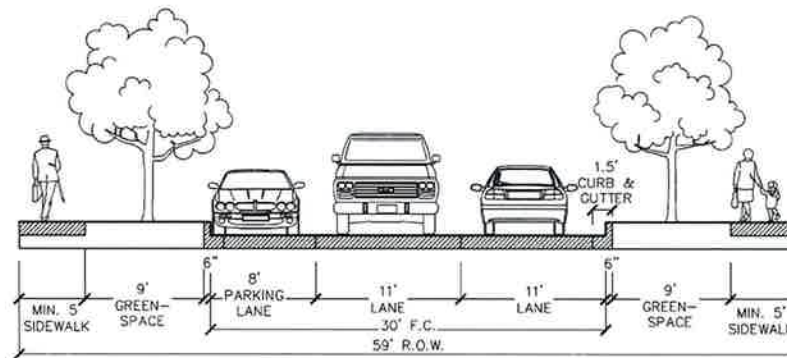


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4c COLLECTOR (WITH PARKING):

Design Service Volume: < 4,000 vpd,
< 6000 vpd
Desired Operating Speed: 25-30 mph
Travel Lanes: Two 11' motorist lanes
Turn Lane: None
Bicycle Lanes: Shared with motorist lanes
Parking: One 8' lane
Paved Width: 30' from face of curb
Right of Way: 59'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line.
Greenspace: Both sides of street, min. 9' wide



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4d COLLECTOR (WITH BICYCLE LANES):

Design Service Volume: < 4,000 vpd,

< 6000 vpd

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 10'

motorist lanes

Turn Lane: None

Bicycle Lanes: 5' wide, both sides of street against curb

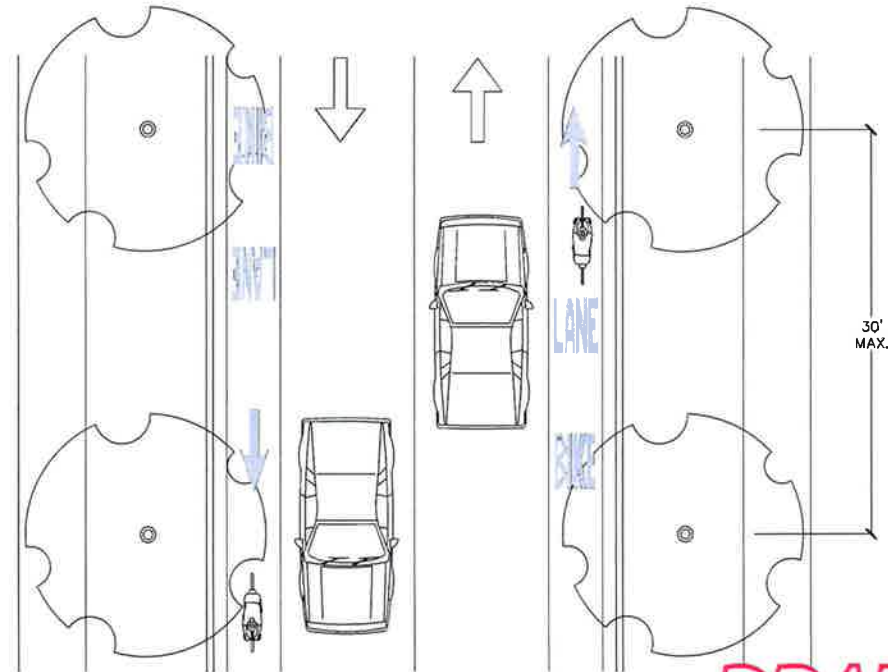
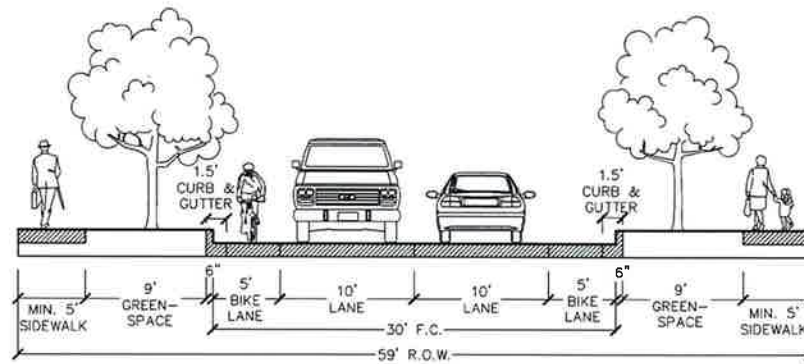
Parking: None

Paved Width: 30' from face of curb

Right of Way: 59'

Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line.

Greenspace: Both sides of street, min. 9' wide



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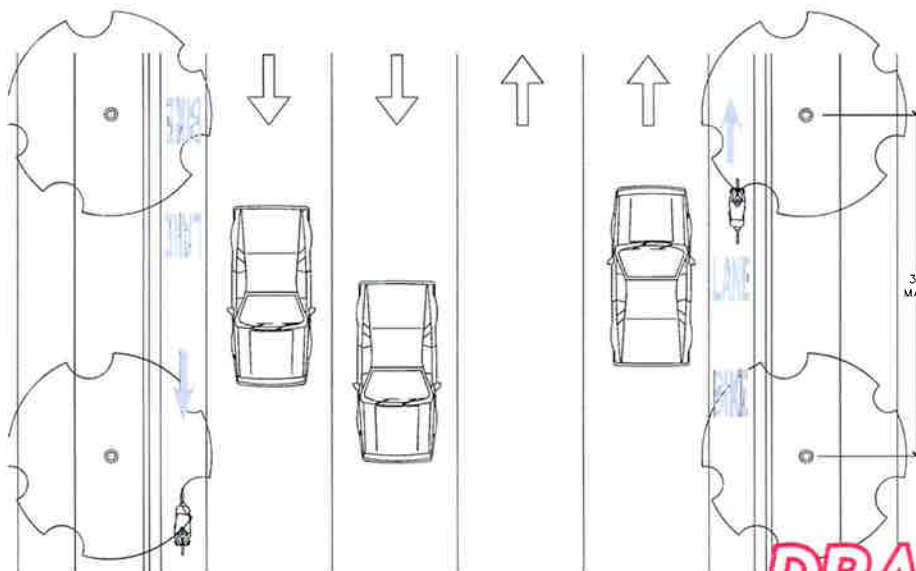
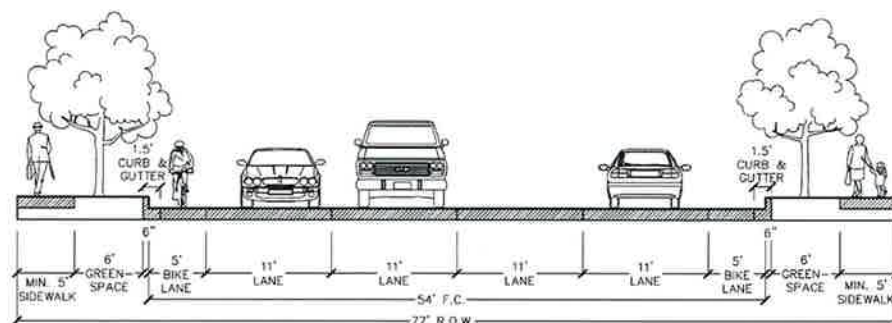
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12.2.5 MINOR ARTERIAL STREETS

MINOR ARTERIAL STREETS provide mobility throughout the city, encouraging multiple modes of transportation within the arterial network. Access should be limited to controlled intersections where possible. They have a moderate level of access management.

5 MINOR ARTERIAL:

Design Service Volume: < 12,200 vpd
Desired Operating Speed: 30-40 mph
Travel Lanes: Four 11' lanes
Bicycle Lanes: 5' wide, both sides of street next to curb
Parking: None
Paved Width: 54' from face of curb
Right of Way: 77'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace: Both sides of street, min. 6' wide



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12.2.6

PRINCIPAL ARTERIAL STREETS

PRINCIPAL ARTERIAL STREETS carry high volumes of through traffic. They are designed as boulevards for beauty and safety. They have a high level of access management and access should be primarily by way of cross-streets rather than individual curb cuts.

6 PRINCIPAL ARTERIAL BOULEVARD (WITH BICYCLE LANES) :

Design Service Volume: < 17,600 vpd

Desired Operating Speed: 30-40 mph

Travel Lanes: Four 11' lanes

Bicycle Lanes: 5' wide, both sides of street next to curb

Median: 10', 12' turn lane at intersections

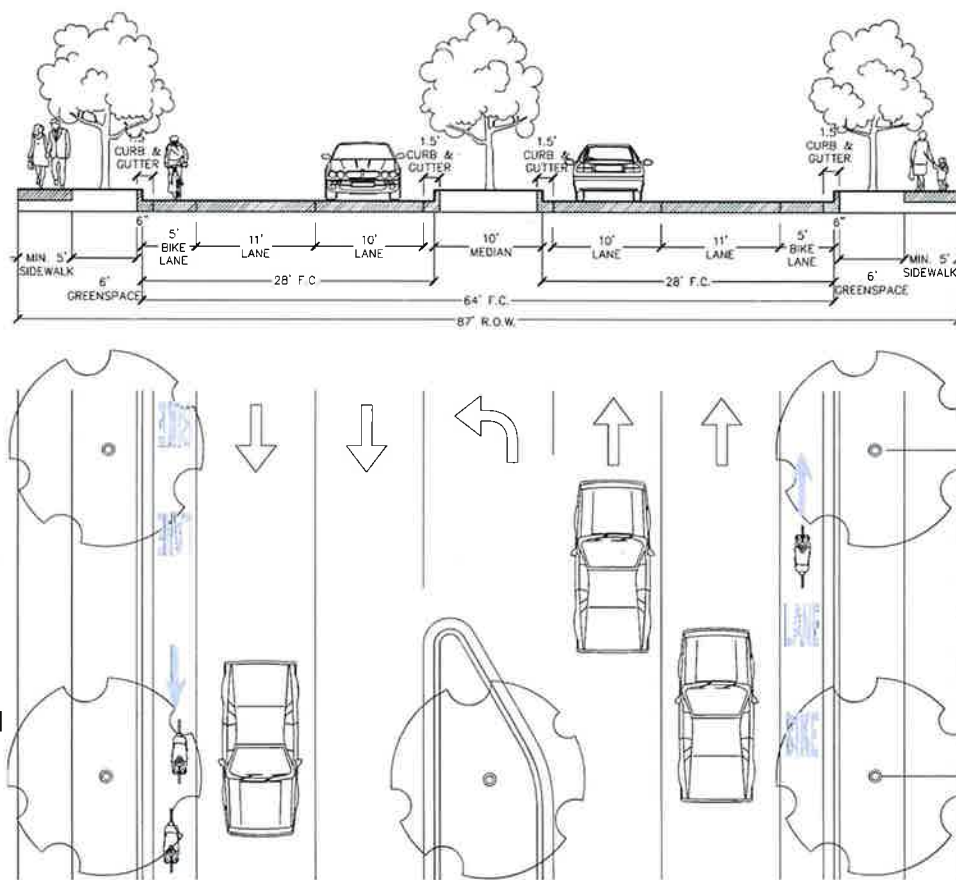
Parking: None

Paved Width: 28' from face of curb
64' entire width including median

Right of Way: 87'

Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line

Greenspace: Both sides of street, min. 6' wide



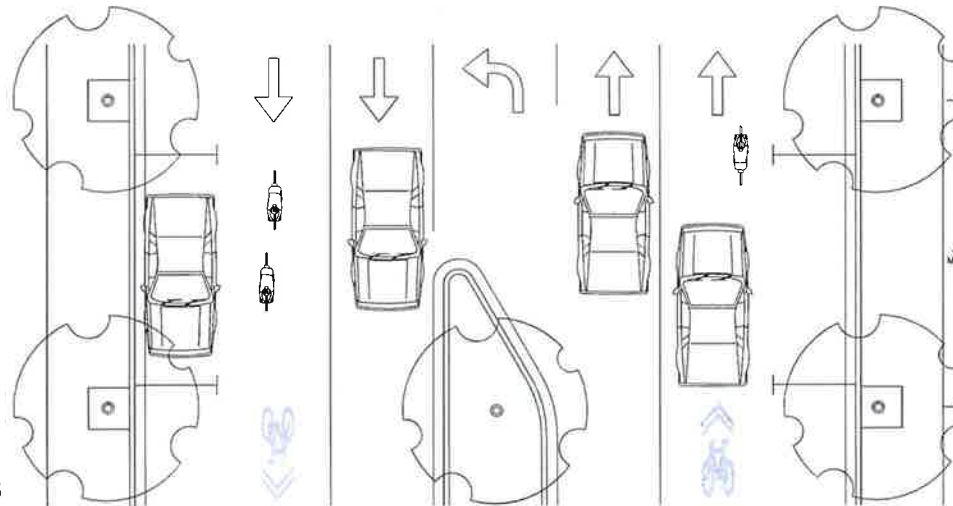
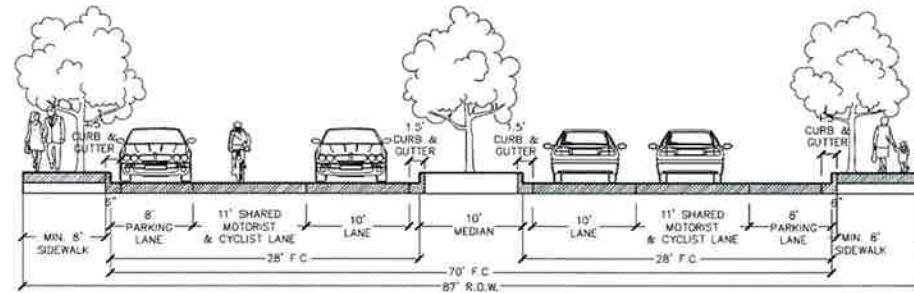
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PRINCIPAL ARTERIALS WITH ON-STREET PARKING are intended to be used in compact urban environments that are highly walkable and where building entries front the street. This street section is not intended to be used where traffic speeds exceed 30 MPH.

7 PRINCIPAL ARTERIAL BOULEVARD (WITH PARKING):

Design Service Volume: < 17,600 vpd
Desired Operating Speed: 25-30 mph
Travel Lanes: Four 11' lanes
Bicycle Lanes: Shared with outer auto travel lanes
Median/Turn Lane: 20' median, or 8' median with 12' turn lane
Parking: 8' lane, both sides of street
Paved Width: 28' from face of curb with median
40' from face of curb with turn lane
70' entire width including median
Right of Way: 87'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: None



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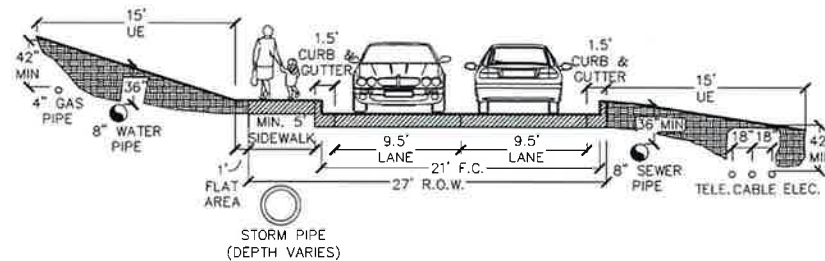
12.2.7

HILLTOP-HILLSIDE OVERLAY DISTRICT STREETS

H.H.O.D. (HILLTOP-HILLSIDE OVERLAY DISTRICT) STREETS are designed with a narrow right-of-way in order to minimize grading disturbance and tree removal, while still accommodating utility locations, vehicular and pedestrian movements. Hillside Residential streets carry limited traffic through neighborhoods, while Hillside Local streets collect traffic from the neighborhoods and disperse it to minor arterials. They have a low level of access management.

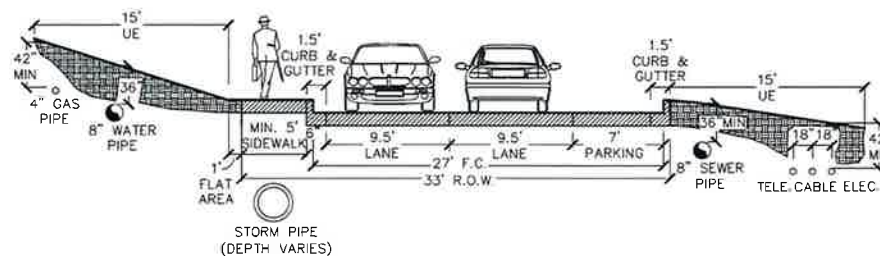
8a HILLSIDE RESIDENTIAL:

Design Service Volume: < 500 vpd
Desired Operating Speed: 15-20 mph
Travel Lanes: Two 9.5' lanes
Parking: Not Allowed
Paved Width: 21' from face of curb
Right of Way: 27'
Sidewalks: One, at least 5' wide, abutting curb
Greenspace: None
Utility Easements: Two, 15' at R.O.W.



8b HILLSIDE LOCAL:

Design Service Volume: < 4000 vpd
Desired Operating Speed: 20-25 mph
Travel Lanes: Two 9.5' lanes
Parking: One 7' lane
Paved Width: 27' from face of curb
Right of Way: 33'
Sidewalks: One, at least 5' wide, abutting curb
Greenspace: None
Utility Easements: Two, 15' at R.O.W.



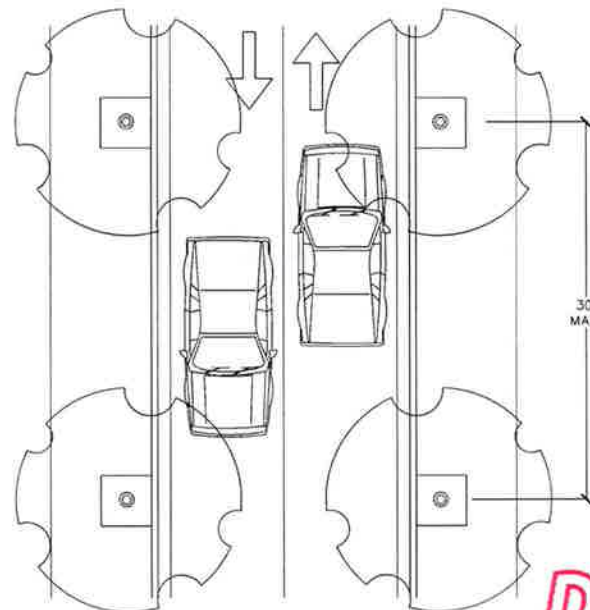
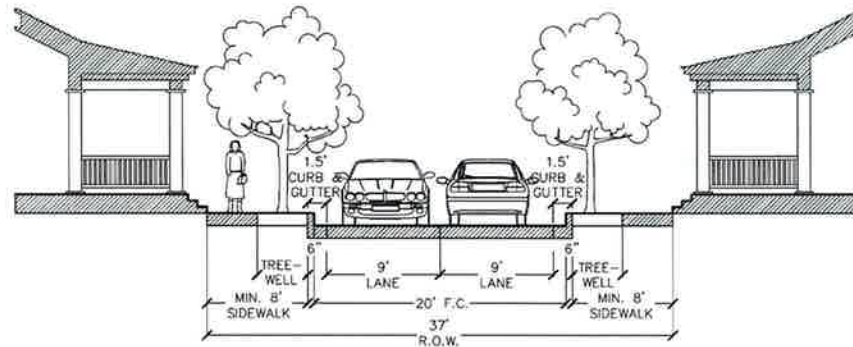
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12.2.8 DOWNTOWN MASTER PLAN STREETS

DOWNTOWN MASTER PLAN STREETS are specific to the Downtown Master Plan area.

9a ST 37 9/9	
Design Service Volume:	< 300 vpd
Traffic Lanes:	Two 9' lanes
Parking:	Not Allowed
Paved Width:	20' from face of curb
Right of Way:	37'
Sidewalks:	Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace:	Both sides of street, tree wells



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9b ST 45 8/10/9

Design Service Volume:

Traffic Lanes:

Parking:

Paved Width:

Right of Way:

Sidewalks:

< 300 vpd

One 10' lane,

one 9' lane

One 8' lane

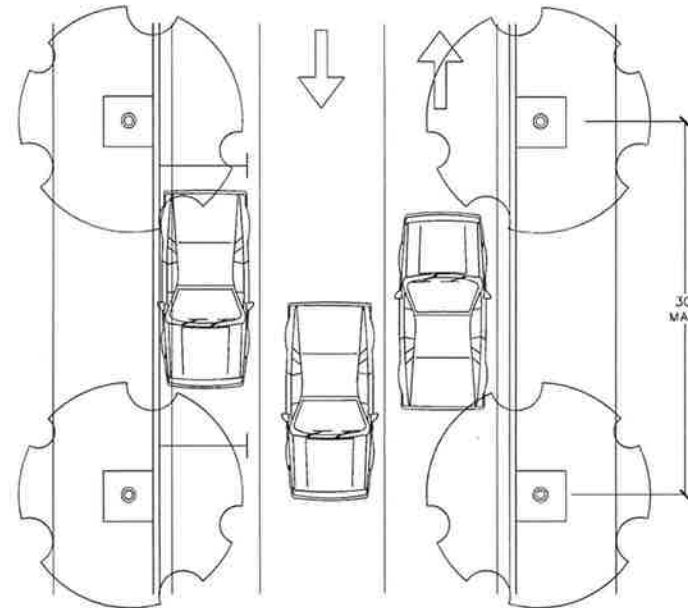
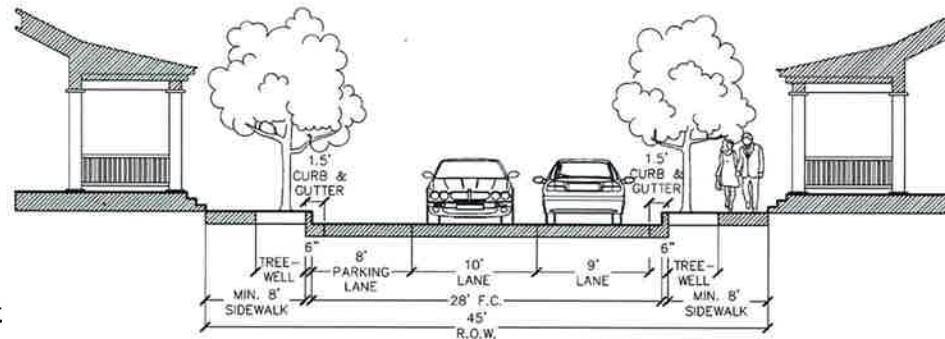
28' from face of
curb

45'

Both sides of
street, min. 8'
wide with grated
tree wells against
curb

Greenspace:

Both sides of
street, tree wells



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9c ST 43 8/10/8 *

Design Service Volume:

< 4,000 vpd

Traffic Lanes:

One 10' lane

Parking:

Two 8' lanes

Paved Width:

26' from face of curb

Right of Way:

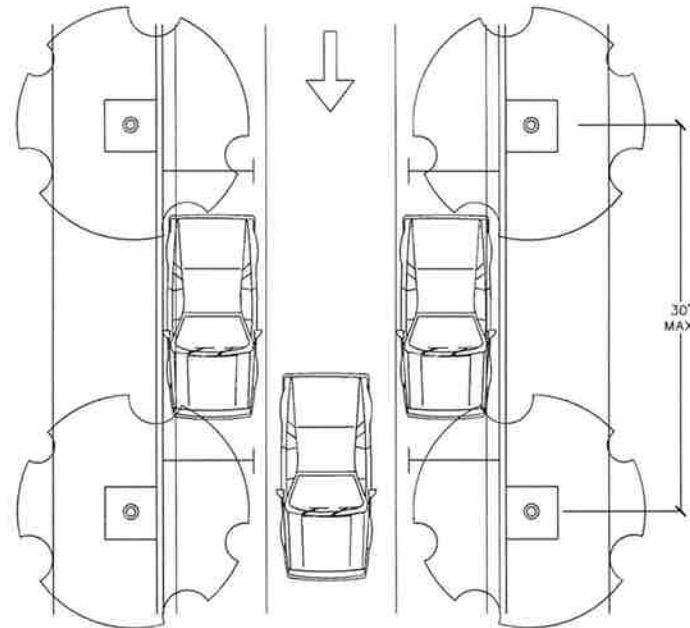
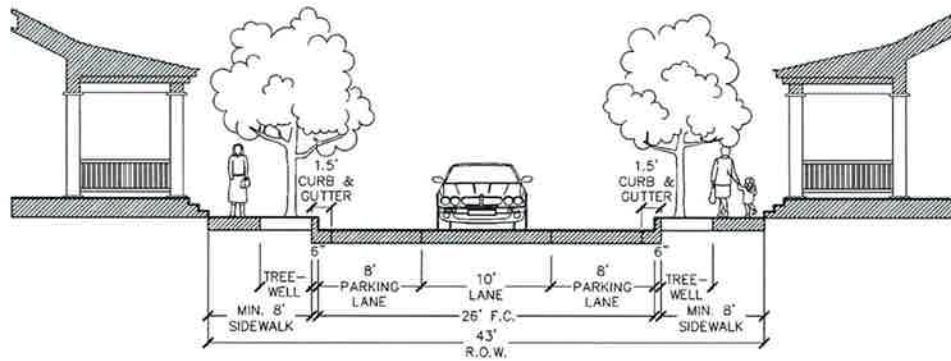
43'

Sidewalks:

Both sides of street, min. 8' wide with grated tree wells against curb

Greenspace:

Both sides of street, tree wells



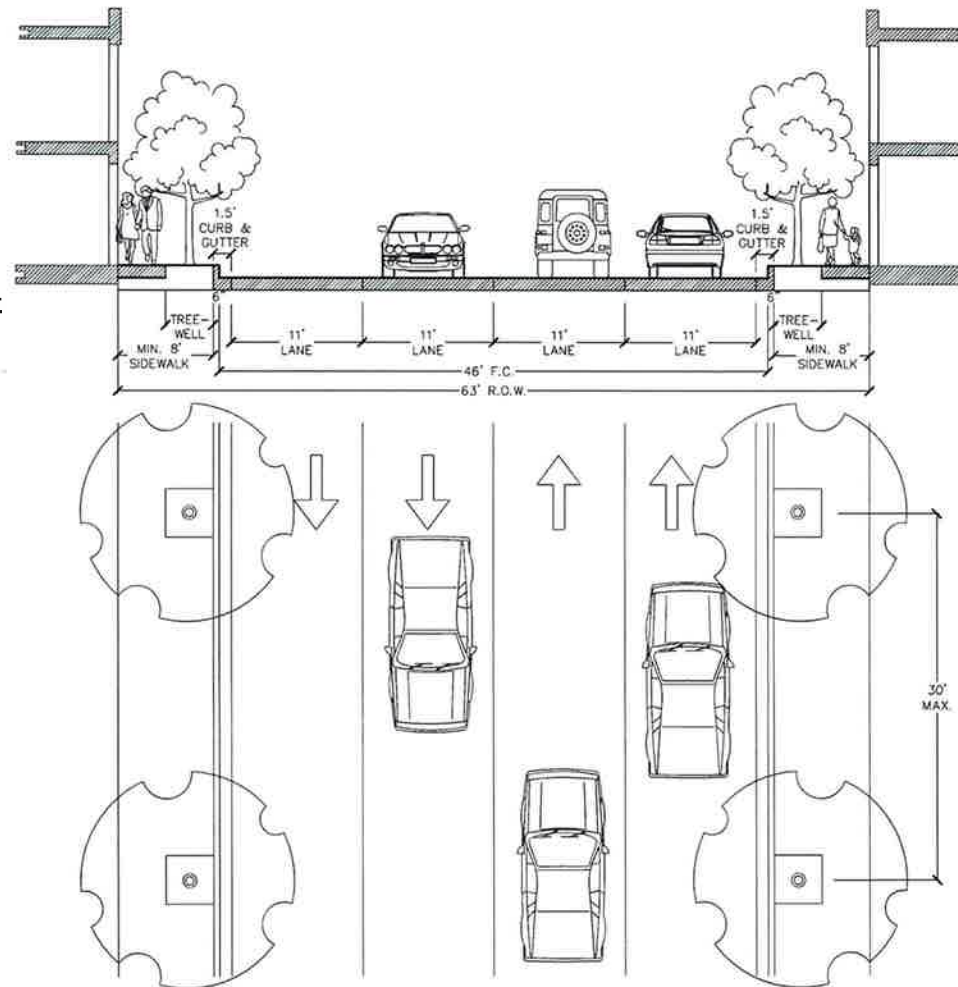
* This street cross section is permitted only for portions of Locust Avenue and Meadow street in the Downtown Master Plan Area.

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9d ST 63 11/11/11/11

Design Service Volume: <17,600 vpd
Traffic Lanes: Four 11' lanes
Bicycle Lanes: None
Parking: None
Paved Width: 46' from face of curb
Right of Way: 63'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells



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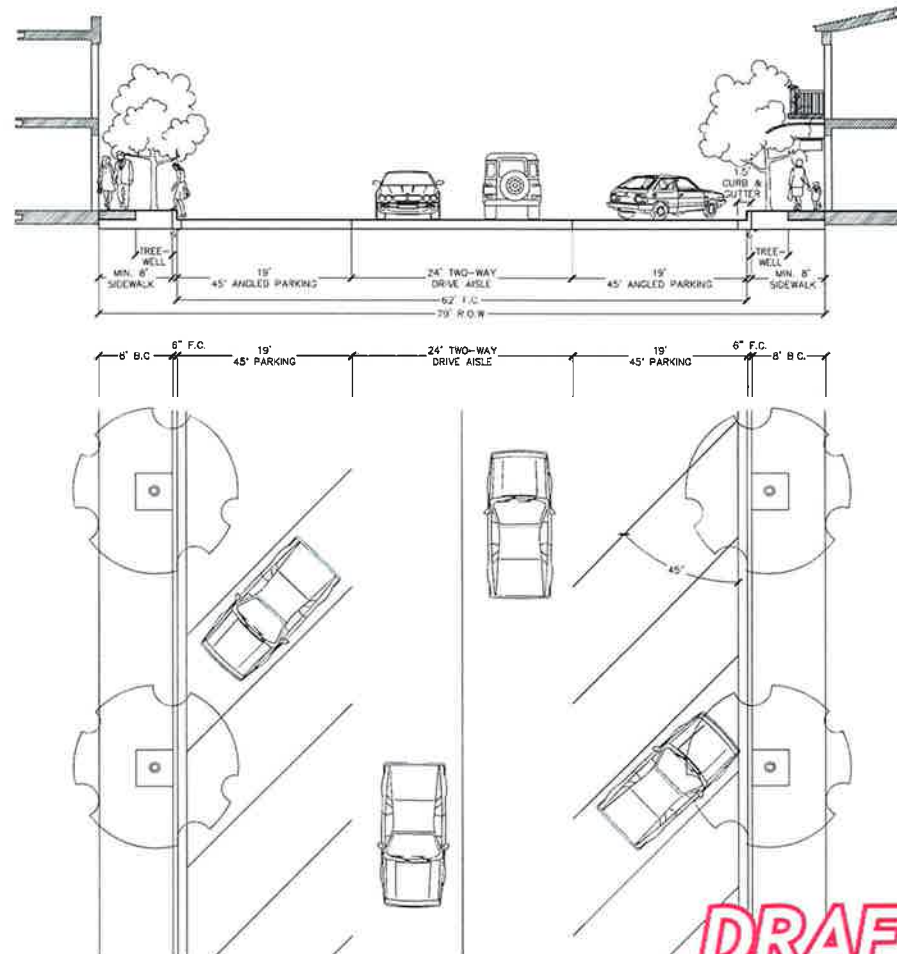
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12.2.9 TWO-WAY SQUARE

The TWO-WAY SQUARE is designed to be utilized in town-square type scenarios, central to development, adjacent to mixed use with high volumes of pedestrian traffic. On street parking and high levels of pedestrian use keep vehicular speeds low.

10 TWO-WAY SQUARE

Design Service Volume: < 4,000 vpd
Traffic Lanes: Two 12' lanes
Bicycle Lanes: Shared with motorist lane
Parking: Two 19' lanes, angled 45°, with back in or pull in
Paved Width: 62' from face of curb
Right of Way: 79'
Sidewalks: Both sides of street, min. 12' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells



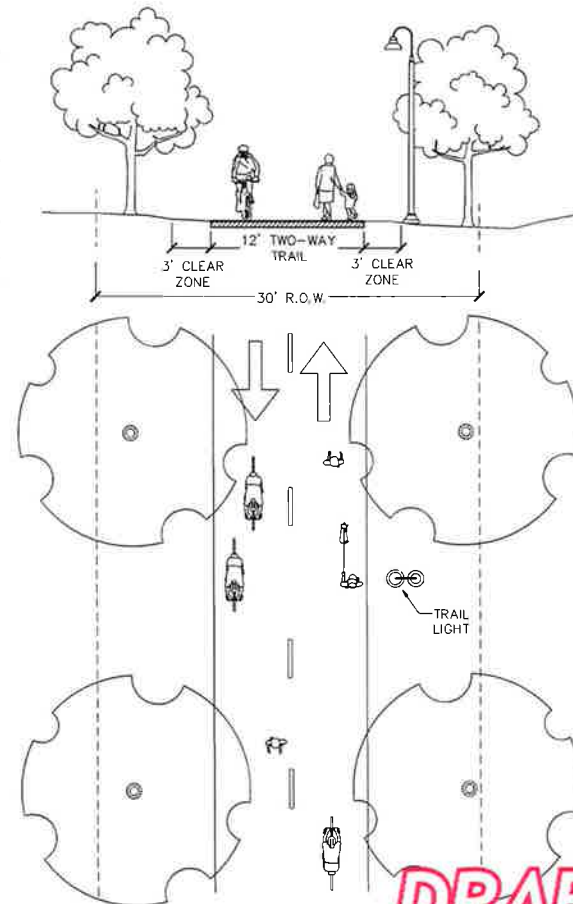
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PAVED TRANSPORTATION TRAILS provide safe, alternative means of transportation for a variety of non-motorized uses. The Fayetteville Alternative Transportation and Trails Master Plan identifies trail corridors that connect neighborhoods, businesses, schools and parks. The goal of the Master Plan is to create an interconnected system of trails throughout Fayetteville to provide a network of alternative transportation routes for people of all ages to safely travel around the City. All transportation trails are constructed 12 feet in width in order to accommodate the high volume and variety of users including walkers, joggers, strollers, bicycles, wheelchairs, and any other non-motorized use.

ASPHALT TRAIL is used in areas where the trail is located above of the flood prone areas and away from vehicle traffic. Trail pavement should match the adjacent pavement surface when connecting to existing trail.

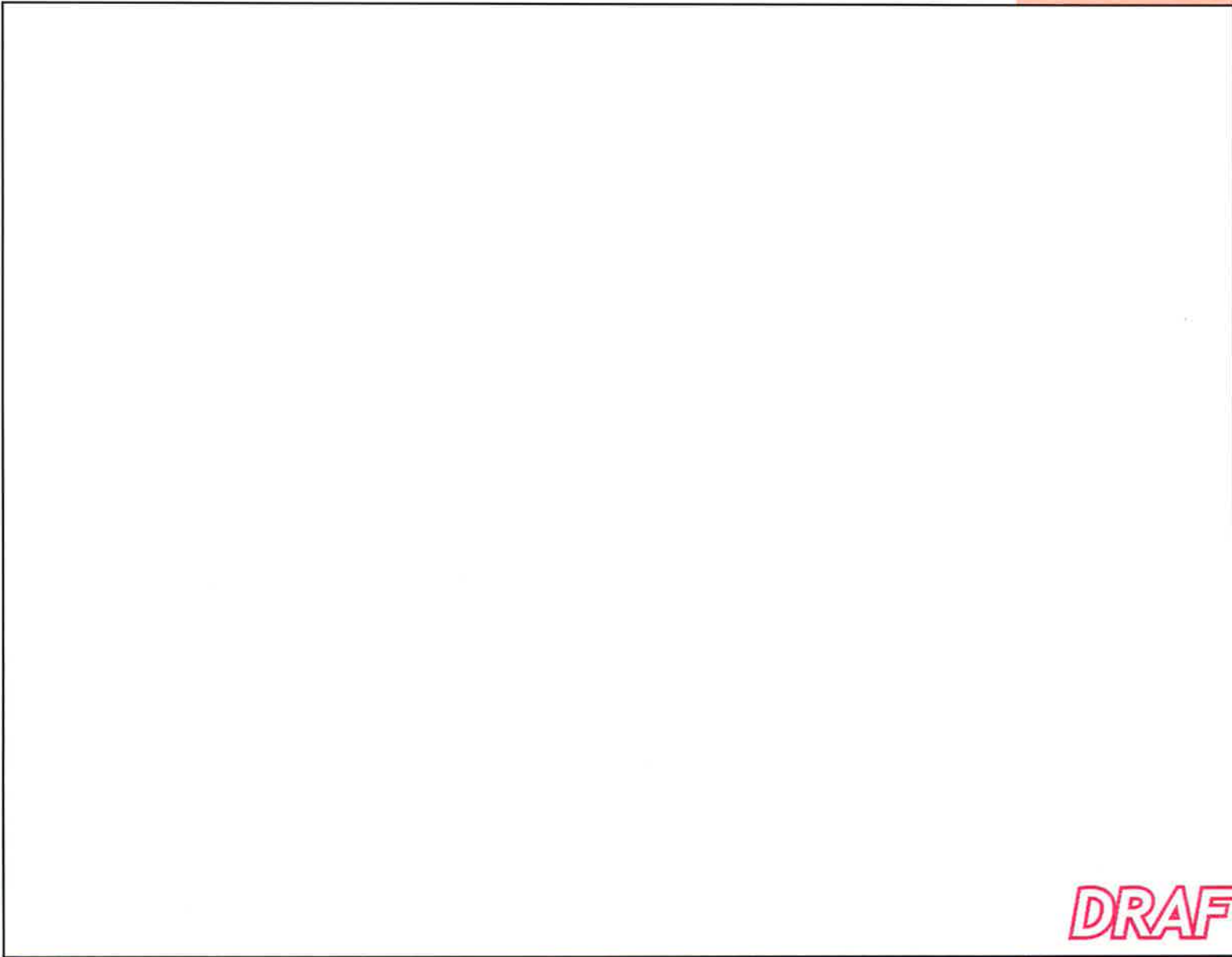
CONCRETE TRAIL is used when the trail is located in a flood prone area along a creek. Concrete holds up much better than asphalt when subjected to flood waters. Concrete is also used at road crossings including the ramps and other areas where increased durability is necessary. Trail pavement should match the adjacent pavement surface when connecting to existing trail.

Desired Operating Speed:	15 mph
Travel Lanes:	Two 6' lanes
Paved Width:	12'
Right of Way:	30' minimum
Greenspace:	Both sides of trail



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Master Transportation Plan Guiding Policies

Circulation: *Guiding Policies*

In order to guide the formulation of a Master Transportation Plan and direct the Planning Commission regarding land use decisions which affect transportation issues, the following policies are suggested:

- 12.2.10.a Promote the coordinated and efficient use of all available and future transportation modes. (Goal 4)
- 12.2.10.b Meet the diverse transportation needs of the people of the City, including rural and urban populations and the unique mobility needs of the elderly and disability communities.
- 12.2.10.c Ensure the repair and necessary improvements of roads and bridges throughout the City to provide a safe, efficient and adequate transportation network.
- 12.2.10.d Minimize the harmful effects of transportation on public health and on air and water quality, land and other natural resources.
- 12.2.10.e Promote reliance on energy-efficient forms of transportation.
- 12.2.10.f Incorporate a public participation process in which the public has timely notice and opportunity to identify and comment on transportation concerns.
- 12.2.10.g Monitor and improve transportation facilities to conveniently serve the intra-city and regional travel needs of Fayetteville residents, business and visitors.
- 12.2.10.h Monitor the incidence of traffic accidents and implement physical and operational measures to improve public safety.
- 12.2.10.i Support mass transit which offers convenient and reliable alternatives to the automobile. (Goal 4e)
- 12.2.10.j Establish facilities which accommodate safe and convenient travel for pedestrians and bicyclists. (Goal 4e)
- 12.2.10.k Promote mixed-use and traditional neighborhood development to reduce roadway demand and change travel patterns. (Goal 3b, Goal 4)
- 12.2.10.l Encourage consideration of the impacts on the transportation network in land use decisions made by the Planning Commission.
- 12.2.10.m Periodically update the Master Street Plan in order to evaluate the context sensitivity and the appropriateness of right-of-way dedication requirements.
- 12.2.10.n Encourage the construction of sheltered bus stops and bicycle parking facilities at transit stops, shopping centers and employment centers.
- 12.2.10.o Support multi-modal transportation options such as trails, sidewalks, bike lanes and mass transit. (Goal 4)
- 12.2.10.p Promote the continued expansion of the City's trail network through proactive planning and the acquisition of trail easements. (Goal 4)
- 12.2.10.q Promote increased bicycle usage by providing integrated bicycle facilities on new and redesigned roadways, where appropriate. (Goal 4)

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12.3 ANNEXATION

12.3.1 Purpose

Annexation is the inclusion of previously unincorporated lands within the City limits. Annexation has benefits to the residents of the annexed area as well as to the City. The residents gain access to urban services, such as enhanced police and fire protection, and have a voice in city government. The City gains the ability to control development and extend boundaries in a logical manner.

The purpose of this planning element is to take a more active approach toward annexations by identifying potential annexation areas and establishing annexation policies. The annexation policies will guide evaluation of future annexation proposals. The policies are designed to ensure that public services, infrastructure, and utility extension is properly addressed in order to manage growth. The potential annexation areas can become part of the City when annexation policies are met.

12.3.2 History and Trends

The original town was incorporated in 1870 with approximately 1200 acres. Since incorporation, the City has made 189 annexations, totaling 34,654.67 acres. Annexation activity was relatively slow until the 1940s, when over 2,500 acres were annexed with 10 annexations. During the 1950s, almost the same number of annexations took place, however, the total land area annexed was significantly smaller than in the 1940s. By the 1960s, annexation activity increased dramatically, with 42 annexations bringing over 18,000 acres into the City limits. Annexation numbers dropped in 1970 and stayed steady until the 1990s, when the number of annexations tripled from the 1980s. In 2000, the City contained 45 square miles, and in 2005, the City contained 50 square miles.

**TABLE 12.3.1
ANNEXATION HISTORY
Fayetteville (1870 - 2006)**

Time Period	Number of Annexations	Total Acres
1870	Original Town	1,202.48
1910	1	160.57
1932	1	83.60
1940 - 1949	10	2,572.05
1952 - 1958	9	1,194.66
1960 - 1969	42	18,250.55
1970 - 1978	12	1,347.14
1980 - 1988	9	1,591.87
1990 - 1999	27	2,106.70
2000 - 2005	61	3,559
2006 - 2010	18	3,719.09
Total	182	35,857.15

Source: City of Fayetteville, GIS, Dec. 2010

**TABLE 12.3.2
SEVEN LARGEST ANNEXATIONS
Fayetteville (1870-2006)**

Ordinance Number	Acres	Year
889	1,765	1946
1258	1,489.24	1961
1274	2,138.61	1961
1479	1,267.69	1966
1556	11,376.66	1967
2857	1,286.45	1982
4888	2,017	2006

Source: City of Fayetteville, GIS, Dec. 2010

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Approximately 60 percent of the total annexations can be attributed to seven single annexations. Each of these annexations included more than 1,000 acres. Four of those six annexation occurred during the 1960s. The most significant annexation was in 1967 that added over 11,000 acres to the City limits. Until 1960, the number of persons per acre remained relatively high, but decreased between 1940 and 1960. The significant drop in persons per acre from 3.9 in 1960 to 1.3 in 1970 is reflective of the significant land area annexed during this time. The trend of decreasing persons per acre reversed in 1980 and increased over the next two and half decades. By 2000, the persons per acre was 2.2, however, this trend has again reversed, due to several large annexations, resulting in approximately 33% increase in land area since 2000.

12.3.3 State Statutes on Annexation

Arkansas Statutes

Title 14, Chapter 40 of the state statute discusses annexation. Annexations can be initiated by a municipality or by property owners.

A municipality can annex contiguous lands, lands surrounded by the municipality, unincorporated area that is completely bounded by two or more municipalities if the municipality has the greater distance of city limits adjoining the area, and land contiguous and in adjacent counties. To annex any contiguous lands, the governing body must adopt an ordinance, passed by two-thirds of the governing body and hold an election of the people. Those lands must meet one of the following criteria:

- Platted and held for sale or use as municipal lots;
- Whether platted or not, if the lands are held to be sold as suburban property;
- When the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;
- When the lands are needed for any proper municipal purposes such as for the extension of needed police regulation; or
- When they are valuable by reason of their adaptability for prospective municipal uses.

Contiguous lands must not be annexed if they meet either of the following criteria:

- Have a fair market value at the time of adoption of the ordinance of lands used only for agricultural or

**TABLE 12.3.3
POPULATION VS. LAND AREA
Fayetteville (1940-2000)**

Year	Population		Land Area		Persons Per Acre
	Persons	Percent Change	Acres	Percent Change	
1940	8,212	--	1,446.65	--	5.6
1950	17,017	107.2%	4,018.70	177.79%	4.2
1960	20,274	19.1%	5,213.36	29.73%	3.9
1970	30,729	61.7%	23,463.91	350.1%	1.3
1980	36,608	19.1%	24,811.05	5.74%	1.5
1990	42,247	15.0%	26,402.92	6.42%	1.6
2000	58,047	37.9%	26,756.46	7.98%	2.2
2006	67,020	15.5%	32,103.47	20.0%	2.1
2010	73,580	10.0%	35,454.00	10.0%	2.1

Source: City of Fayetteville, GIS, June 2006

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- horticultural purposes and the highest and best use of the land is for agricultural or horticultural purposes; or
- Are lands upon which a new community is to be constructed with funds guaranteed in whole or in part by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970.

To annex land surrounded by a municipality, the governing body can propose an ordinance to annex the property. Again, the lands must meet the criteria listed above. A public hearing must be held within 60 days of the proposed ordinance. A majority of the governing body must approve the annexation for it to become effective.

Property owners in areas contiguous and adjacent to a municipality may request annexation. They can apply with a petition of the majority of land owners in the area, if the majority of the total number of owners own more than one-half of the acreage affected.

12.3.4 Potential Annexation Areas

The potential annexation areas should be identified by the City using the following criteria.

- Areas that are already urban in character.
- Areas that can be developed at urban densities.
- Immediate areas are those that are peninsulas or islands, where municipal services have already been extended.
- Vacant lands that are subject to development pressure.
- Areas where urban services are already provided.
- Areas where urban services are needed.

12.3.5 Annexation Guiding Policies

Boundaries

- 12.3.5.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 12.3.5.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 12.3.5.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 12.3.5.d Boundaries for annexed areas should follow natural corridors.
- 12.3.5.e The provision of services should be concurrent with development.

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Environmentally Sensitive Areas

- 12.3.5. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

- 12.3.5.g Public services must be able to be provided efficiently in newly annexed areas.
- 12.3.5.h Annexed areas should receive the same level of service of areas already in the city limits.
- 12.3.5.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

- 12.3.5.j Areas currently served by utilities and other public services should be annexed.
- 12.3.5.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 12.3.5.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

- 12.3.5.m Promote long-range planning with adjacent jurisdictions.
- 12.3.5.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

- 12.3.5.o Develop a land use plan for annexation initiated by the City.
- 12.3.5.p Designate zoning districts for the property during the annexation process.
- 12.3.5.q An annexation study should be completed on all annexation proposals.
- 12.3.5.r Development proposals require a separate review from the annexation proposals.
- 12.3.5.s Residents should be fully informed of annexation activities.
- 12.3.5.t Encourage larger annexations to create acceptable boundaries.
- 12.3.5.u Conduct a fiscal impact assessments on large annexations.

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Combined Results: 133 Respondents

1) In what part of Fayetteville do you live?

Area	Approximate Boundaries	Count	Percent %
1	West of I-540	16	12%
2	North of North Street between I-540 and Gregg and College Avenues	9	7%
3	North of North Street between Mission Blvd. and Gregg	14	11%
4	North of MLK Blvd. and south of North Street between I-540 and Razorback Road	15	11%
5	North of 15 th Street and south of North Street between Razorback Road and Mission Blvd.	38	29%
6	North of MLK Blvd. and east of Mission Blvd.	31	24%
7	South of MLK Blvd. and 15 th Street and east of I-540	0	0%
8	Outside Fayetteville City limits	8	6%

2) On a scale of 1 to 6 where 1 is most important and 6 is least important, please rate the importance of each of the following factors when you moved to your current residence.

Item	Total Score	Rank
Neighborhood	311	1
Housing Type (e.g. condo, single-family home, apartment, etc.)	351	2
Housing Cost	356	3
Distance to Amenities (grocery store, shopping, etc.)	423	4
Distance to Work	441	5
School District	576	6

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Online Survey Results

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3) On a scale of 1 to 6 where 1 is most important and 6 is least important, please rate the importance of each of the following factors in determining where you will live when you move next.

Item	Total Score	Rank
Neighborhood	298	1
Housing Cost	318	2
Housing Type (e.g. condo, single-family home, apartment, etc.)	347	3
Distance to Amenities (grocery store, shopping, etc.)	366	4
Distance to Work	412	5
School District	552	6

4) Do you utilize an alternative means of transportation (e.g. trail, sidewalk, bus) to access daily needs (e.g. grocery, haircut, entertainment)?

Value	Count	Percent
Yes	53	40.5%
No	78	59.5%

Question:

You are a developer who has just purchased five acres of undeveloped property in an existing neighborhood where you also happen to live (You live at House #1 on the map).

Tips and Guidelines:

- 1) Try not to focus on the architecture too much. Most neighborhoods display a variety of architectural styles, which continue to evolve over time.
- 2) Street "A" is a two-lane residential street with only local traffic. Street "B" is only two lanes, but is highly traveled. (Think Mission, Old Wire, Salem or Huntsville)
- 3) The new development must contain **at least one nonresidential use and at least two different housing types.**

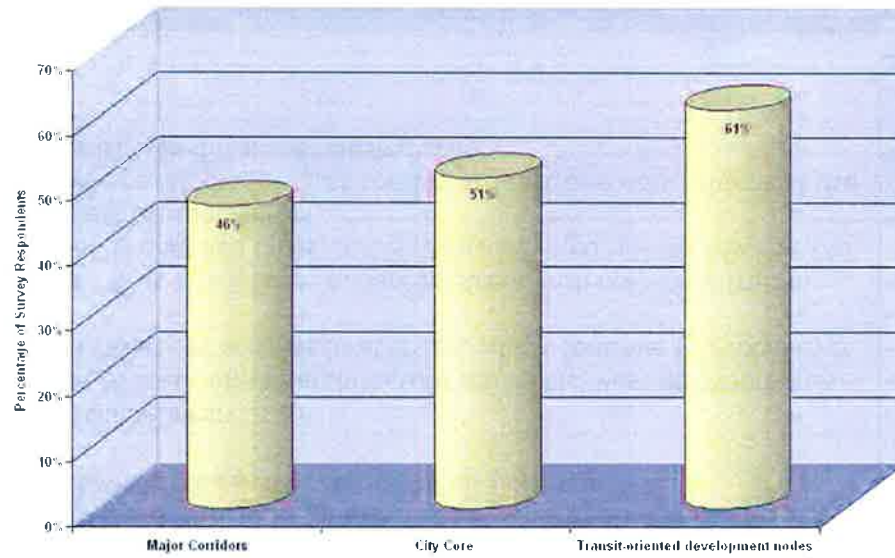


APPENDIX A

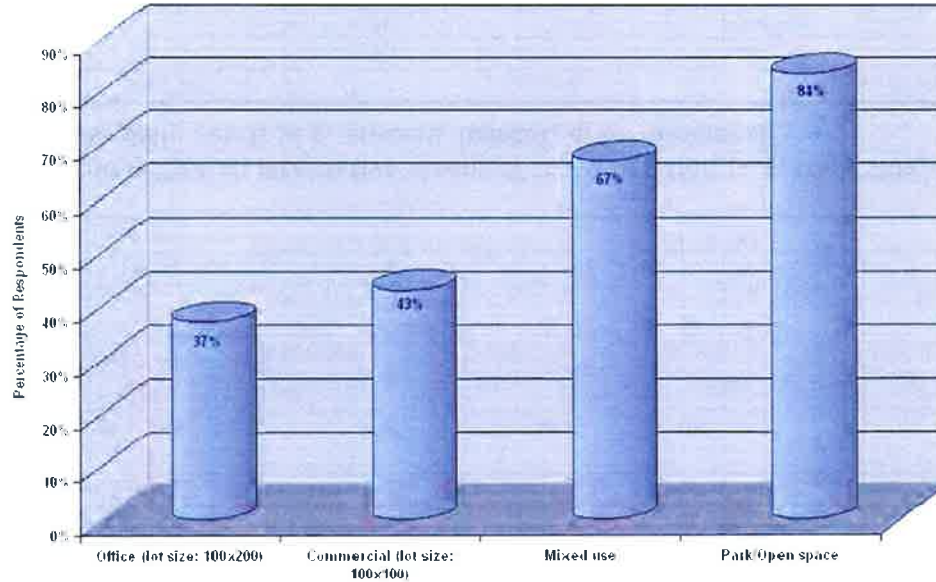
Online Survey Results



Where Should the City Incentivize Infill and Revitalization?



What nonresidential uses would you include?



APPENDIX A

Online Survey Results

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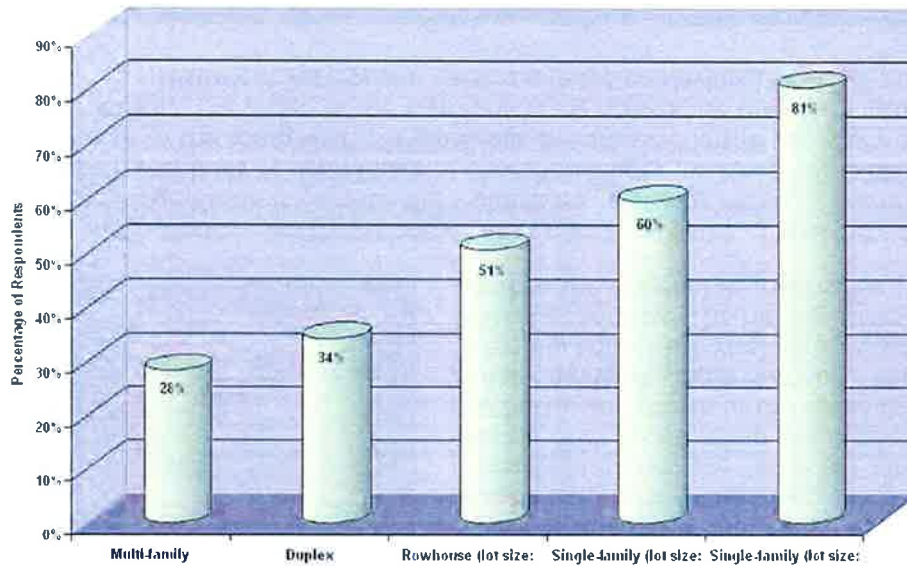
APPENDIX A

Online Survey Results

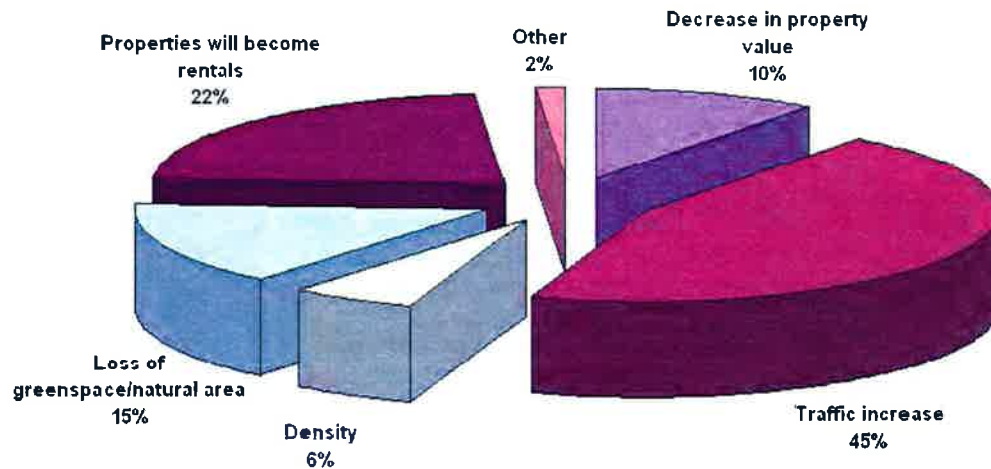
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What residential types would you include?



What is the number one concern you think your neighborhood will have with this development?





University of Arkansas, Fayetteville Campus -Old Main. The University Hall building was built from 1872-74 and modeled after the main building of the University of Illinois. The building itself is a demonstration of architectural ingenuity and perseverance. At the time of construction, there was no railroad within 150 miles of Fayetteville; thus, bricks were made on the campus. Iron and glass were transported via the Arkansas River and hauled over mountains by teams of ox. Lumber and additional building stone came from within the surrounding area. After an extensive renovation, Old Main was rededicated in September 1991. Old Main was listed in the National Register in 1970.

Graduates of the University have their names imprinted in concrete along “Senior Walk” beginning from the door of Old Main and extending across the campus. This tradition began in 1876 and continues today.



Chi Omega Sorority was founded on the campus in 1895. In 1930, the National Chi Omega Foundation erected the Chi Omega Theater as a memorial to the sorority’s founding. A bronze plaque on the foundation of the theater’s south pylon pays tribute to the University.

Carnall Hall is located at the northeast corner of campus at Arkansas Avenue and Maple Street. Constructed in 1895 by Charles L. Thompson, as the first women’s dorm, the building was named after Professor Ella Carnall. The structure is built of brick with a native stone foundation. Thompson is the architect who built the Washington County Courthouse.



Headquarters House - 118 E. Dickson. Over 100 years ago, Jonas M. Tebbetts, a Fayetteville lawyer built what is often referred to as the “most beautiful antebellum house in Arkansas.” The house served as the headquarters of the union commander during the Battle of Fayetteville on April 18, 1863. Across the street (corner of College Avenue and Dickson Street) is a bronze marker giving the date of the battle and names of the opposing commanders, Confederate W.L. Cabell and Union Colonel M. Larue Harrison. The site presently houses the Washington County Historical Society. The Headquarters House has been on the National Register since 1971.



Ridge House - Northeast corner of Center and Locust. Constructed in 1854, the Ridge House is Fayetteville’s oldest home site on record. The original log structure was built by John Ridge, a Cherokee leader instrumental in bringing the Cherokee to the southwest. Original logs are encased in the two-story clapboard structure. The Ridge House is presently maintained by the Washington County Historical Society and has been listed on National Register since 1972.

APPENDIX B Historic Structures

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Walker-Stone House - West Mountain and 207 West Center Street. The Walker-Stone house is two separate brick structures constructed by Judge David Walker, Supreme Court Judge and Chairman of Arkansas Secession Convention. The first home was built on East Mountain and provides a commanding view of Fayetteville. The second home (Center Street) once housed the internationally acclaimed architect, Edward Durrell Stone. The later building has been restored for professional use by the law firm of Kincaid, Horne & Trumbo. The Walker-Stone House obtained National Register status in 1970.



Gregg House - Southwest corner of Lafayette and Gregg. This house was constructed in 1871 by Arkansas Supreme Court Justice Lafayette Gregg and still functions as a private residence. Justice Lafayette Gregg was responsible for preparation of the legislative bill that located the University of Arkansas in Fayetteville and supervision of Old Main's construction. In 1974 the Gregg house was approved for National Register status.

Walker Kneer Williams House - Kneer Road. Located on the south slope of Mt. Sequoyah. Listed on the National Register as of 1975. The structure is a T-shaped brick Georgian structure with Victorian trim constructed between 1870-1880 of brick, stone, and wood. Other than the enclosing of the south gallery and the addition of a back stair, the structure is original and in excellent condition. Built by W. Z. Marges, the red brick was locally produced from the same clay deposits as the Gregg home.

Washington County Courthouse - Located on North College Avenue (State Highway 471) at the east end of Center Street, this building has been the subject of numerous restoration efforts. It has recently been identified as a historic landmark. (Exact date of construction unknown). The County courthouse has been on the National Register since 1972.



Washington County Jail - Located on North College (U.S. 71) at the east end of Mountain Street (Exact date of construction unknown). The County jail has been on the National Register since 1978.



Old Post Office - The Old Post Office is located in the center of Fayetteville Square. This building is listed on the National Register. It has been restored to serve as restaurant and private club. Nomination for the Old Post Office for listing on the Register was approved in 1974.

APPENDIX B Historic Structures

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Frisco Depot - 550 W. Dickson. Erected in 1887 after the first station burned. The original building was remodeled and enlarged in 1925. The depot was transformed with a Spanish influence. It is the only vintage depot standing on the former Frisco line between Missouri and Van Buren. The last regular passenger train passed through Fayetteville on September 18, 1965.



Wade Heverwagen House - 338 Washington Avenue. Built in 1873 with an addition in the 1880's wooden 2-story Y-plan house in an early Virginia style. Still occupied and in good shape.

Hemingway House and Barn - Two story wood frame house covered in clapboards and shingles, rests on short stone piers. Built in 1907 for attorney Wilson Elwin Hemingway. Charles L. Thompson designed the house and barn. It is now the residence of the original owners' granddaughter. It was designed as a summer dwelling of Dutch Colonial influence which is in contrast to Thompson's usual strong classical influence within the Colonial Revival styles.

Wilson, Pittman, Campbell-Gregory House - 405 East Dickson. The original two-story brick structure was built in 1866 with an addition in 1913. Built by J. H. Wilson but purchased before completion by James Pittman, a Confederate Colonel during the Civil War. The exterior has had a few cosmetic alterations but the interior of the house is remarkably unaltered.

Magnolia Filling Station - 429 W. LaFayette. Built by Earl Byrd in 1925 it is the only known surviving structure of the Magnolia Company. It is an outstanding example of the drive-in type structure.

Troy Gordon House - 9 East Township Road. Constructed in 1851 in the Greek Revival style. The structure has been recycled and is now used for office space. This is one of the few antebellum houses remaining in the state.



Jackson House - Built in 1872. Bricks made on property.

Routh-Bailey House - Old Wire Road. Constructed in 1848 entirely by slaves. The 20 slaves were owned by Benjamin Routh. They dug and burned clay and limestone on the farm to make bricks and mortar to build the brick structure.

Guisinger Building - Built in 1886 by William Crenshaw, an early Fayetteville hardware merchant. The brick building is typical of late 19th century commercial style buildings. The building was refurbished retaining all the architectural flavor of the interior including the pressed tin ceilings. It currently houses a law firm.

APPENDIX B Historic Structures

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Villa Rosa - 617 W. LaFayette. The Villa Rosa is a two-story frame residence with a beige brick facing built in the Italian Renaissance style in 1932. Named for Rosa Marinoni, a former Arkansas poet laureate and an important figure in the state's cultural history. Rosa designed the home herself, after her father's summer home, Villa Rosa, in Bologna.

Johnson Barn - Cato Springs Road north of Round Top Mountain. A 1933 two-story, balloon frame, gambrel roof agricultural building. It is supported by a fieldstone foundation, sheathed in wood weatherboard siding, and constructed with solid walnut columns on the first floor and long, unsplined truss members that frame the gambrel roof. Designed with a side drive plan by Ben F. Johnson, III, a Harvard University landscape architect graduate, after an extensive study of Northwest Arkansas barn types. He took the best design features and incorporated them into an ideal barn structure.

National Cemetery - The National Cemetery is the burial site of over 1,600 U.S. soldiers who fought in both World War I, World War II and Korea, Vietnam and the Persian Gulf. The cemetery is maintained by the U.S. Government and is located at the south end of Government Avenue.



Arkansas College - On College Avenue where the First Christian Church now stands was the site of the Arkansas College, the first chartered college to grant Bachelor degrees (1860-1862). In 1928 when Fayetteville celebrated its centennial birthday, this site became an historical marker and is recognized by the placement of a bronze plaque on the front of the church. The plaque commemorates the old Arkansas College which was destroyed by fire during the Civil War.

Fayetteville Female Seminary - The Female Seminary, built in 1839 was located on Mountain Street, one block west of Fayetteville Square. It was begun as a school for Indian girls from the Cherokee Nation and became widely renowned as being the best school for girls in the southwest. The seminary was destroyed by fire during the Civil War and is commemorated now by a bronze plaque on a stone pillar on West Mountain Street.



Confederate Cemetery - Located at the east end of Rock Street, this cemetery is the burial grounds for Confederate Soldiers from Texas, Missouri, Louisiana and Arkansas.

Eason Building - The Bank of Fayetteville and the First National Bank merged in 1915 and were originally housed in the Eason Building.





St. Paul's Episcopal Church - The cornerstone for the St. Paul Episcopal Church was laid in this location in 1872. This church was built by W.Z. Mayes who also built Old Main.

Rieff House / Moores Funeral Home - Built in 1857 it is very similar in design to the Walker/Stone House which also uses Federalist Style Architecture.



A.F. Wolf Building - Originally built in 1906 by A.F. Wolf the building now houses Fayetteville City Hall and Administration offices.

Ozark Theatre Building - Built in 1905 by the Knights of Pythias it became known as the Ozark Theatre.



Bank of Fayetteville - This building has been in the Lewis family since 1912 and for many years it housed the Lewis Brothers hardware store. Its exterior was used in the filming of the television series Evening Shade.



Mrs. Young Building - Possibly the oldest building on the Square, the façade of the "Mrs. Young 1887" building is typical of the late Victorian era and has undergone little alteration.



APPENDIX B Historic Structures

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This section provides a general overview of the City services and facilities provided to residents of Fayetteville, the surrounding communities of Elkins, West Fork, Farmington, Greenland, Johnson, and other areas. These departments and organizations affect and are affected by planning department actions.

Fire Department

Inventory and Condition of Existing Resources

The fire department apparatus consists of engines companies, ladder/rescue companies, aircraft rescue & firefighting unit, Hazardous Materials response unit, command vehicles, fire stations, computers and communications equipment. Engines companies are the basic unit of a fire department that carry personnel, protective equipment, hose, nozzles and fire fighting appliances. A ladder/rescue unit carries personnel, protective equipment, hose, nozzles, fire fighting appliances, various lengths of ground ladders, specialized extrication equipment for rescuing victims from entrapment and an aerial ladder mounted on the chassis. Hazardous materials spills and responses are handled with the Haz-Mat unit. The Aircraft rescue & fire fighting unit is designed for rescue and to extinguish aircraft fires. The Haz-Mat unit and the Aircraft rescue and fire fighting unit are cross-staffed and available on an as need basis. The command vehicles are driven by administrative officers who supplement the command and control activities on the emergency scene.

TABLE 6.1 FIRE DEPARTMENT RESOURCES Fayetteville (2005)		
Employees	Apparatus	Reserve Apparatus
1 Fire Chief	6 Engines	3 Engines
109 Civil Service Certified Personnel	3 Ladder/Engines	1 Engine/Ladder
1 Civilian Secretary	1 Rescue Truck	
1 Civilian Programmer/Analyst	1 Haz-Mat/Tactical Rescue	
1 Civilian Inspector	1 Aircraft Rescue (A.R.F.F.)	
1 Half-Time Financial Analyst	1 Brush Unit	
	10 Staff Vehicles	
Source: Fayetteville Fire Department, February 2011.		

Fire Stations: Fayetteville has seven (7) fire stations. Fire Station #4 and #6 moved to new facilities in 1999 and Fire Station #7 was opened and staffed in 2005. Two stations are 47 years old and in are in need of significant improvements or replacement. They are becoming expensive to maintain. Fire station #5 was relocated in 2007 and station #3 was opened in 2008 at 1050 S Happy Hollow Rd. The airport station houses a non-staffed ARFF truck.

Station 1 (Headquarters) 303 West Center

Station 2 708 North Garland

Station 3 1050 S Happy Hollow Rd

Station 4 3385 Plainview

Station 5 2979 North Crossover

Station 6 900 Hollywood

APPENDIX C Community Services and Facilities

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Station 7 836 North Ruppel Road
Airport (non-staffed) 385 Lancaster
Fire Marshal 833 North Crossover Road

Office Equipment: The department has 25 computers connected to the City network. In addition, there are printers provided at each work station, an office facsimile, two copiers and other assorted office equipment associated with providing emergency response service.

Communications Equipment: The department is a participant on the City's 800 megahertz city wide radio system. This involves 35 mobile and 82 portable radios with ten base stations. We have added 15 mobile data terminals for the department's fleet of emergency response vehicles.

Training Facilities: The department has class room space at the central fire station and at Airport station. The department is in need of a training facility that will allow for fire suppression training, hot drills and practical skills. The department is investigating alternative funding sources and the possibility of incorporating a drill area on the grounds of a new or replacement fire station.

Future Service: The department will actively work with the City with regard to planning and development and future considerations for annexation and the potential effect that it would have on the department's delivery of services. The department has entered automatic aid agreements with 5 outlying departments.

Police Department

Inventory and Condition of Existing Resources

Number of Employees:

Non-uniform -	50
Uniform -	118
Total -	168

Fleet:

Police Cars -	32
Sport Utility Vehicles -	5
Wagons/Vans -	3
Motorcycles -	2

Capital Facilities:

Police Station -	1
------------------	---

Emergency Equipment:

ERT Truck- 1
K9 Vehicles- 2
Motorcycles- 3
Bicycles- 25
Pickups- 3
Patrol cars- 26
Crime Scene Unit- 1

Additional Resources:

Segway- 1
Trailers- 3, (2 - flatbed, and
1 enclosed with water tank,
generator, pump)
ATV sidekick - 1
Portable Generator - 1
Portable Radios assigned to
each officer

The Fayetteville Police Department is divided into four programs: Patrol, Central Dispatch, Support Services, and Drug Investigations, and serves a population of approximately 74,000 citizens throughout the city of approximately 55.4 square miles. There are 176 employees of the Fayetteville Police Department; 116 officers and 41 civilian positions. The City of Fayetteville Police Department is under the direct supervision of the Chief of Police who reports to the Mayor. City Administration is currently in the planning stages for locating a site and construction of a state of the art police facility. A space needs assessment recommended this facility be at least 62,634 sq.ft. to meet future growth needs to the year 2025.

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APPENDIX C Community Services and Facilities



Parks and Recreation

TABLE C.4 PARKS AND RECREATION FACILITIES Fayetteville (2010)	
Facility Type	Number
Playgrounds	29
Tennis Courts	8
Basketball Goals	25
Handball / Racquetball Courts	2
Softball / Baseball Fields	18
Community Centers	4
Swimming Pools	1
Soccer (Full Size Equivalent)	10
Volleyball Courts	10
Pavilions	15
Trails	37.5 miles
Greenhouses	2
Model Airplane Airstrip	1
BMX Track	1
Batting Cages	2
Horseshoe Pits (Complex)	1
Senior Activity & Wellness Center	1
Skateboard Parks	1
Lake Recreation Areas	3
Restrooms	14
Source: Fayetteville Parks and Recreation 2011	

TABLE C.5 PARK LAND TO POPULATION COMPARISON WITH NATIONAL AVERAGE Fayetteville (2006)					
	Northwest	Northeast	Southwest	Southeast	Total
Population (estimated-2001)	14,574	13,115	22,161	13,350	63,200
Existing Acres (excludes Water Acreage)	165.8	611.7	69.3	1861.1	2,707.9
NRPA Recommended Acres	146	131	222	133	632
Need () /Excess +	+19.8	+480.7	(152.7)	+1,728.1	+2,075.9
Source: Fayetteville Parks and Recreation 2006					

TABLE C.6 PARK LAND Fayetteville (2010)		
	No.	Acres
Parks Developed	37	2,701.50
Water Acres	3	739 Water Acres
Parks Undeveloped and Natural Areas	16	238.26
Trails	16	188.59
Plaza	1	.34
TOTAL Acreage	70	3,867.69
TOTAL Land Acreage (excludes Water)	70	3,128.69
Source: Fayetteville Parks and Recreation 2011		

TABLE C.7 PUBLIC LANDS MAINTAINED Fayetteville (2010)		
	No.	Acres
Entryway/ Street Medians	16	15.36
Plazas/Public Lands	3/1	1.75/1.75
TOTAL Acreage	20	18.86

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Solid Waste Division

Solid Waste Division

Inventory and Condition of Existing Resources

Number of Employees:

Operations and Administration (Program 5000)	6.25
Commercial Collections (Program 5010)	11.7
Residential Collections (Program 5020)	10.05
Commercial Drop Box Collections (Program 5030)	2.7
Transfer Station (Program 5040)	1.0
Recycling Collection (Program 5060)	17.7
Composting (Program 5070)	7.6

Total Number of Employees 57

Fleet:

Operations and Administration (Program 5000)	Ford Explorer	1	
Commercial Collections (Program 5010)	Front Loaders	11	
	Mad Vac leaf Sweeper	1	
	Polaris ATV		1
	Silverado ½ ton	1	
Residential Collections (Program 5020)	Side Loaders	8	
	Ford F-250 ¾ ton		1
	Bulk Truck w/boom		1
	Cargo Van		1
Commercial Drop Box Collections (Program 5030)	Roll Off trucks		3
Transfer Station (Program 5040)	Front Loader		1
	Backhoe		1
Recycling Collection (Program 5060)	Recycling Trucks		12
	Skid Steer Loader	1	
	Fork Lift	1	
	Ford F-250 ¾ ton	1	
Composting (Program 5070)	Compost bagger	1	
	Compost Turner	1	
	Wood Grinder		1
	Compost Screener		1
	Front Loader		1
	Rear Loaders		2
	Dump Truck		1
Total Number of Fleet Vehicles			54

Services Provided (2011):

Residential Automated Waste Collection
Residential Curbside Recycling Collection
Residential Bulky Waste Collection

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Temporary 6 yd Dumpster Service
Commercial Waste Collection
Commercial Drop Box Service
Commercial Curbside Recycling Collection
Commercial Dumpster Recycling Collection
Yard Waste Collection
Composting Operations
Community Recycling Drop Off Facility
Curb the Clutter litter abatement program
Educational Programs (Tours, speaking engagements)

Number of Customers Served:

Residential Cart Customers	19,692
Commercial Carts	723
Business	866
Administrative Offices	83
Industrial Accounts	18
Restaurants	186
Others	65
Multi-Metered Apartments	223
Individually Metered Apartments	7,823
Commercial Drop Box Accounts	54
Commercial Cardboard Accounts	118

Total Number of Customers Served 30,708

Future Service

The Solid Waste and Recycling Division will continue to look for operational efficiencies that will provide positive benefits to the Solid Waste and Recycling Enterprise Fund. The Division's primary goal is to provide efficient, convenient and cost effective services for customers. In the future, continuation and development of incentive based programs to encourage recycling and waste reduction will take priority in terms of Solid Waste and Recycling handling within the City.

Expansion of a second recycling drop off facility at the corner of Persimmon and Broyles Ave. will provide expanded opportunities for recycling. The Broyles Ave. recycling drop off is intended as our premier drop off and recycling education facility, integrating all aspects of the proximity too the Woolsey Wet Prairie into a comprehensive sustainability and recycling education site. We intend to incorporate Low Impact Development techniques into the drop off center design as much as possible.

Commercial recycling expansions to large quantity generators of materials will be a priority for expansion of recycling services. Programs will be modeled similar to the Pay As You Throw residential program to incentivize recycling to the customers.

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Improvements to the composting site include a concrete pad for the compost rows and installing a water system to bring water to the compost rows thereby improving the quality and processing time needed to make certified compost. Another development is the expansion of a larger and more comprehensive commercial recycling program including apartment recycling. With one in four residents in Fayetteville living in apartments, the opportunity to recycle in large complexes exists if collecting and processing of the recyclables can be done efficiently.

The final development will be improving existing facilities and operational systems to maximize efficiencies and handle growth. Improvements to the composting site include a concrete pad for the compost rows and installing a water system to bring water to the compost rows thereby improving the quality and processing time needed to make certified compost. A new baler and possible expansion to the recycling center is needed to handle the growth in recycled tonnage collected through the program.

Wastewater Collection and Treatment

Inventory and Condition of Existing Resources

Number of Employees: 28

Collection System. The original wastewater collection system was built in 1889. The system is a network of gravity wastewater pipelines (sewer lines) and pressurized force mains with pumps or lift stations. The system consists of 488 miles of gravity sewer lines ranging between 6 and 36 inches; 40 lift stations; and 32 miles of pressure force mains. Sections of the collection system are overloaded in wet weather.

Wastewater Treatment Plant. The city owns and operates one treatment plant, Paul R. Noland Wastewater Treatment Plant, located on Fox Hunter Road. The treatment plant serves Fayetteville, Elkins, Farmington, Greenland and parts of Johnson. The facility was designed to accommodate 12.6 million gallons per day (mgd) on an average day basis, and treats flows to one of the most stringent standards in Arkansas. The system uses surface water disposal of wastewater effluent in the White River and parts of Mud Creek. Sludge disposal is via landfill. In 2006, the facility reached 100 percent, by flow volume, of its capacity. The plant is operating at greater than design efficiency, which is what is allowing the City to continue to add new connections and still meet its legal discharge permit requirements.

The City is constructing a second wastewater treatment facility on Broyles Avenue in western Fayetteville. This facility is scheduled to become operational in May, 2008. When this 10 mgd (average day) facility comes on line, the Noland WWTP will have, by permit, a capacity of 11.4 mgd, giving the City a total treatment plant capacity of 21.4 mgd. Each plant will discharge only to one basin: the Noland WWTP to the White River, and the West Side WWTP to Goose Creek, a tributary to the Illinois River. The West Side WWTP uses a biological treatment process similar to the Noland WWTP; sludge will continue to be disposed of in landfills. Once both treatment plants are in service, the Noland WWTP will continue to be disposed of in landfills.

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plant will serve part of Fayetteville, Elkins, and Greenland. The West Side WWTP will serve part of Fayetteville, Farmington, and parts of Johnson.

Future Services

- Collection System.** The existing collection system is undergoing and will continue to require continual maintenance. Thirty miles of new interceptor pipes up to 48 inches in diameter are being installed in conjunction with the renovation of the Noland WWTP and construction of the new West Side WWTP. Approximately two million dollars of work is being performed annually for collection system pipe and manhole rehabilitation.
- Treatment Facility.** In 1997, CH2M Hill prepared a Wastewater Facilities Plan that identified the existing conditions and future needs of the treatment plant. The plan was updated in 2001. This is the plan on which the \$175 million Wastewater System Improvement Project is based, which includes the \$20 million renovation of the Noland WWTP, the \$70 million construction of the new West Side WWTP, and the \$85 million in collection system, lift station and other improvements.

Water Supply

The City has developed Water System Master Planning Study in June 1989, October 1996, and there is a draft study developed in June, 2004.

Beaver Water District

Fayetteville purchases all of its water from the Beaver Water District. The district maintains the Joe M. Steele Water Treatment Plant and the Hardy W. Croxton Water Treatment Plant, both located east of Lowell. An expansion is underway. The Beaver Water District pump station has two large pumps, one medium pump, and one small pump that can deliver up to 30.6 million gallons of treated water to Fayetteville; there is capability to add one additional large pump when the demand warrants it.

Water Distribution System

The city is served by eleven hydraulic pressure planes that includes seven ground storage tanks, two stand pipes, four elevated tanks, and one surge tank. Total storage capacity is 29 million gallons. There are also eight major pumping stations with nineteen pumps, and two minor pump stations. All major pump stations have alternate power except one which is a backup to another pump station. The City's transmission lines can deliver a total of 46 million gallons per day from the Beaver Water District.

Future Services

The average daily use in 2006 was 14.34 million gallons. The maximum daily use we have experienced was 26.24 million gallons on 17 August, 2003. The projected average day use by 2025 is 25.11.

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TABLE 6.7 WATER USE PROJECTIONS Fayetteville (2010 - 2025)		
Year	Average Day (MG)	Maximum Day (MG)
2006 (actual)	14.34	24.00
2010	17.84	35.68
2015	19.88	39.76
2025	25.11	50.22

Source: Projections are based on staff updates to the McGoodwin, Williams and Yates 2004 Water Master Plan.

MG=million gallons

TABLE 6.8 WATER STORAGE PROJECTIONS Fayetteville (1995-2015)				
Year	Operation (MG)	Fire (MG)	Emergency (MG)	Total (MG)
2006	24.0	0.6	2.9	27.5
2010	35.7	0.6	3.6	39.9
2015	39.8	0.6	4.0	44.4
2025	50.2	0.6	5.0	55.8

Source: City of Fayetteville Water System Master Planning Study, McGoodwin, Williams and Yates Inc., October 1996.

Note: MG=million gallons

Storage requirements are determined by the needs of operational (two times maximum day), fire flow (600,000 gallons), and emergency storage (20% of average day). Total storage requirements by 2025 are projected to be 55.8 million gallons.

These parameters are identified in the City of Fayetteville Water System Master Planning Study, McGoodwin, Williams and Yates Inc., June, 2004. The numbers are based on 2006 usage.

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School District

Inventory and Condition of Existing Resources

Fayetteville Public School District has 14 schools consisting of 9 elementary schools (grades K-5), 2 middle schools (6th & 7th grades), 2 junior high schools (8th & 9th grades), and 1 high school (10th, 11th, and 12th grades). Total enrollment in October 2010 was 8,838, a six percent increase from 2005 enrollment figures.

Total enrollment for Fayetteville schools is expected to continue increasing, but at a slower rate than during the last several years. A population and enrollment forecast study conducted for Fayetteville Public Schools indicates that from 2015 to 2020 the district's elementary and middle school enrollment is expected to decline approximately 9.0% and 0.5% respectively. Growth at the junior highs and high school is expected to increase over this same time period, but at a slower rate than previous years, approximately 4.3% and 2.4% respectively.

Table C. 10
Fayetteville Public Schools

Table C. 10 Fayetteville Public Schools					
	Elementary	Middle	Junior	High	Total
No. of Schools	8 (1)	2	2	1	14
Enrollment (2010)	3,922	1,173	1,313	1,812	8,838
School Names	Asbell Butterfield Happy Hollow Holcomb Leverett Root Vandergriff Washington	McNair Holt	Ramay Woodland	Fayetteville	
	Owl Creek (K-7) (Enrollment: 618)				
Source: Fayetteville Public School District, Fayetteville School District Website, Fayetteville Public Schools Population and Enrollment Forecasts, 2010-2019, prepared by McKibben Demographic Research (February 2011)					

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Traffic Control & Maintenance Program**

Inventory and Condition of Existing Resources

Employees: 6
Fleet: 3

In 1995, the Traffic Division relocated to the Operation Center on Happy Hollow Road. Since that time the Traffic Division was included in the reorganization of the Street Division which became the Transportation Division. It is now the Traffic Control and Maintenance Program in the Transportation Division. The Traffic Control & Maintenance office and shop are currently adequate but the computers need to be replaced. As of Fall 2005, 77 traffic signals are 99% in compliance with the Manual on Uniform Traffic Control Devices. Approximately 900-1000 traffic signs are in need of replacement annually to ensure a 10-15 year life span. The Program is also responsible for maintenance of 35 miles of street stripping.

Future Service

Projected needs for the next 25 years:

- 75-100 additional new traffic signal installations
- A centralized traffic signal computer system capable of making traffic grid coordination decisions to move traffic efficiently, safely, and reduce fossil fuel consumption
- 10,000 new sign installations
- A new traffic control operation center will be needed in 5-10 years
- A dedicated fiber-optic or wireless LAN communication system for a centralized traffic signal computer system
- 30-40 miles of street striping will be added

Demand for traffic control devices will double by 2025. The City will need another Traffic Supervisor, two additional sign crews (four people) and two more traffic signal technicians. The Traffic Control & Maintenance Shop will need to be expanded to accommodate a centralized traffic signal computer system control center and necessary equipment or be replaced with a new Operation Center.

Related equipment needs are:

- Additional bucket truck
- Two sign/maintenance trucks
- Traffic Supervisor/Technician vehicles
- Other misc. traffic sign/signal installation and maintenance equipment

** Based on 2000 Information

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American Institute of Architects

<http://www.aia.org>

This AIA site includes access to job listings, continuing education, media updates, and a search engine for contacts.

American Planning Association

www.planning.org

The American Planning Association is a nonprofit public interest and research organization representing 37,000 practicing planners, officials, and citizens involved with urban and rural planning issues.

American Society of Landscape Architects

www.asla.org

The American Society of Landscape Architects is a professional organization that promotes the profession through advocacy, education and communication.

Builder Online

www.builderonline.com

Builder magazine and Builder Online are professional resources for the home building industry. Read about home building news, trends and projects around the country.

Center for Transit-Oriented Development

<http://www.reconnectingamerica.org/html/TOD/index.htm>

Seeks to use transit investments to spur a new wave of development that improves housing affordability and choice, revitalizes downtowns and neighborhoods, and provides value capture and recapture for individuals, communities, and transportation agencies.

Congress for the New Urbanism

www.cnu.org

CNU advocates the restructuring of public policy and development practices to support the restoration of existing urban centers and towns within coherent metropolitan regions.

Dover Kohl and Partners

www.doverkohl.com

Design is the key to livable communities. The Dover, Kohl and Partners team is focused on revitalizing traditional towns, growing neighborhoods, and fixing sprawl - by design.

RESOURCES



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RESOURCES



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Mayors' Institute on City Design

<http://www.arts.endow.gov/partner/Mayors2.html>

Details of this NEA-sponsored workshop, the main goal of which is to 'help mayors develop an appreciation for the importance of their role as designers of their own cities.'

National Trust for Historic Preservation

<http://www.nationaltrust.org>

Non-profit organization dedicated to providing leadership, education, and advocacy to save America's diverse historic places and revitalize communities.

New Urban News

www.newurbannews.com

New Urban News is a professional newsletter for planners, developers, architects, builders, public officials and others who are interested in the creation of human-scale communities.

Planetizen

www.planetizen.com

Planetizen is a public-interest information exchange provided by Urban Insight for the urban planning, design and development community.

Resource for Urban Design Information

<http://www.rudi.net>

RUDI is the one-stop portal to all key information sources for everyone involved in urban design. Highlights of RUDI include news, events, case studies, examples of best practices, design guides, book reviews and a bookshop.

Smart Growth Online

www.smartgrowth.org

A service of the smart growth network this website offers resources, news, and links to smart growth issues around the country.

Urban Land Institute

<http://www.uli.org>

The mission of the Urban Land Institute is to provide responsible leadership in the use of land in order to enhance the total environment.

DEFINITIONS OF TERMS

(Source: SmartCode and Manual, including SmartCode version 8.0 & 9.2, Article 7)
New Urban Publications Inc.; www.newurbannews.com; a Planners Dictionary; University of Wisconsin-Stevens Point College of Natural Resources www.uwsp.edu/cnr; Randall Arendt www.greenerprospects.com

Brownfield: An area previously used primarily as an industrial site.

As of right development: Development that complies with the provisions of the zoning regulations and may be approved administratively.

Charrette: The word charrette can refer to any collaborative session in which a group of designers drafts a solution to a design problem. While the structure of a charrette varies depending on the design problem and the individuals in the group, charrettes often take place in multiple sessions in which the group divides into sub-groups. Each sub-group then presents its work to the full group as material for future dialogue. Such charrettes serve as a way of quickly generating a design solution while integrating the aptitudes and interests of a diverse group of people.

Conservation Subdivision: A subdivision with a significant percentage of buildable lands (generally around 40% or more) permanently protected to create interconnected networks of conservation lands. Conservation subdivisions are specifically designed around each site's most significant natural and cultural resources, with their open space networks being the first element to be "green-lined" in the design process. These conservation lands may provide open space and recreation for the neighborhood and may also serve as local building blocks in a community-wide open space network. Conservation subdivisions are generally density neutral, meaning that the overall number of dwellings built is not different from that done under the current zoning and subdivision regulations.

Context: Surroundings made up of the particular combination of elements that create specific habitat.

Corridor: A lineal geographic system incorporating transportation and/or greenway trajectories. A transportation corridor may be a lineal urban Transect Zone.

Cottage Development: A cluster of detached single family homes, restricted in size and of high architectural quality, oriented around common open space.

Density (residential): The number of dwelling units within a standard measure of land area,

Enduring Green Network: A linear park, trail corridor, or open space conservation area that provides passive recreational opportunities, alternative transportation options and/or the conservation of open space or natural areas.

GLOSSARY



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Form-Based Code: A form-based code is a land development regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of “place”.

GIS (Geographic Information System): A computerized program in widespread municipal use that organizes data on maps.

Greenfield: An area that consists of open or wooded land or farmland that has not been previously developed.

Greyfield: Previously developed properties that are not contaminated. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict or vacant.

Human Scale: The proportional relationship of the physical environment to human dimensions, acceptable to public perception and comprehension in terms of the size, height, bulk, and/or massing of buildings or other features of the built environment.

Impact Fee: A charge on new development to pay for the construction or expansion of off-site capital improvements that are necessitated by and benefit the new development.

Infill: Development occurring on vacant or partially developed land in established areas of the city that has infrastructure and public services in the immediate vicinity, and is surrounded by areas that are substantially developed.

Intensity (nonresidential): The number of square feet of development per acre by land use type with respect to non-residential land uses.

Mixed Use: Multiple functions within the same building or multiple buildings, most commonly comprised of residential and nonresidential uses.

Pedestrian Shed: An area, approximately circular, that is centered on a Common Destination. A Standard Pedestrian Shed is 1/4 mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. A pedestrian shed is often used as a unit of neighborhood measurement for planning analysis such as; land use, development density or intensity, accessibility to open space or parks, walkability, etc. It has been shown that provided with a pedestrian environment, most people will walk this distance rather than drive.

Sprawl: Low-density land-use patterns that are automobile-dependent, energy and land consumptive, and require a very high ratio of road surface to development served. Characteristics of sprawl include: a scattered

development pattern that leaves large tracts of undeveloped land between developments; commercial strip centers along major streets, and large expanses of single-use development. (adapted from Michigan State Planning Officials, Patterns on the Land, Trend Future Project, final report, September 1995)

Streetscape: The urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

Transfer of Development Rights (TDR): A method of relocating existing zoning rights from areas to be preserved as open space (“sending areas”) to areas to be more densely urbanized (“receiving areas”).

Traditional Neighborhood Development (TND): Developments that provide: a variety of housing types and prices; prominently sited village squares or greens; civic, community or educational buildings; and retail/offices/workplaces to provide a balanced mix of activities. These types of neighborhoods have interconnected streets, alleys and sidewalks in a grid or modified grid pattern with buildings oriented to the street and a high level of pedestrian activity.

Transit-Oriented Development (TOD): Moderate and high-density housing concentrated in mixed-use developments located along transit routes. . . . The location, design, and mix of uses in a TOD emphasize pedestrian-oriented environments and encourage the use of public transportation. (Community Green Line Planning Project, “Putting Neighborhoods on the Right Track,” Chicago)

Transect: A cross-section of the environment showing a range of different habitats. The rural-urban Transect of the human environment used in the SmartCode template is divided into six Transect Zones. These zones describe the physical form and character of a place, according to the Density and intensity of its land use and Urbanism.

Transect Zone (T-Zone): One of several areas on a Zoning Map regulated by the SmartCode. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage.

Village: A Village is usually a TND Community Type standing isolated in the countryside, but with a stronger connection to a transportation corridor than a hamlet due to its proximity to a transportation corridor. See: TND.

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Walkable Neighborhood / Walkability. Development pattern that is identifiable for its short block lengths and complete street attributes such as sidewalks, bicycle facilities, on-street parking, and slow vehicular speeds. Pedestrian sheds that include commercial, civic, school, open space and residential uses within or adjacent to walkable neighborhoods provide the most efficient use of land and environmental resources.

GLOSSARY

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PC Meeting of May 2, 2011

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
THRU: Jeremy Pate, Development Services Director
DATE: ~~April 19, 2011~~ Updated May 3, 2011

ADM 11-3774: Administrative Item (CITY PLAN 2030): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Comprehensive Land Use Plan. Planner: Jesse Fulcher

Background:

City Plan 2025 was unanimously adopted by the City Council on July 7, 2006, after an intensive public participation process involving almost 800 citizens and Dover, Kohl and Partners, a nationally recognized design firm. The plan includes six goals that are the foundation for land use planning decisions.

Goal 1: We will make infill and revitalization our highest priorities.

Goal 2: We will discourage suburban sprawl.

Goal 3: We will make traditional town form the standard.

Goal 4: We will grow a livable transportation network.

Goal 5: We will assemble an enduring green network.

Goal 6: We will create (opportunities for) attainable housing.

In accordance with state law, a five year update of the plan was started in early 2010 with the formation of a project team that included staff from Planning, Geographic Information Systems, Parks and Recreation, Engineering, Strategic Planning, Community Services and Fire. After conversations with the project team, the Administration and City Council members, it was decided that the six adopted goals would remain in place, and the update would focus on the steps necessary to advance each goal.

Participation:

The project team hosted a staff input session in March 2010 that included approximately 50 staff members from all divisions that participate in or are affected by the development review process. Strategic Planning staff also solicited input from the Planning Commission and City Council in September 2010, asking members to identify the success stories and areas for improvement. The project team utilized this initial input and analysis to develop the areas of focus for the public input process.

City staff spread the word about City Plan 2030 by creating a public service announcement that aired on the government channel and other local stations, placing ads in the local newspaper and *Fayetteville Flyer*, conducting an interview for a local public radio station, distributing flyers at First Thursday events, and ensuring that email invitations were sent multiple times to the Chamber of Commerce membership, Fayetteville Council of Neighborhoods, Fayetteville Forward groups and previous participants in City Plan 2025 and neighborhood master plan charettes.

Two public input sessions were held in October 2010 and one was hosted live on the internet in a webinar format, so that stakeholders could participate from an alternative location if they couldn't be present. The first session was held at the Bank of Fayetteville on the Square on October 7, 2010, and the second was held at the Fayetteville Public Library on October 15, 2010, where the presentation component was also broadcast as a webinar. At each session, participants gathered around base maps of the city and worked in small groups. A member of the project team was placed at each table to serve as a facilitator and guide the participants through a series of planning exercises. Approximately 80 stakeholders attended the public input sessions or participated in the webinar.

The participants were lead through a "food for thought" presentation that reviewed the goals of City Plan 2025 and then posed three key questions: 1) What should an enduring green network look like?; 2) Where should development be incentivized?; and 3) How would you design a new development within your own existing neighborhood and how would you deal with neighbors' concerns? Participants worked to answer these three key questions and reach a consensus in approximately 40-50 minutes.

Strategic Planning staff also conducted an online survey from October 15 through November 15 that asked the questions posed at the public input sessions. The site included the presentation from the input sessions, and survey respondents were encouraged to view the presentation before completing the survey. Sixty-seven stakeholders completed the online survey.

In addition to the public sessions and online survey, staff held technical meetings with stakeholder groups to address specific topics. These meetings took place during the months of October and November and included the Fayetteville Chamber of Commerce, Fayetteville Public School Superintendent Vicki Thomas, the University of Arkansas Campus Planning staff and a session focused on attainable housing that included representatives from the Northwest Arkansas Housing Coalition, Partners for Better Housing, Fayetteville Housing Authority and local developers and architects.

After documenting and reviewing the input from staff, elected officials, members of the public and technical groups, the project team worked to assemble a new framework that keeps intact the original goals and identified concrete action steps that will advance the goals over the next five years. The project team then applied City Plan 2030's principles to the Future Land Use Map and Master Street Plan, updating them based on the feedback received during the public input process. These drafts were reviewed during several work sessions with the Planning Commission to solicit additional critiques, and then all the elements of City Plan 2030 were presented at a Community Presentation on February 24.

Updates:

In addition to updating Chapters 1-9 and 11, staff revised Chapter 10 Framework and Chapter 12 Guiding Policies. Chapter 10 establishes the six goals and associated objectives, action steps and benchmarks that are essential to promote and achieve the visions of the comprehensive land use plan, Future Land Use Plan and Master Street Plan. Chapter 12 provides descriptions for each of the future land use designations and detailed master street plan cross-sections, and will be discussed in detail with the Future Land Use Map and Master Street Plan amendments.

Chapter 10, though expertly prepared, sometimes lacked the detail and clarity necessary for measurable success. Because of this staff focused many of the discussions with elected and appointed officials, technical groups and the public around improving and clarify each. Particularly, Goal 5 Enduring Green Network and Goal 6 Attainable Housing had significant revisions.

Several questions related to Goal 5 were asked during the public meetings, and the input staff received

resulted in a clear definition and function for the green network. With public input and data collected in the Fayetteville Natural Heritage Green Infrastructure study, staff was able to also generate an Enduring Green Network Map that will assist the city in making strategic land use decisions. The map and revised action steps now provide staff and the community a clear vision of what the goal is intended to accomplish.

Although, several of the Goal 6 action steps were accomplished, none actually “created” attainable housing. Because of this, staff is recommending that the goal be restated as “we will *create opportunities* for attainable housing.” The technical meeting held to discuss attainable housing revealed several key points: 1) The existing supply of attainable housing must be maintained; 2) The ratio of housing per linear foot of infrastructure must increase to keep housing costs down; 3) The City should evaluate a land bank or housing trust fund to supplement the stock of attainable housing. New action steps have been developed around each of these subjects. In addition, it is recommended that the city develop educational materials related to energy efficiency and the relationship between housing affordability and transportation costs.

The remaining goals have retained many of the existing objectives and action steps, particularly those that are considered on-going, such as developing neighborhood plans. However, there are also numerous additions that staff believes will further each goal, and the success of the plan. A complete list of the existing and proposed goal, objectives and action steps is attached.

Key action steps that the project team believes will advance the goals of City Plan 2030 are:

- Use the Enduring Green Network boundary map as a tool when making decisions on parkland acceptance and acquisition, off-site tree preservation, and when updating the Master Trail Plan.
- Develop a conservation development ordinance, or other development form for rural properties, or those with environmentally sensitive features.
- Develop a cottage development ordinance.
- Develop internal processes to align funding, development and planning of city infrastructure with the goals of City Plan 2030.

Recommended Motion: Staff recommends forwarding **ADM 11- 3774** (City Plan 2030) to the City Council with a recommendation for approval.

Planning Commission Action: ☒ **Forwarded** ☐ **Denied** ☐ **Tabled**

Motion: Earnest

Second: Chesser

Vote: 9-0-0

Meeting Date: ~~April 25, 2011~~ Rescheduled to May 2, 2011



PC Meeting of May 2, 2011

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
THRU: Jeremy Pate, Development Services Director
DATE: ~~April 19, 2011~~ Updated May 3, 2011

ADM 11-3775: Administrative Item (FUTURE LAND USE MAP 2030): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Future Land Use Map.
Planner: Jesse Fulcher

Background:

The current Future Land Use Map was adopted by Resolution No. 206-06 on December 5, 2006, following adoption of City Plan 2025. The map was developed to reflect the principles and goals of City Plan, and is further supported by the text contained in Chapter 12 Guiding Policies. The Future Land Use Map and associated land use designations were not developed to separate uses, as is common in conventional zoning. But for the first time the map and designations were developed using key elements from the SmartCode¹, which utilizes a "sequence of environments...that...identify a set of habitats that vary their level and intensity of urban character..." This system of environments is known as the Transect Zone, with habitats ordered from the most natural to the most urban.

During the development of City Plan 2025, staff identified the areas from the SmartCode transect that seemed appropriate for the development patterns expressed in City Plan 2025. These descriptions were then modified to reflect the unique characteristics of Fayetteville. These areas are:

Natural Areas (Dark Green) T-1
Rural Areas (Light Green) T-2
Residential Neighborhood Areas (Yellow) T-3
City Neighborhood Areas (Blue) T-4
Urban Center Areas (Purple) T-5
Complete Neighborhood Plans (Red)
Civic and Private Open Space Areas/Parks
Civic Institutional Areas
Non-municipal Government Areas
Industrial Areas (Light Blue)

Updates:

The Future Land Use Map and land use designations are still based on the transect model. Staff's

goal with this update was to use the existing map and land use designations, and further refine the descriptions and boundaries to better align with the unique development characteristics of Fayetteville.

The Residential Neighborhood Area description was updated to address the variety of residential development patterns that exist in the city and the need to locate neighborhood services at intersections and connecting corridors. The City Neighborhood Area description now recognizes the wide spectrum of residential densities and housing types, and nonresidential services that link the residential and urban areas. And the Urban Center Area description now suggests a regional role that may reflect a traditional mixed-use center, or an existing auto-dependent commercial center. The images included in the City Plan document represent the variety of land uses and patterns that may exist in the Urban Center Area, including clean-tech industries, urban mixed-use centers, regional entertainment, and auto-served interstate development.

The revised land use descriptions required modifications to the land use boundaries as well. The amount of Residential Neighborhood Area at the edge of the city was reduced to better support the goal of discouraging suburban sprawl and the Urban Center Area boundary near the north end of the city was adjusted to reflect the new “regional” description. Other significant changes to the map include:

- Classifying land near the intersection of College and Rolling Hills as Urban Center Area. This was requested by several Planning Commissioners at a work session.
- Extending the amount of Urban Center Area at the southeast corner of Wedington and I-540. This is based on a realignment of a collector street (Persimmon Street extension) through the property.
- Land acquired from the City of Johnson is include and designated as Urban Center Area.
- The Industrial Area has been expanded near Drake Field to provide a link between the existing Industrial Park and the Arkansas Missouri Railroad Corridor.

Recommended Motion: Staff recommends forwarding **ADM 11- 3775 (Future Land Use Map)** to the City Council with a recommendation for approval.

Planning Commission Action: ☒ **Forwarded** ☐ **Denied** ☐ **Tabled**

Motion: Winston

Second: Chesser

Vote: 9-0-0

Meeting Date: May 2, 2011

¹ SmartCode is a form-based code based on the rural-to-urban transect. The first version of SmartCode was released by Duany Plater-Zyberk & Company in 2003.

ADM 11-3774: Administrative Item (CITY PLAN 2030): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Comprehensive Land Use Plan.

ADM 11-3775: Administrative Item (FUTURE LAND USE MAP): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Future Land Use Map.

ADM 11-3776: Administrative Item (MASTER STREET PLAN): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Future Land Use Map.

Jesse Fulcher, Current Planner, gave the staff report for all three City Plan 2030 items.

Public Comment:

Michael Mauldin, Salem Hills Estates, requested the commission downsize Howard Nickell road to a two-lane Collector and discussed traffic safety concerns.

Gregory Smith, Salem Estates Hills, agreed with the comments of Michael Mauldin and also requested speed tables on Howard Nickell.

Richelle Costrell, Salem Estates Hills, this is a big cut-through. She also requested to downgrade Howard Nickell.

Cliff (unaudible), Salem Estates Hills, 3634 Howard Nickell road, discussed traffic safety and requested to downgrade Howard Nickell.

Katie Jackson, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell.

Flint Harris, Salem Estates Hills, discussed neighborhood integrity and requested to downgrade Howard Nickell.

(Unaudible), 3618 Howard Nickell Road, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell.

Roy Slaughter, 3606 Howard Nickell, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell.

Maggie Lee, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell and asked if this were annexed would sewer be provided.

Public comment was closed.

Kit Williams, City Attorney, answered the question about sewer service discussing that the City would not automatically provide sewer service.

Commissioner Winston discussed the pros and cons of Howard Nickell as a Collector or Principal Arterial. He would like to propose it be downgraded to a Collector.

Motion #1:

Commissioner Winston made a motion to modify ADM 11-3776 Master Street Plan to downgrade Howard Nickell Road to a Collector only through the Salem Hills Neighborhood and it would remain a Principal Arterial on either side of the neighborhood (starting at West Salem Road and ending at Dean Solomon Road). **Commissioner Earnest seconded the motion.**

Commissioner Cook discussed reasons for disagreement with the motion, discussing a past traffic study, and the fact that eventually capacity will or may dictate that this road be improved to four lanes. He stated that it would be a disaster to go back on the plan at this point that has been in place for a number of years.

Commissioner Hoskins discussed that there are better routes for an arterial roadway in this area and conducted detailed evaluations of various routes during a project in this area.

Commissioner Chesser discussed that Wedington is a four lane road next to his neighborhood and he doesn't feel that it splits the area. If we downgrade this to a Collector we will have to upgrade another area to an arterial and we will have the same objections to other neighbors. He discussed that it seems more fair to keep the road as it is currently designated as it had this designation before this neighborhood was even built and if the arterial were reclassified in another location it would be affecting people who were not aware of it.

Commissioner Hoskins discussed that along Salem the houses are set back as far as 95 feet and discussed details of other alternative arterial routes.

Commissioner Chesser discussed that he might be able to support a re-classification of this road if we had another plan in place for the arterial to go somewhere else.

Commissioner Bunch discussed that even if we downgrade it now we will be stringing the neighborhood along because this will be re-considered in another five years. She stated that she doesn't think we can give this up now.

Commissioner Kennedy discussed that this will be an issue as long as this neighborhood is here.

Upon roll call the motion to downgrade Howard Nickell to a Collector through the Salem Hills Estates passed with a vote of 5-4-0 (commissioners Cabe, Bunch, Cook, and Chesser voting 'No').

Commissioner Earnest discussed that the proposed street grid in the Planning Area is in conflict with the primary goals in City Plan to encourage infill and discourage sprawl.

Motion #2:

Commissioner Earnest made a motion to remove all streets on the Master Street Plan in the northeast quadrant of the Planning Area. **The motion failed for lack of a second.**

Motion #3:

Commissioner Winston made a motion to forward ADM 11-3776 (Master Street Plan update) to City Council with a recommendation for approval. **Commissioner Hoskins** seconded the motion. **Upon roll call the motion passed with a vote of 8-1-0 (Commissioner Chesser voting 'No').**

Planning Commission
May 2, 2011
Page 8 of 8

Motion #4:

Commissioner Earnest made to amend ADM 11-3774 City Plan 2030 document to move the Benchmark of “Determine the feasibility of a Local Housing Trust Fund and Land Bank” to short term. **Commissioner Cook** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Motion #5:

Commissioner Earnest made to amend ADM 11-3774 City Plan 2030 to move the Benchmark of “Continue to develop and implement form-based codes...” to short term. **Commissioner Chesser** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Fulcher requested that the Commission incorporate a revision to the ADM 11-3774 City Plan 2030 document to incorporate language that Chapter 164 Nonconforming Structures of the Unified Development Code be evaluated.

Motion #6:

Commissioner Chesser made to forward ADM 11-3774 City Plan 2030 document to the City Council with a recommendation of approval with the amendment as requested by staff for evaluation of Chapter 164. **Commissioner Earnest** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Motion #7:

Commissioner Winston made to forward ADM 11-3775 Future Land Use Map to the City Council with a recommendation of approval. **Commissioner Chesser** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

There being no further business, the meeting was adjourned at 7:10 PM.

City Plan 2030

Future Land Use Plan

EXHIBIT "A"

Fayetteville
ARKANSAS

Adopted by the Fayetteville City Council on:
(Insert Date) Resolution No. (Insert #)

Mayor _____

City Clerk _____

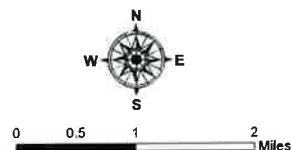
City of Fayetteville, AR
Adopted:
Resolution No.

DRAFT
4/7/2011

Future Land Use 2030

CLASS

-  Natural Area
-  Rural Area
-  Residential Neighborhood Area
-  City Neighborhood Area
-  Urban Center Area
-  Industrial
-  Complete Neighborhood Plan
-  Civic and Private Open Space/Parks
-  Civic Institutional
-  Non-Municipal Government



-  Footprints (2010)
-  City Limit
-  Lake
-  Flood Plain (100 Year)
-  Hillside-Hilltop Overlay District
-  Stream

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

6/21/2011

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Development Services
Division

Development Services
Department

Action Required:

Approval of a resolution adopting the Master Street Plan and revised street cross-sections.

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

James C. Price 06-03-2011
Department Director Date

Previous Ordinance or Resolution # _____

Karl 6-6-2011
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul a. Becher 6-6-2011
Finance and Internal Services Director Date

Received in City Clerk's Office 06-03-11 P04:23 RCVD

Don Man 6-7-11
Chief of Staff Date

Received in Mayor's Office ENTERED 6/6/11

Lionel Jordan 6/7/11
Mayor Date

Comments:

Tabled at the 6/21/11 CC mtg. to the 7/5/11 CC mtg.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Current Planner

Date: June 2, 2011

Subject: ADM 11-3776 Master Street Plan – City Plan 2030

RECOMMENDATION

Staff and Planning Commission recommend approval of a resolution to adopt the Master Street Plan, as part of the City Plan 2030 comprehensive land use plan update.

BACKGROUND

The current Master Street Plan Map was adopted by Resolution No. 161-07 on September 4, 2007. An original goal of 2010-2011 update was to identify new streets on the Master Street Plan map based on the policies of the Access Management Ordinance, which sets recommended distances between local, collector and arterial streets. However, the level of detail provided by the Access Management Ordinance couldn't realistically be applied on the scale of the Master Street Plan Map. For that reason staff evaluated locations to add new collector streets, using a quarter mile grid as a guide. This allowed staff to strategically locate numerous new collector streets in areas with the highest development potential, even if that development is not intended to occur in the near future. Fewer streets were added in areas with limited development potential due to restrictive topography.

Another goal in the update was to create context sensitive streets. Context-sensitive street design looks at local conditions to determine the most appropriate street design that optimizes mobility and safety for all modes of travel. A one-size-fits-all design approach cannot be applied to every existing street. Accordingly, staff has included street corridor plans as an on-going action step in the City Plan document. Context-sensitive design principles, however, are applied to future collector and principal arterials streets.

Two new collector street cross-sections have been added to the document. Each utilizes the current 59' foot right-of-way, but street striping can be used to delineate either on-street parking or dedicated bicycle lanes, whichever is most appropriate for that location. This allows the street function to change over time depending on the surrounding context and ensures a narrower travel lane and reduced vehicle speeds in areas that attract significant pedestrian traffic, all of which contributes to increased safety.

The second change was a further reduction in the right-of-way requirements for the minor and principal arterial streets and the addition of a principal arterial cross-section that allows on-street parking in more urban environments. The additional area between the sidewalk and travel lane created by a bike lane or on-street parking provides a significant buffer between vehicles and pedestrians and allows the greenspace width to be decreased. The overall right-of-way for principal arterials has been reduced from 97 feet to 87 feet and from 85 feet to 77 feet for minor arterials, which results in less disruption to

adjacent property owners and a decreased cost to land developers and/or the City, whoever is using the right-of-way to construct a street.

Another important discussion centered on alleys, and how not only the design, but also parking and addressing can inhibit use by solid waste and emergency vehicles. Staff from Strategic Planning, Current Planning, Fire, Solid Waste and Engineering worked together to determine what issues were encountered in the field and how each of these could be addressed. A bullet-point list of requirements is now listed in the alley cross-sections that if provided, will allow solid waste collection in alleys. Language from the International Fire Code has also been included to clarify the use of alleys for one- and two-family developments as well.

12.2.1 Alleys

Alleys are used in conjunction with streets to provide rear access to properties, garages and off-street parking. Driveways connected to alleys should have sufficient depth to allow vehicles to park and not encroach into the alley right-of-way.

Solid Waste

Solid waste pick-up is allowed, subject to the following standards:

- "No parking" signs are installed at the entrance(s) and mid-block locations.
- Designated locations for carts and recycle bins are kept free of obstructions.
- Bulk hauling and brush collection is placed at the public street.
- A 20' driveway is provided between the garage/house and alley right-of-way.
- On-street parking is provided.
- Address numbers are installed on the front and rear of every structure.
- Minimum radius requirements are provided.
- Dead-end alleys are prohibited.

Fire Department

Alleys used in conjunction with single- and two-family units are not intended to serve as fire access roads when structures also adjoin a private or public street that provides the required fire access. Fire access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

When an alley serves as the sole access, or when more than one access is required due to building height, condition of terrain, climatic conditions, the potential for impairment of a single road by vehicle congestion, or other factors that could limit access, alleys may need to be designed in accordance with the Arkansas Fire Code to support apparatus access, with approval from the fire code official.

Other updates to the cross-sections include:

- Modifying the Low Impact street section to allow flexibility in swale design.
- Addition of a front-end parking street section (Two-way Square) for urban environments.

DISCUSSION

On May 2, 2011 the Planning Commission forwarded this request to the City Council with a recommendation for approval with a vote of 8-1-0, with Commissioner Chessser voting 'no'. This included an amendment to downgrade a section of Ruppel Road/Howard Nickell Road from a principal arterial to a collector street (see map attached). The amendment passed 5-4-0 with Commissioners Cabe, Bunch, Cook and Chessser voting 'No'.

Staff recommended that Ruppel Road/Howard Nickell Road remain an arterial classification, since it will serve as a primary north-south route for the entire west side of Fayetteville. Although current development and traffic conditions don't warrant a four-lane street section in this area, it is anticipated that future growth will necessitate an arterial corridor

in this area of the city. Reducing the classification to a collector street will prevent the city from obtaining the right-of-way required for a four-lane street, unnecessarily increasing the cost of a future street project.

On May 31, 2011, the Street Committee forwarded this request to the City Council with no recommendation.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ADOPTING A REVISED MASTER STREET PLAN AND STREET CROSS-SECTIONS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves and adopts a revised Master Street Plan and street cross-sections, as depicted in Exhibit "A" and "B" attached.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby declares that all previous Resolutions adopting previous Master Street Plans and street cross-sections are superseded by the new Master Street Plan and street cross-sections.

PASSED and APPROVED this 21st day of June, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

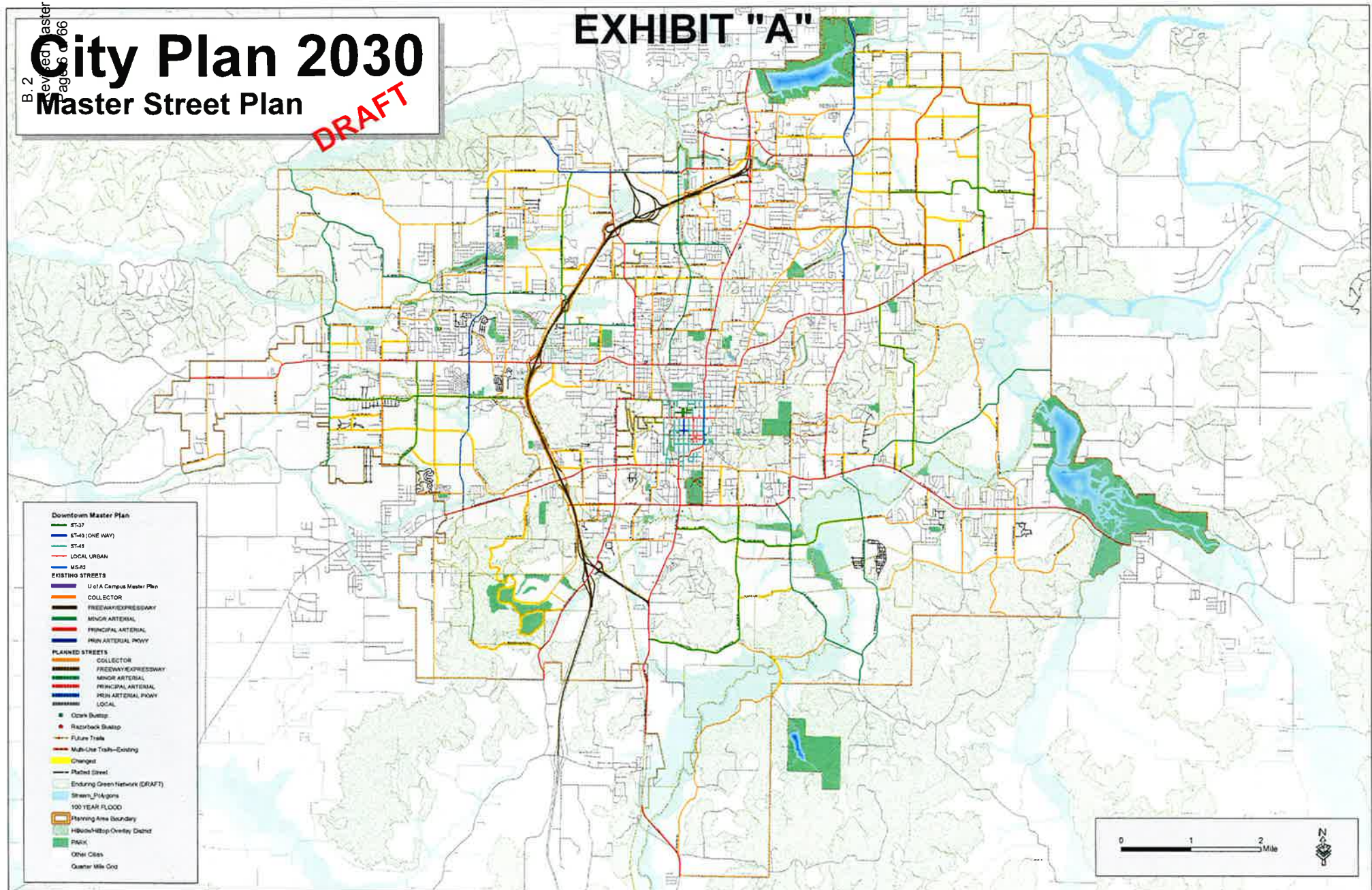
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

City Plan 2030

Master Street Plan

DRAFT

EXHIBIT "A"



12.2 MASTER TRANSPORTATION PLAN

Amended September 17, 1996, Street Classifications, Res. No. 97-96

Amended September 6, 2005, Downtown Master Plan Street Classifications, Res. No. 183-05

Amended September 4, 2007, Res. No. 161-07

The Master Transportation Plan is the guiding policy that the community, City Staff, the Planning Commission and the City Council utilize to proactively guide decisions regarding street classification, design, location, form and function. The Master Transportation Plan prescribes and plans for the development of a multi-modal transportation system in the form of streets, sidewalks, bike lanes, trails and transit. A multimodal transportation system is vital to growing a livable transportation network. Consistent planning ensures that streets will efficiently circulate traffic within the community and connect Fayetteville to the rest of the region. Special emphasis should be placed on multi-modal transportation infrastructure design, access management and traffic speed and volume considerations when planning streets. The Master Transportation Plan is updated on a five year basis in conjunction with City Plan 2030 in order to be adaptable to change over time.

The Master Transportation Plan contains the Master Trails Plan and the Master Street Plan.

Master Trails Plan

The Fayetteville Alternative Transportation and Trails Master Plan (FATT Plan), guides the development of trails in the City's expanding trail network. The Master Trail Plan Map illustrates future trail alignments and trail corridors for the purpose of acquiring easements and right-of-way. As development occurs adjacent to future trail alignments, careful attention will be paid to acquiring easements and providing site design input during the development review process. The trail cross-sections that follow the Master Street Plan cross sections will be utilized for the construction of City trails. Trail surface materials may vary according to site considerations such as proximity to floodplains or floodways.

Master Street Plan

The Master Street Plan is comprised of a map illustrating the street classification and location, and a document of street cross sections showing the dimensional requirements of the street. In conjunction, these two documents are used to guide long range traffic planning through street function, design and location.

The City supports context sensitive street design that acknowledges the function and use of the street in relation to current and future land use. The design and dimensions of streets that fall under the same functional classification may vary greatly due to the surrounding existing or future land uses and the function of the street. For instance, a low traffic

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speed collector in a neighborhood may have on-street parking while a higher traffic speed collector would have bike lanes. The City's access management and street connectivity policies provide the tools to guide the access and dispersal of traffic.

Low Impact Development: The City encourages the use of Low Impact Development (LID) stormwater management strategies in street design and construction. Each of the street cross sections can be modified to incorporate LID best practices for stormwater management. Streets that include landscape strips or bump-outs are ideal for implementing LID strategies such as swales or infiltration basins. Developers and engineers should work closely with the City's Development Services Department to plan and design appropriate stormwater management strategies and structures.

Public Transportation: The construction of bus benches, shelters and pull-offs is a critical part of a successful transportation system. However, the need for such facilities is ultimately determined by the transportation providers. Therefore, the City should consult with transportation providers prior to the design of any new street, or major street improvement project to determine if the need for new facilities exists.

Streets in University of Arkansas Campus: The City of Fayetteville and the University of Arkansas will partner together in the planning, design and construction or reconstruction of streets located within the University of Arkansas campus area. These streets are identified on the map and within this document. Streets identified on the Master Street Plan Map and within the University of Arkansas boundary are intended to be reviewed concurrently with City and University staff prior to design. These streets should be consistent with the policies of the Master Street Plan, but may require alternative cross-sections due to physical constraints unique to the University.

International Fire Code: The International Fire Code (IFC), which the State of Arkansas has adopted, requires a 20-foot minimum of unobstructed width on all roads, which is reflected in the proposed street cross-sections. If structures on either side of the road exceed 30 feet or three stories, then the IFC requires a 26-foot minimum of unobstructed width. This document recognizes that street cross-sections may be modified to meet the IFC requirements.

The following street cross-sections are functionally classified in accordance with the U.S. Department of Transportation's National Highway Functional Classification Study Manual. In addition, the street cross-sections provide sensitivity to context by providing options for both suburban and urban developments and accommodating cyclists and low-impact development neighborhoods. Additional utility easements will be required outside of the specified right-of-way on a project specific basis, as determined by the utility companies.

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12.2.1 ALLEYS

Alleys are used in conjunction with streets to provide rear access to properties, garages and off-street parking. Driveways connected to alleys should have sufficient depth to allow vehicles to park and not encroach into the alley right-of-way.

Solid Waste

Solid waste pick-up is allowed, subject to the following standards:

- "No parking" signs are installed at the entrance(s) and mid-block locations.
- Designated locations for carts and recycle bins are kept free of obstructions.
- Bulk hauling and brush collection is placed at the public street.
- A 20' driveway is provided between the garage/house and alley right-of-way.
- On-street parking is provided.
- Address numbers are installed on the front and rear of every structure.
- Minimum radius requirements are provided.
- Dead-end alleys are prohibited.

Fire Department

Alleys used in conjunction with single- and two-family units are not intended to serve as fire access roads when structures also adjoin a private or public street that provides the required fire access. Fire access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

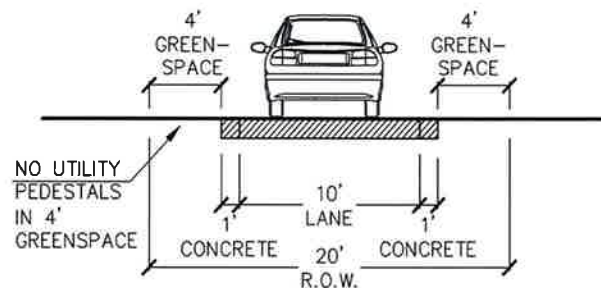
When an alley serves as the sole access, or when more than one access is required due to building height, condition of terrain, climatic conditions, the potential for impairment of a single road by vehicle congestion, or other factors that could limit access, alleys may need to be designed in accordance with the Arkansas Fire Code to support apparatus access, with approval from the fire code official.

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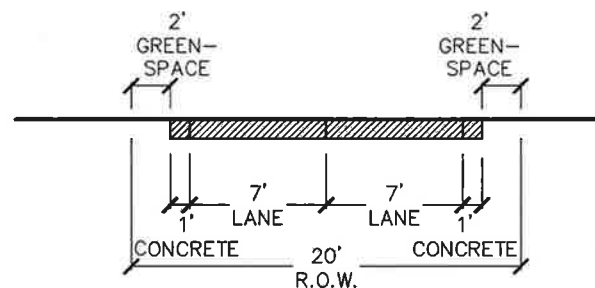
1a RESIDENTIAL REAR ALLEY: ONE-WAY

Design Service Volume: < 200 vpd
Travel Lanes: One 10' lane
Parking: Not allowed within alley R.O.W.
Paved Width: 12' from outer edge of concrete strip
Right of Way: 20'
Sidewalks: None
Greenspace: Both sides of alley, min. 4' wide, unencumbered
Curb cuts: Continuous access possible
No curb required



1b RESIDENTIAL REAR ALLEY: TWO-WAY

Design Service Volume: < 200 vpd
Travel Lanes: Two 7' lanes
Parking: Not allowed within alley R.O.W.
Paved Width: 16' from outer edge of concrete strip
Right of Way: 20'
Sidewalks: None
Greenspace: Both sides of alley, min. 2' wide, unencumbered
Curb cuts: Continuous access possible
No curb required

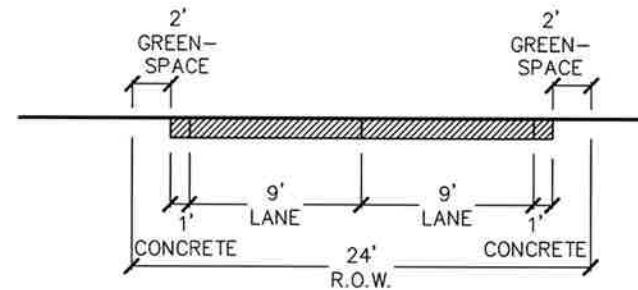


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**CITY
PLAN
2030**

1c COMMERCIAL REAR ALLEY: ONE- OR TWO-WAY

Design Service Volume: < 200 vpd
Travel Lanes: Two 9' lanes
Parking: Not allowed within alley R.O.W.
Paved Width: 20' from outer edge of concrete strip
Right of Way: 24'
Sidewalks: None
Greenspace: Both sides of alley, min. 2' wide, unencumbered
Curb cuts: Continuous access possible
No curb required



DRAFT



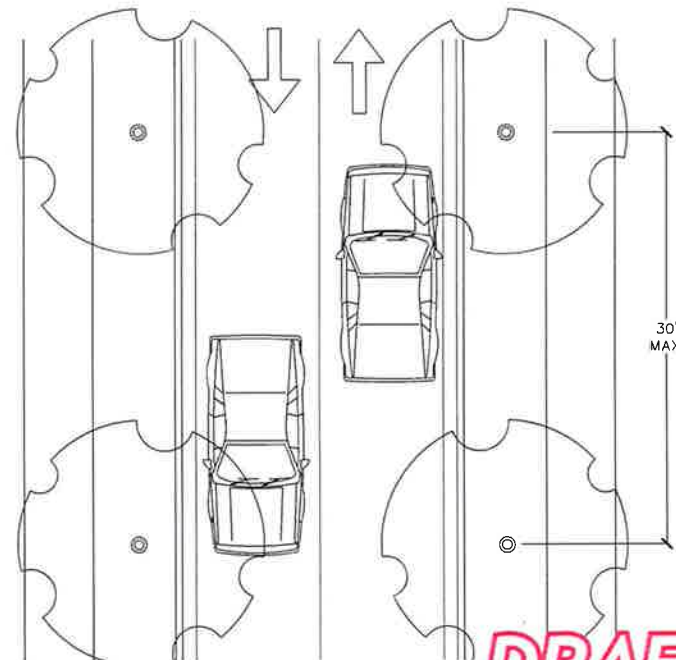
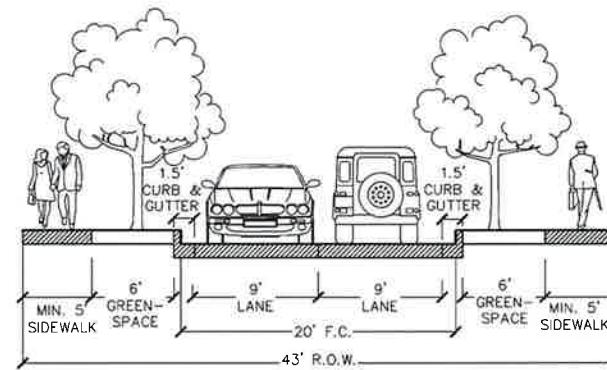
12.2.2 RESIDENTIAL STREETS

RESIDENTIAL STREETS provide for the lowest level of traffic and service. They provide access to residential property and are intended to be used only by local traffic. A high degree of street connectivity is required for easy dispersal of traffic. Residential Street block lengths shall not exceed 600 feet. Residential streets have a low level of access management, with curb cuts permitted every 50 feet.

2a RESIDENTIAL:

Design Service Volume: < 300 vpd
Desired Operating Speed: 15-20 mph
Travel Lanes: Two 9' lanes
Parking: Not Allowed
Paved Width: 20' from face of curb
Right of Way: 43'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace: Both sides of street, min. 6' wide

* ST 37 may substitute for the Residential Street cross-section urban condition.

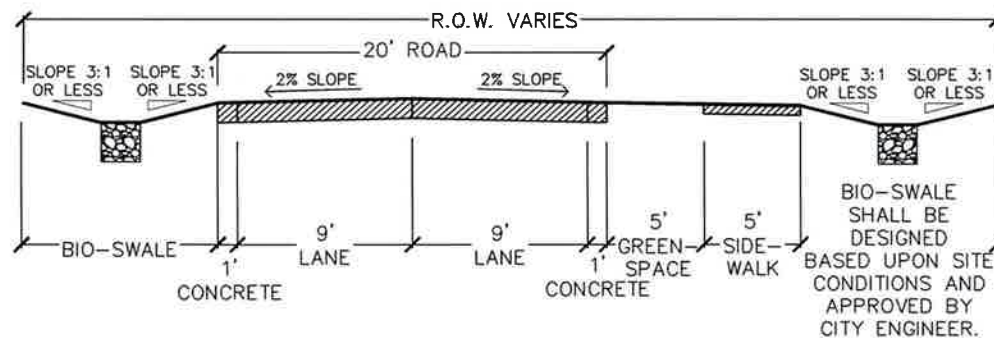


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**CITY
PLAN
2030**

2b RESIDENTIAL LOW-IMPACT DEVELOPMENT:

Design Service Volume: < 300 vpd
Desired Operating Speed: 15-20 mph
Travel Lanes: Two 9' lanes
Parking: Not Allowed
Paved Width: 20'
Right of Way: Varies
Sidewalks: One, at least 5' wide, adjoining 5' greenspace
Greenspace: One side of street, min. 5' wide
Bio-Swale: Both sides of street, width dependent upon site conditions and approved by City Engineer.
Tree plantings may be permitted by the Urban Forester



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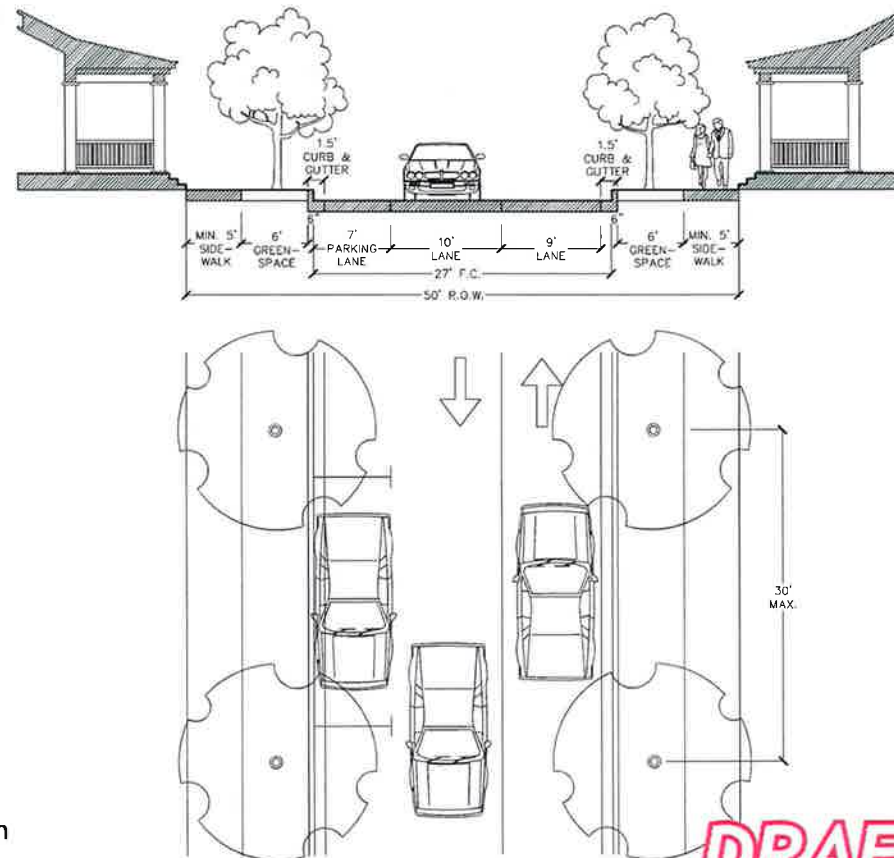
12.2.3 LOCAL STREETS

LOCAL STREETS provide for a moderate level of traffic flow and service. They provide access to abutting land uses and provide connections to higher order street classifications. Local Urban streets are encouraged in City Neighborhood and Urban Center areas as depicted on the Future Land Use Map. Local Urban Streets are also appropriate for areas that may function as a main street for a neighborhood, offering mixed uses and a pedestrian-friendly environment. LOCAL STREETS have a low to medium level of access management, with curb cuts permitted every 50 feet.

3a LOCAL:

Design Service Volume: < 4,000 vpd
Desired Operating Speed: 20-25 mph
Travel Lanes: One 10' lane,
One 9' lane
Parking: One 7' lane
Paved Width: 27' from face of curb
Right of Way: 50'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace: Both sides of street, min. 6' wide. May be widened to facilitate Low-Impact Development techniques, subject to approval by City Engineer.

* ST 45 may substitute for local street cross-section in an urban condition.

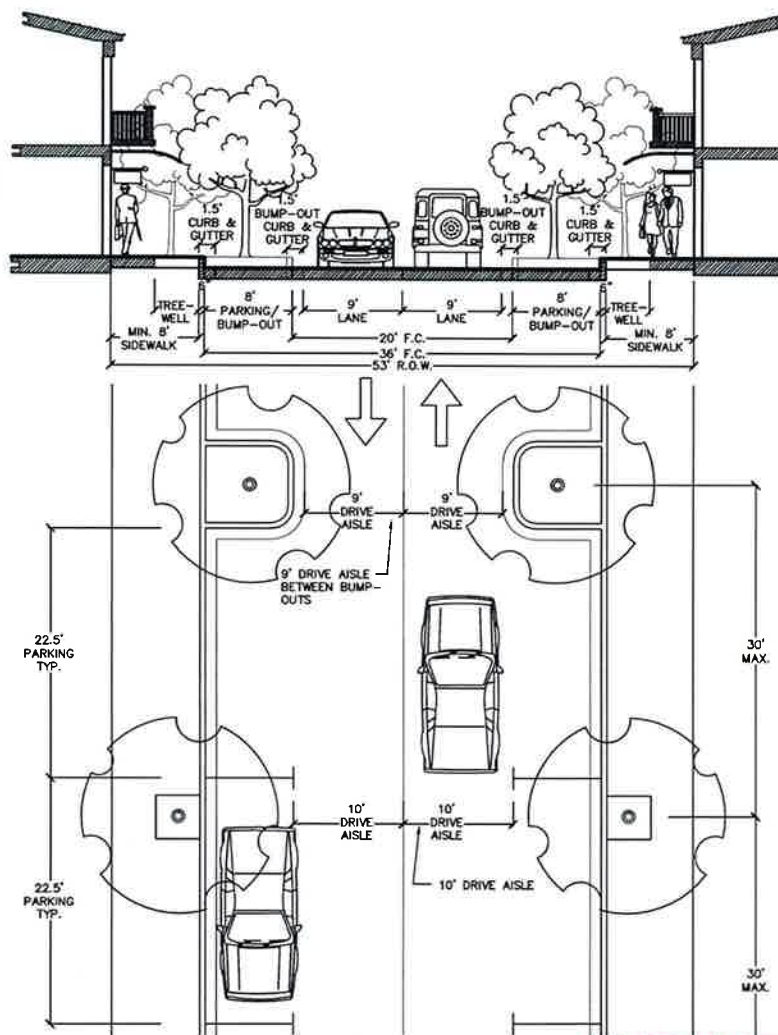


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3b LOCAL URBAN:

Design Service Volume: < 4,000 vpd
Desired Operating Speed: 20-25 mph
Travel Lanes: Two 9' lanes
Parking: Two 8' lanes with bump-outs
Paved Width: 20' from face of bump-out curb
36' entire width to face of curb
Right of Way: 53'
Sidewalks: Both sides of street, min.
8' wide with grated tree wells
Greenspace: Both sides of street, tree wells



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12.2.4

COLLECTOR STREETS

COLLECTOR STREETS provide traffic circulation within residential, commercial, and industrial areas. They collect traffic from local or residential streets in neighborhoods and facilitate traffic movement into the arterial system. Connections between arterials should be direct in order to disperse traffic throughout the city. Collector streets vary in width and function as they respond to the context of the adjacent land uses. A minimum right-of-way of 59 feet shall be provided where a collector is depicted on the Master Street Plan with a 70-foot right-of-way provided at intersections with other collectors, minor arterials and principal arterials. The intersection right-of-way must extend a minimum of 200 feet from the intersection. A 70-foot right-of-way may be required if the volume or turning movements of traffic generated or predicted warrants a continuous turning lane. All collectors have a moderate level of access management with curb cuts permitted every 100 feet.

The City recognizes that the design of collector streets may vary depending upon the context of the existing and future land use in a particular area. The following three collector cross sections provide flexibility in context while utilizing a standard right-of-way and pavement width. This permits multiple configurations of on-street parking and bicycle facilities through different pavement markings and striping. The standard pavement width will enable the street to easily transform as land use intensity or density changes over time.

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4a COLLECTOR (INTERSECTION):

Design Service Volume: < 4,000 vpd,
< 6000 vpd
with left
turn bays

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 14' shared
motorist and
cyclist lanes

Turn Lane: 11' turn bays
where warranted

Bicycle Lanes: Shared with
motorist lane

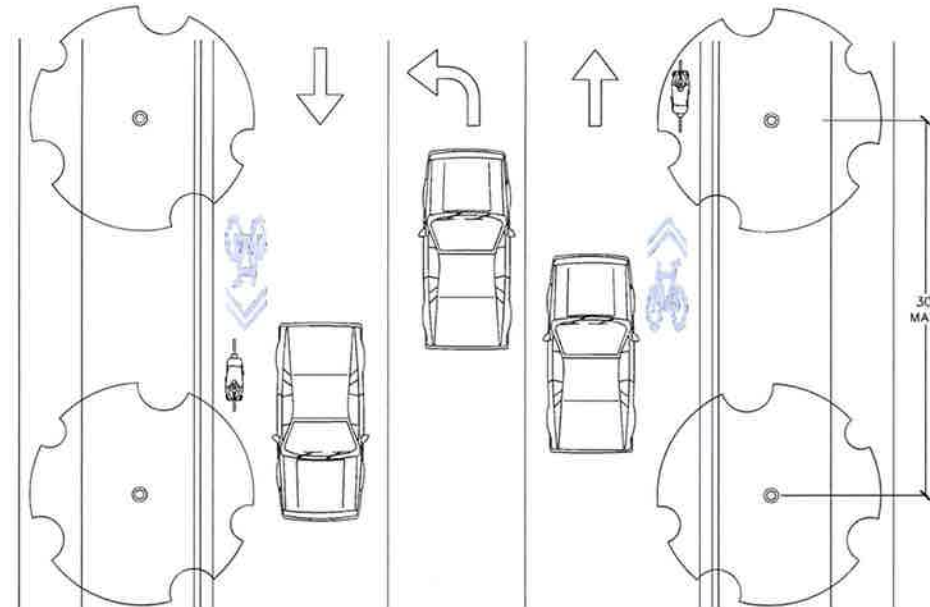
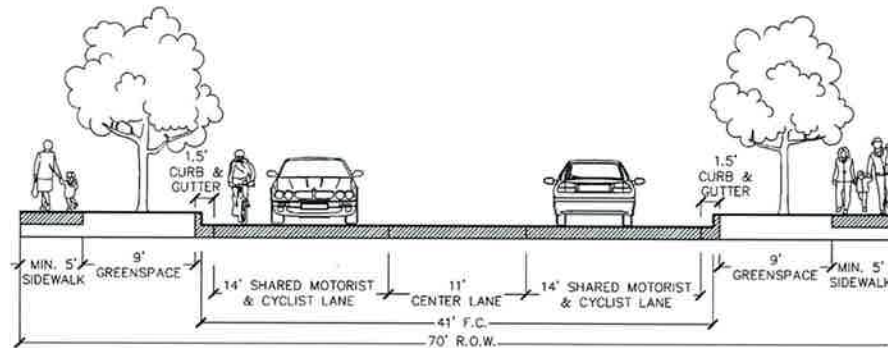
Parking: None

Paved Width: 41' from face
of curb

Right of Way: 70'

Sidewalks: Both sides of
street, min.
5' wide,
located in R.O.W.
at R.O.W. line.

Greenspace: Both sides of
street, min.
9' wide



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4b COLLECTOR (SHARROW):

Design Service Volume: < 4,000 vpd,
< 6000 vpd with left
turn bays

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 14' shared
motorist and cyclist
lanes

Turn Lane: 11' turn bays where
warranted (See 4a)

Bicycle Lanes: Shared with drive lane

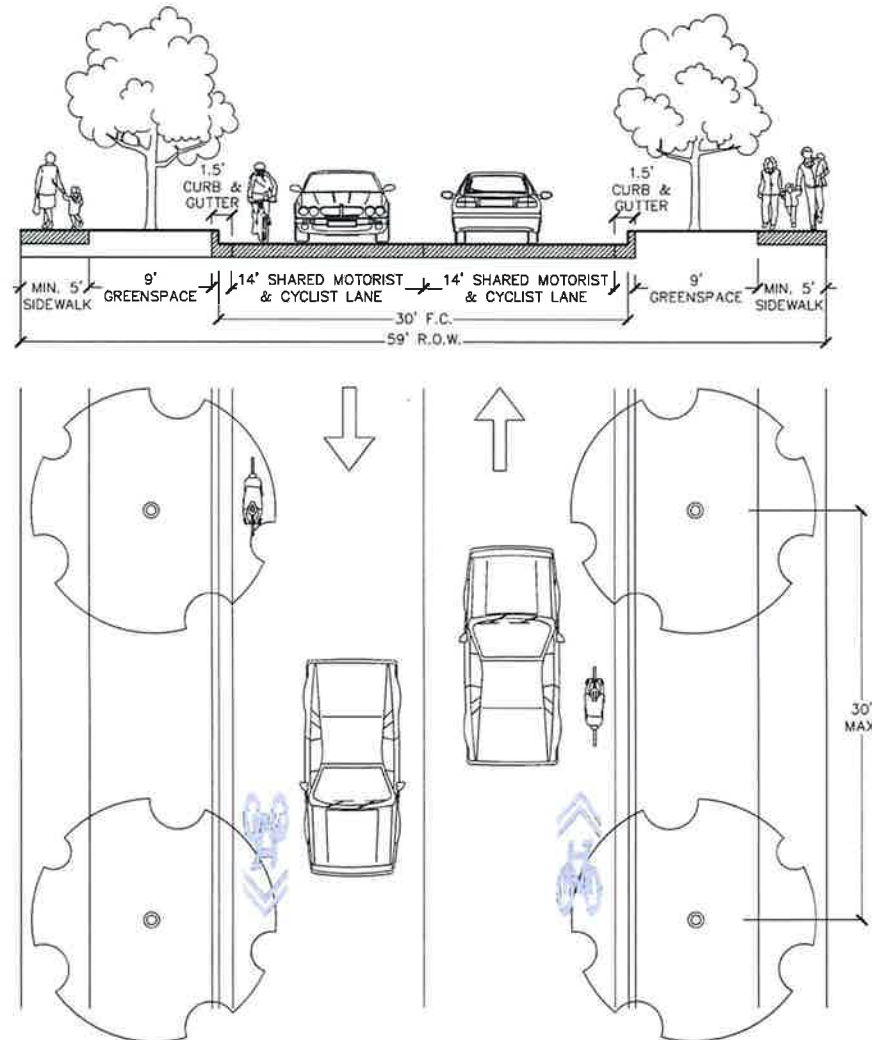
Parking: None

Paved Width: 30' from face of curb

Right of Way: 59'

Sidewalks: Both sides of street,
min. 5' wide,
located in R.O.W. at
R.O.W. line

Greenspace: Both sides of street,
min. 9' wide

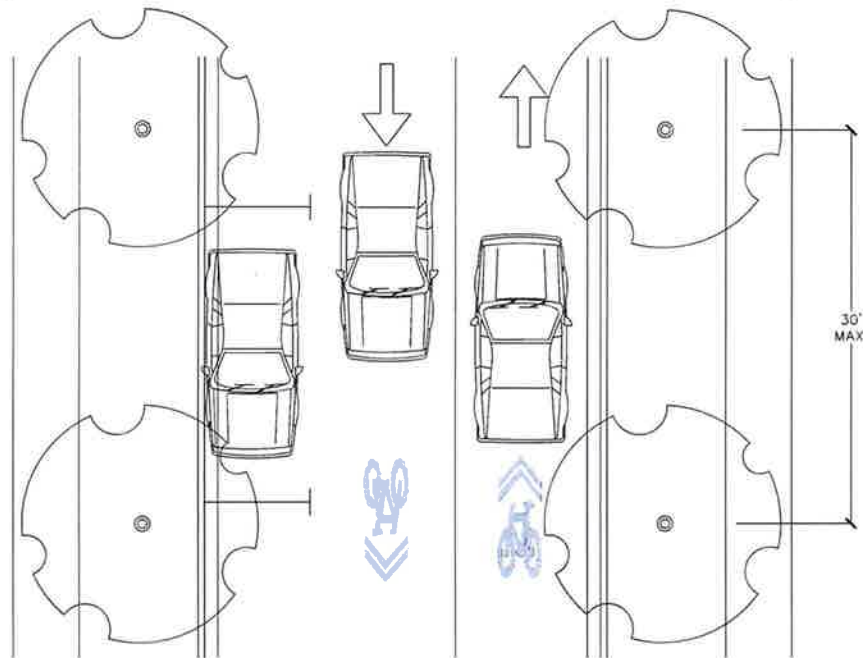
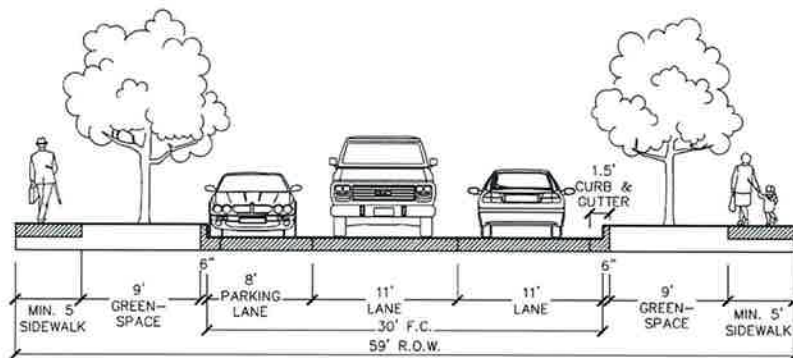


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4c COLLECTOR (WITH PARKING):

Design Service Volume: < 4,000 vpd,
< 6000 vpd
Desired Operating Speed: 25-30 mph
Travel Lanes: Two 11' motorist lanes
Turn Lane: None
Bicycle Lanes: Shared with motorist lanes
Parking: One 8' lane
Paved Width: 30' from face of curb
Right of Way: 59'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line.
Greenspace: Both sides of street, min. 9' wide

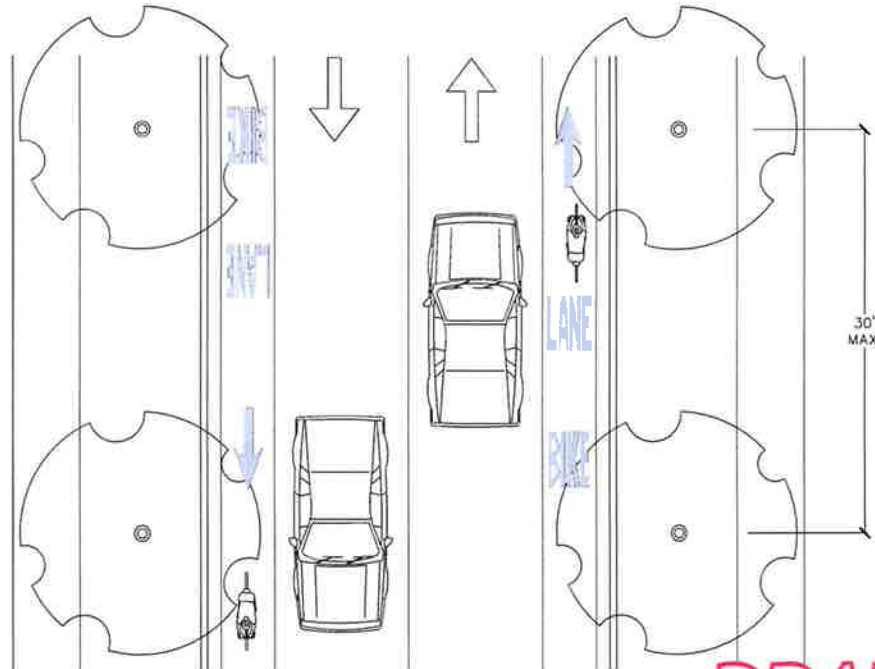
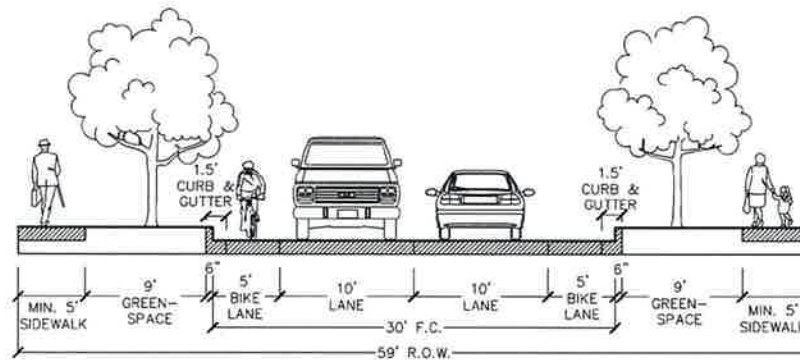


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4d COLLECTOR (WITH BICYCLE LANES):

Design Service Volume: < 4,000 vpd,
< 6000 vpd
Desired Operating Speed: 25-30 mph
Travel Lanes: Two 10'
motorist lanes
Turn Lane: None
Bicycle Lanes: 5' wide, both
sides of street
against curb
Parking: None
Paved Width: 30' from face
of curb
Right of Way: 59'
Sidewalks: Both sides of
street, min.
5' wide,
located in R.O.W.
at R.O.W. line.
Greenspace: Both sides of
street, min.
9' wide



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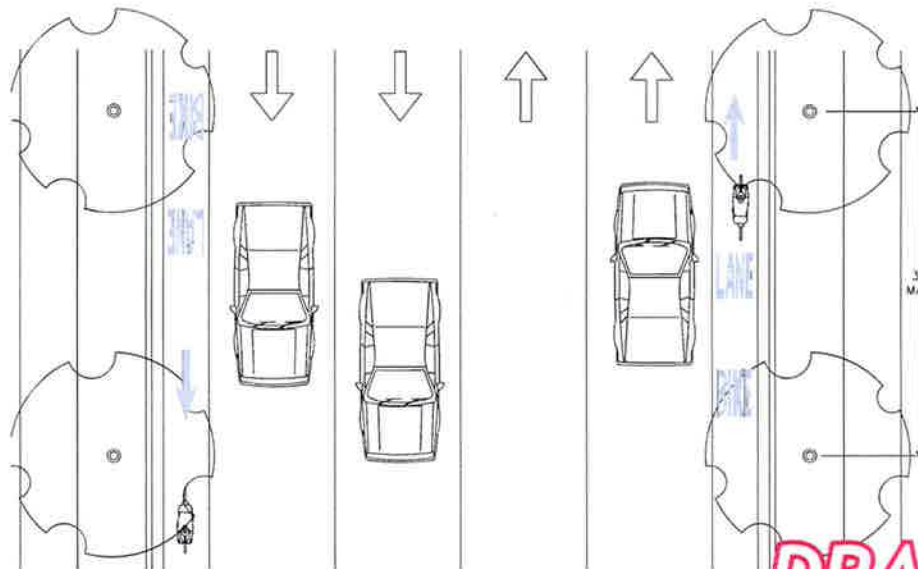
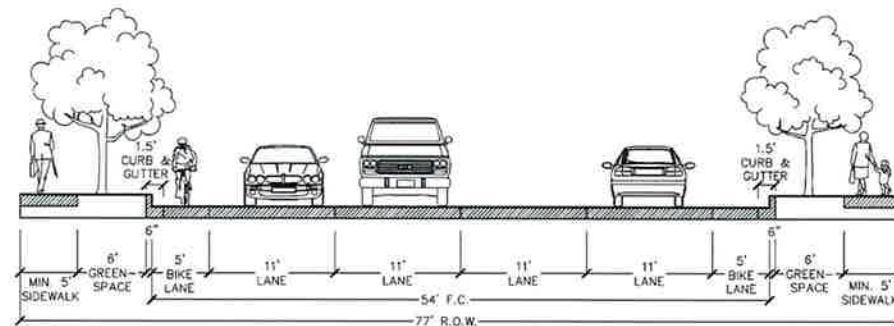
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12.2.5 MINOR ARTERIAL STREETS

MINOR ARTERIAL STREETS provide mobility throughout the city, encouraging multiple modes of transportation within the arterial network. Access should be limited to controlled intersections where possible. They have a moderate level of access management.

5 MINOR ARTERIAL:

Design Service Volume: < 12,200 vpd
Desired Operating Speed: 30-40 mph
Travel Lanes: Four 11' lanes
Bicycle Lanes: 5' wide, both sides of street next to curb
Parking: None
Paved Width: 54' from face of curb
Right of Way: 77'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace: Both sides of street, min. 6' wide



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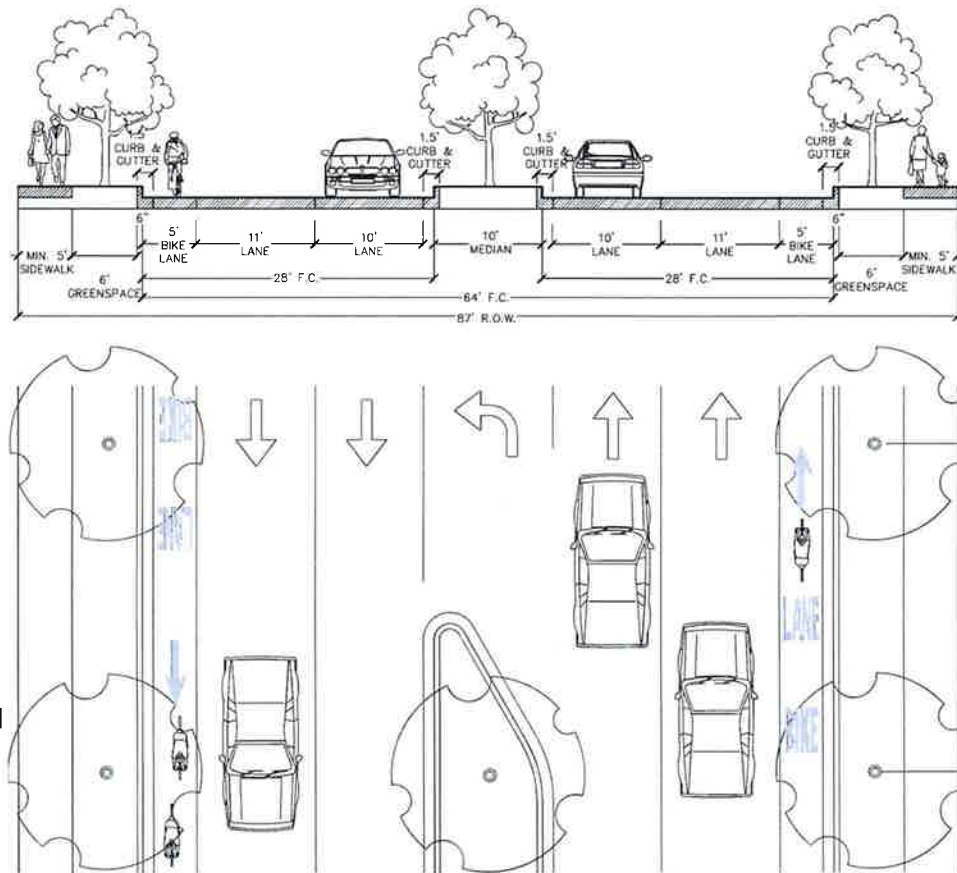
12.2.6

PRINCIPAL ARTERIAL STREETS

PRINCIPAL ARTERIAL STREETS carry high volumes of through traffic. They are designed as boulevards for beauty and safety. They have a high level of access management and access should be primarily by way of cross-streets rather than individual curb cuts.

6 PRINCIPAL ARTERIAL BOULEVARD (WITH BICYCLE LANES) :

Design Service Volume: < 17,600 vpd
Desired Operating Speed: 30-40 mph
Travel Lanes: Four 11' lanes
Bicycle Lanes: 5' wide, both sides of street next to curb
Median: 10', 12' turn lane at intersections
Parking: None
Paved Width: 28' from face of curb
64' entire width including median
Right of Way: 87'
Sidewalks: Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Greenspace: Both sides of street, min. 6' wide



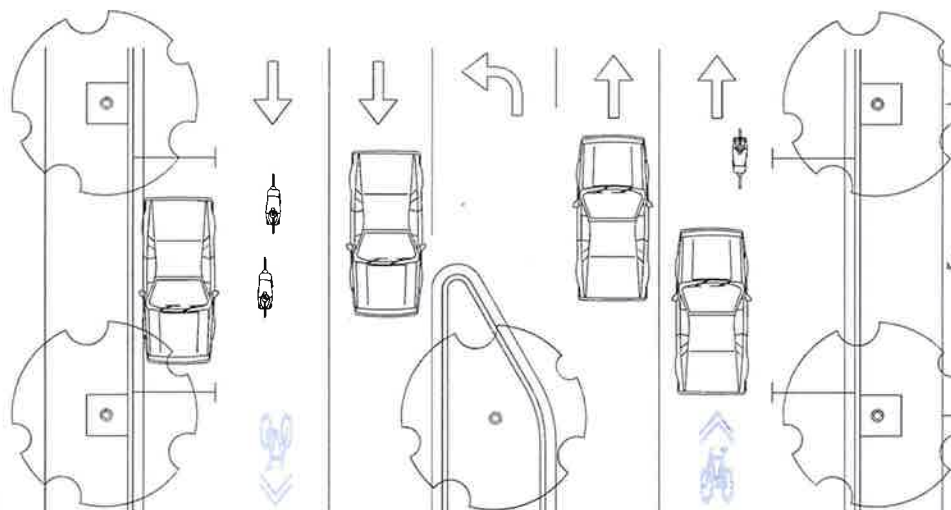
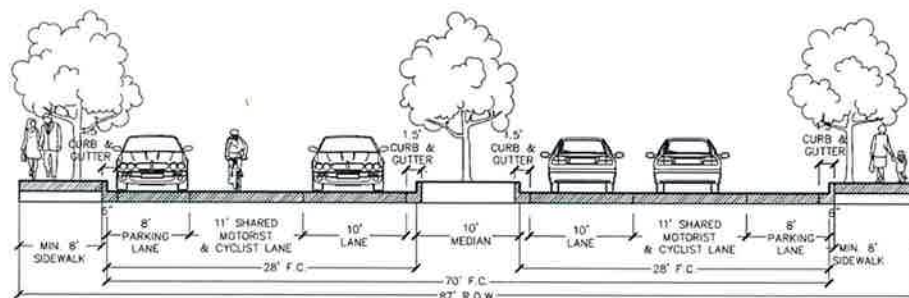
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PRINCIPAL ARTERIALS WITH ON-STREET PARKING are intended to be used in compact urban environments that are highly walkable and where building entries front the street. This street section is not intended to be used where traffic speeds exceed 30 MPH.

7 PRINCIPAL ARTERIAL BOULEVARD (WITH PARKING):

Design Service Volume: < 17,600 vpd
Desired Operating Speed: 25-30 mph
Travel Lanes: Four 11' lanes
Bicycle Lanes: Shared with outer auto travel lanes
Median/Turn Lane: 20' median, or 8' median with 12' turn lane
Parking: 8' lane, both sides of street
Paved Width: 28' from face of curb with median
40' from face of curb with turn lane
70' entire width including median
Right of Way: 87'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: None



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HILLTOP-HILLSIDE OVERLAY DISTRICT STREETS

8a HILLSIDE RESIDENTIAL:

Diagram illustrating a standard residential street cross-section with various components and dimensions:

- Left Side (Shoulder/Grass):** 15' UE (Unimproved Edge), 42" MIN. (Minimum height), 4" GAS PIPE, 8" WATER PIPE, 36" MIN. (Minimum width).
- Center (Travel Lanes):** 1.5' CURB & GUTTER, 9.5' LANE, 21' F.C. (Finished Centerline), 9.5' LANE, 1.5' CURB & GUTTER.
- Right Side (Shoulder/Grass):** 15' UE, 36" MIN. (Minimum width), 18" TELE. CABLE ELEC. (Telecommunications/Cable/Electricity).
- Bottom (Storm Drainage):** 1" FLAT AREA, STORM PIPE (DEPTH VARIES), 8" SEWER PIPE.
- Other Dimensions:** 27' R.O.W. (Right-of-Way), 1' MIN. 5' SIDEWALK.

Diagram illustrating the cross-section of a street layout with various components and dimensions:

- Left side: 42" MIN GAS PIPE, 15' UE, 36" WATER PIPE, 1.5' CURB & GUTTER, 5' MIN. SIDEWALK, 1' FLAT AREA.
- Center: 9.5' LANE, 27' F.C. LANE, 9.5' LANE, 7' PARKING, 18" SEWER PIPE.
- Right side: 1.5' CURB & GUTTER, 15' UE, 36" MIN. SEWER PIPE, 18" TELE. CABLE ELEC.
- Bottom: 33' R.O.W. (Right-of-Way), STORM PIPE (DEPTH VARIES).

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12.2.8 DOWNTOWN MASTER PLAN STREETS

DOWNTOWN MASTER PLAN STREETS are specific to the Downtown Master Plan area.

9a ST 37 9/9

Design Service Volume:

< 300 vpd

Traffic Lanes:

Two 9' lanes

Parking:

Not Allowed

Paved Width:

20' from face of curb

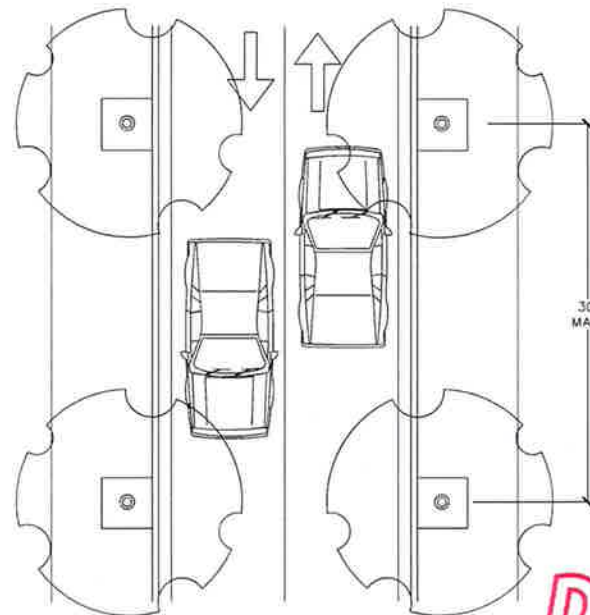
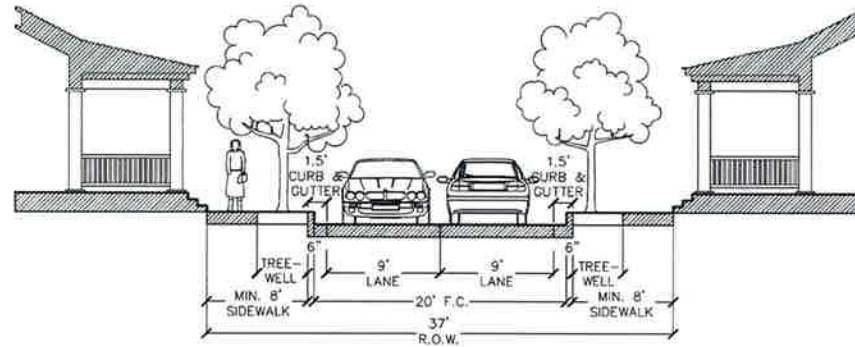
Right of Way:

37'

Sidewalks:

Both sides of street, min. 8' wide with grated tree wells against curb
Both sides of street, tree wells

Greenspace:



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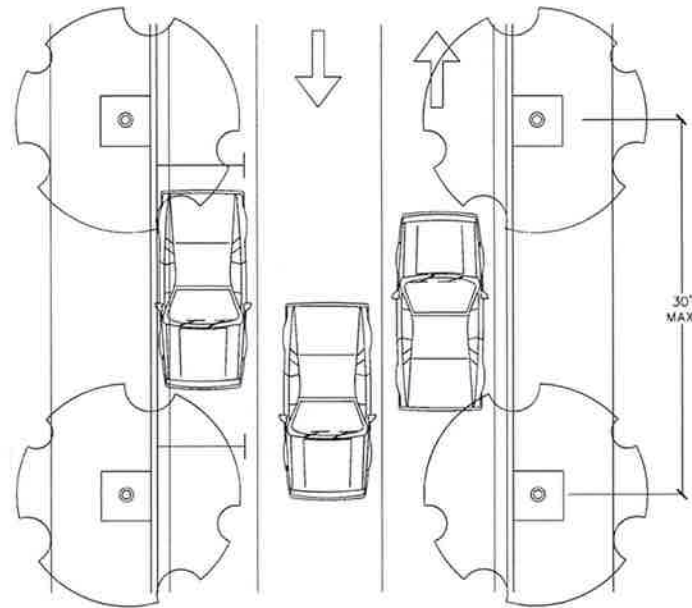
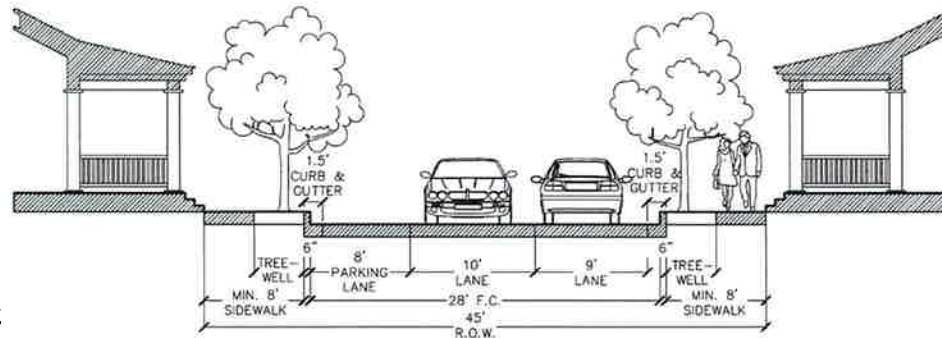
9b ST 45 8/10/9
Design Service Volume:
Traffic Lanes:

Parking:
Paved Width:

Right of Way:
Sidewalks:

Greenspace:

< 300 vpd
One 10' lane,
one 9' lane
One 8' lane
28' from face of
curb
45'
Both sides of
street, min. 8'
wide with grated
tree wells against
curb
Both sides of
street, tree wells



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9c ST 43 8/10/8 *

Design Service Volume:

< 4,000 vpd

Traffic Lanes:

One 10' lane

Parking:

Two 8' lanes

Paved Width:

26' from face of curb

Right of Way:

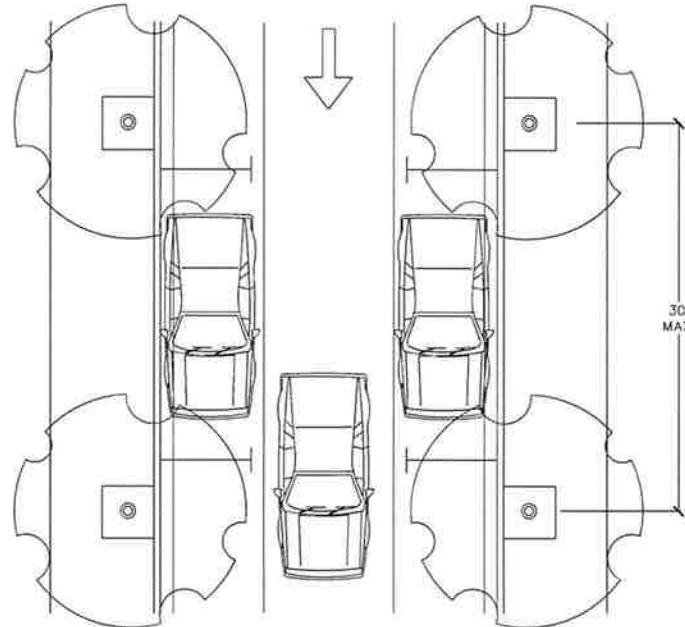
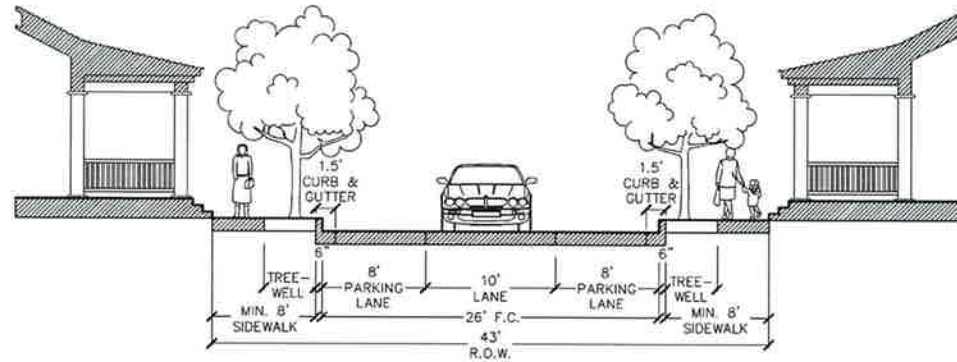
43'

Sidewalks:

Both sides of street, min. 8' wide with grated tree wells against curb

Greenspace:

Both sides of street, tree wells



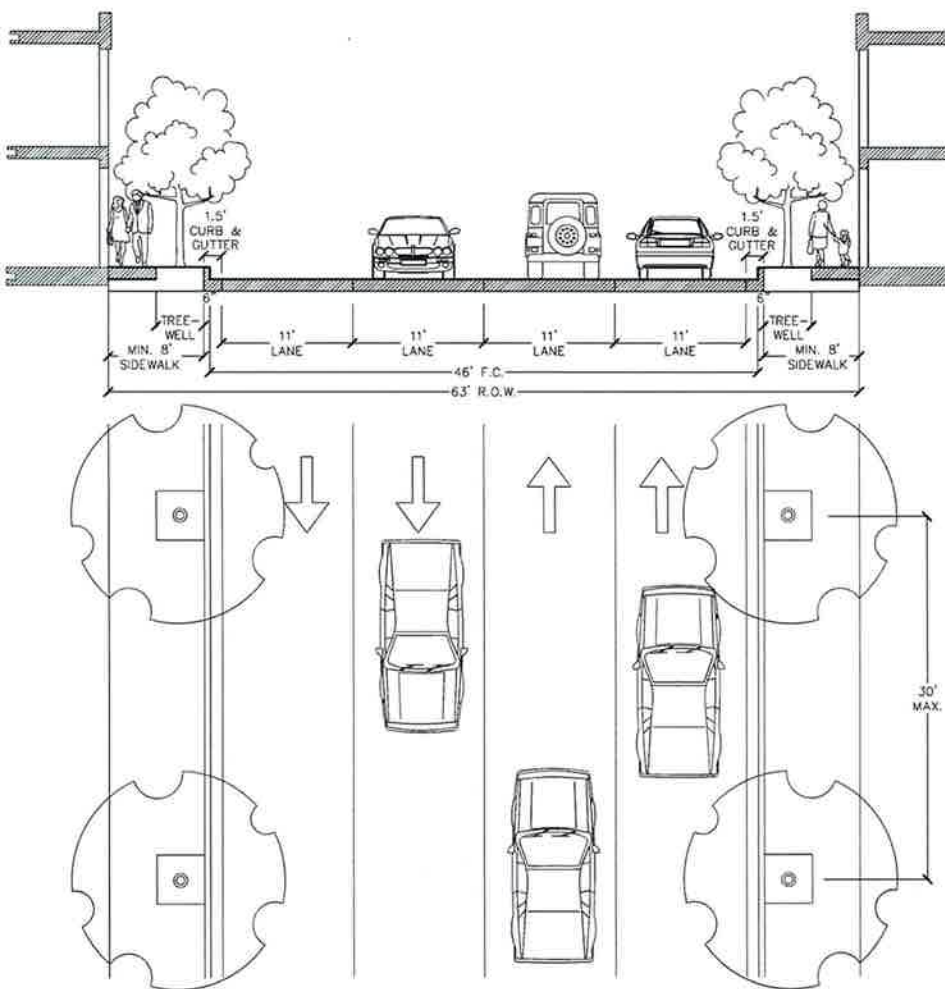
* This street cross section is permitted only for portions of Locust Avenue and Meadow street in the Downtown Master Plan Area.

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9d ST 63 11/11/11/11

Design Service Volume: <17,600 vpd
Traffic Lanes: Four 11' lanes
Bicycle Lanes: None
Parking: None
Paved Width: 46' from face of curb
Right of Way: 63'
Sidewalks: Both sides of street, min. 8' wide with grated tree wells against curb
Greenspace: Both sides of street, tree wells



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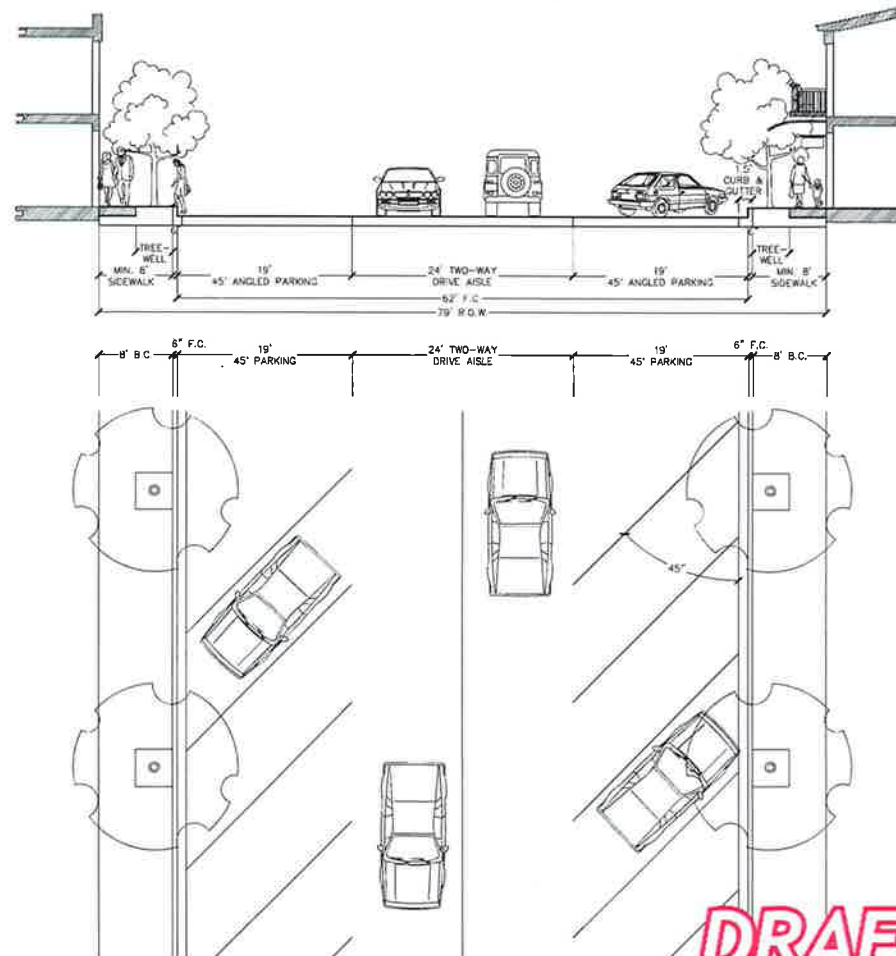
12.2.9

TWO-WAY SQUARE

The TWO-WAY SQUARE is designed to be utilized in town-square type scenarios, central to development, adjacent to mixed use with high volumes of pedestrian traffic. On street parking and high levels of pedestrian use keep vehicular speeds low.

10 TWO-WAY SQUARE

Design Service Volume:	< 4,000 vpd
Traffic Lanes:	Two 12' lanes
Bicycle Lanes:	Shared with motorist lane
Parking:	Two 19' lanes, angled 45°, with back in or pull in
Paved Width:	62' from face of curb
Right of Way:	79'
Sidewalks:	Both sides of street, min. 12' wide with grated tree wells against curb
Greenspace:	Both sides of street, tree wells



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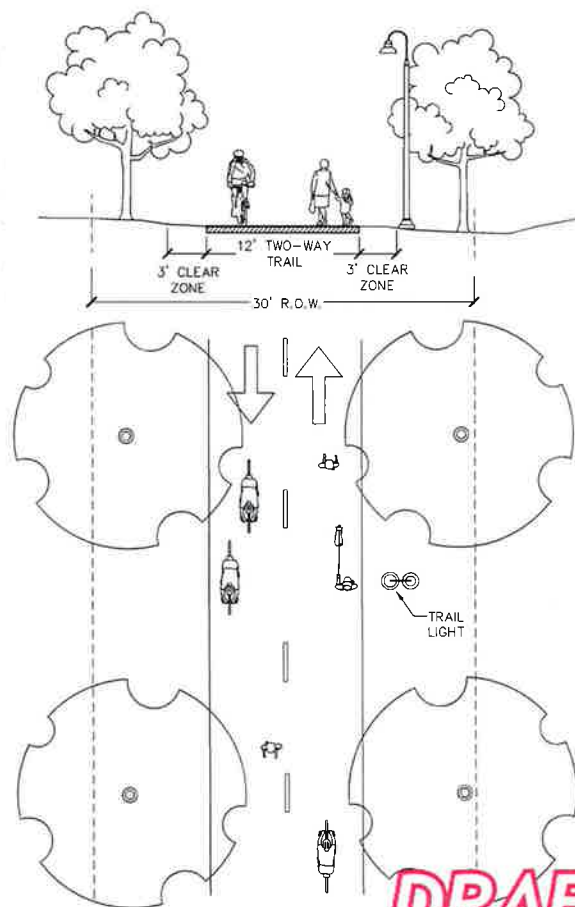
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PAVED TRANSPORTATION TRAILS provide safe, alternative means of transportation for a variety of non-motorized uses. The Fayetteville Alternative Transportation and Trails Master Plan identifies trail corridors that connect neighborhoods, businesses, schools and parks. The goal of the Master Plan is to create an interconnected system of trails throughout Fayetteville to provide a network of alternative transportation routes for people of all ages to safely travel around the City. All transportation trails are constructed 12 feet in width in order to accommodate the high volume and variety of users including walkers, joggers, strollers, bicycles, wheelchairs, and any other non-motorized use.

ASPHALT TRAIL is used in areas where the trail is located above of the flood prone areas and away from vehicle traffic. Trail pavement should match the adjacent pavement surface when connecting to existing trail.

CONCRETE TRAIL is used when the trail is located in a flood prone area along a creek. Concrete holds up much better than asphalt when subjected to flood waters. Concrete is also used at road crossings including the ramps and other areas where increased durability is necessary. Trail pavement should match the adjacent pavement surface when connecting to existing trail.

Desired Operating Speed:	15 mph
Travel Lanes:	Two 6' lanes
Paved Width:	12'
Right of Way:	30' minimum
Greenspace:	Both sides of trail



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Master Transportation Plan Guiding Policies

Circulation: *Guiding Policies*

In order to guide the formulation of a Master Transportation Plan and direct the Planning Commission regarding land use decisions which affect transportation issues, the following policies are suggested:

- 12.2.10.a Promote the coordinated and efficient use of all available and future transportation modes. (Goal 4)
- 12.2.10.b Meet the diverse transportation needs of the people of the City, including rural and urban populations and the unique mobility needs of the elderly and disability communities.
- 12.2.10.c Ensure the repair and necessary improvements of roads and bridges throughout the City to provide a safe, efficient and adequate transportation network.
- 12.2.10.d Minimize the harmful effects of transportation on public health and on air and water quality, land and other natural resources.
- 12.2.10.e Promote reliance on energy-efficient forms of transportation.
- 12.2.10.f Incorporate a public participation process in which the public has timely notice and opportunity to identify and comment on transportation concerns.
- 12.2.10.g Monitor and improve transportation facilities to conveniently serve the intra-city and regional travel needs of Fayetteville residents, business and visitors.
- 12.2.10.h Monitor the incidence of traffic accidents and implement physical and operational measures to improve public safety.
- 12.2.10.i Support mass transit which offers convenient and reliable alternatives to the automobile. (Goal 4e)
- 12.2.10.j Establish facilities which accommodate safe and convenient travel for pedestrians and bicyclists. (Goal 4e)
- 12.2.10.k Promote mixed-use and traditional neighborhood development to reduce roadway demand and change travel patterns. (Goal 3b, Goal 4)
- 12.2.10.l Encourage consideration of the impacts on the transportation network in land use decisions made by the Planning Commission.
- 12.2.10.m Periodically update the Master Street Plan in order to evaluate the context sensitivity and the appropriateness of right-of-way dedication requirements.
- 12.2.10.n Encourage the construction of sheltered bus stops and bicycle parking facilities at transit stops, shopping centers and employment centers.
- 12.2.10.o Support multi-modal transportation options such as trails, sidewalks, bike lanes and mass transit. (Goal 4)
- 12.2.10.p Promote the continued expansion of the City's trail network through proactive planning and the acquisition of trail easements. (Goal 4)
- 12.2.10.q Promote increased bicycle usage by providing integrated bicycle facilities on new and redesigned roadways, where appropriate. (Goal 4)

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THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of May 2, 2011

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 19, 2011~~ Updated May 3, 2011

ADM 11-3776: Administrative Item (MASTER STREET PLAN 2030): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Master Street Plan Map. Planner: Jesse Fulcher

Background:

The current Master Street Plan Map was adopted by Resolution No. 161-07 on September 4, 2007. The 2007 update focused on standardizing the street cross-sections, classifying streets within the Westside annexation area, and increasing the number of collector streets.

Updates:

An original goal of this update was to identify new streets on the Master Street Plan map based on the policies of the Access Management Ordinance, which sets recommended distances between local, collector and arterial streets. However, the level of detail provided by the Access Management Ordinance couldn't realistically be applied on the scale of the Master Street Plan Map. For that reason staff evaluated locations to add new collector streets, using a quarter mile grid as a guide. This allowed staff to strategically locate numerous new collector streets in areas with the highest development potential, even if that development is not intended to occur in the near future. Fewer streets were added in areas with limited development potential due to restrictive topography.

Another goal in the update was to create context sensitive streets. Context-sensitive street design looks at local conditions to determine the most appropriate street design that optimizes mobility and safety for all modes of travel. A one-size-fits-all design approach cannot be applied to every existing street. Accordingly, staff has included street corridor plans as an on-going action step in the City Plan document. Context-sensitive design principals, however, are applied to future collector and principal arterials streets.

Two new collector street cross-sections have been added to the document. Each utilizes the current 59' foot right-of-way, but street striping can be used to delineate either on-street parking or bicycle lanes. This allows the street function to change over time depending on the surrounding context and ensures a narrower travel lane and reduced vehicle speeds in areas that attract significant pedestrian traffic.

The second change was a further reduction in the right-of-way requirements for the minor and

principal arterial streets and the addition of a principal arterial cross-section that allows on-street parking in more urban environments. The additional area between the sidewalk and travel lane created by a bike lane or on-street parking provides a significant buffer between vehicles and pedestrians and allows the greenspace width to be decreased. The overall right-of-way for principal arterials has been reduced from 97 feet to 87 feet and from 85 feet to 77 feet for minor arterials.

Another important discussion centered on alleys, and how not only the design, but also parking and addressing can inhibit use by solid waste and emergency vehicles. Staff from Strategic Planning, Current Planning, Fire, Solid Waste and Engineering worked together to determine what issues were encountered in the field and how each of these could be addressed. A bullet-point list of requirements is now listed in the alley cross-sections that if provided, will allow solid waste collection in alleys. Language from the International Fire Code has also been included to clarify the use of alleys for one- and two-family developments as well.

12.2.1 Alleys

Alleys are used in conjunction with streets to provide rear access to properties, garages and off-street parking. Driveways connected to alleys should have sufficient depth to allow vehicles to park and not encroach into the alley right-of-way.

Solid Waste

Solid waste pick-up is allowed, subject to the following standards:

- "No parking" signs are installed at the entrance(s) and mid-block locations.
- Designated locations for carts and recycle bins are kept free of obstructions.
- Bulk hauling and brush collection is placed at the public street.
- A 20' driveway is provided between the garage/house and alley right-of-way.
- On-street parking is provided.
- Address numbers are installed on the front and rear of every structure.
- Minimum radius requirements are provided.
- Dead-end alleys are prohibited.

Fire Department

Alleys used in conjunction with single- and two-family units are not intended to serve as fire access roads when structures also adjoin a private or public street that provides the required fire access. Fire access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

When an alley serves as the sole access, or when more than one access is required due to building height, condition of terrain, climatic conditions, the potential for impairment of a single road by vehicle congestion, or other factors that could limit access, alleys may need to be designed in accordance with the Arkansas Fire Code to support apparatus access, with approval from the fire code official.

Other updates to the cross-sections include:

- Modifying the Low Impact street section to allow flexibility in swale design.

- Addition of a front-end parking street section (Two-way Square) for urban environments.

Recommended Motion: Staff recommends forwarding **ADM 11- 3776 (Master Street Plan)** to the City Council with a recommendation for approval.

Planning Commission Action: ☒ **Forwarded** ☐ **Denied** ☐ **Tabled**

Motion #1: Winston (motion to downgrade Howard Nickell/Rupple Road to a Collector Street between W. Salem and HWY 112.

Second: Earnest

Vote: 5-4-0 (Commissioners Cabe, Bunch, Cook and Chesser voting 'No')

Motion #2: Winston (motion to forward MSP map)

Second: Hoskins

Vote: 8-1-0 (Commissioner Chesser voting 'No')

Meeting Date: ~~April 25, 2011~~ Rescheduled to May 2, 2011

Vote:

ADM 11-3774: Administrative Item (CITY PLAN 2030): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Comprehensive Land Use Plan.

ADM 11-3775: Administrative Item (FUTURE LAND USE MAP): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Future Land Use Map.

ADM 11-3776: Administrative Item (MASTER STREET PLAN): Submitted by STRATEGIC PLANNING & INTERNAL CONSULTING to amend the Future Land Use Map.

Jesse Fulcher, Current Planner, gave the staff report for all three City Plan 2030 items.

Public Comment:

Michael Mauldin, Salem Hills Estates, requested the commission downsize Howard Nickell road to a two-lane Collector and discussed traffic safety concerns.

Gregory Smith, Salem Estates Hills, agreed with the comments of Michael Mauldin and also requested speed tables on Howard Nickell.

Richelle Costrell, Salem Estates Hills, this is a big cut-through. She also requested to downgrade Howard Nickell.

Cliff (unaudible), Salem Estates Hills, 3634 Howard Nickell road, discussed traffic safety and requested to downgrade Howard Nickell.

Katie Jackson, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell.

Flint Harris, Salem Estates Hills, discussed neighborhood integrity and requested to downgrade Howard Nickell.

(Unaudible), 3618 Howard Nickell Road, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell.

Roy Slaughter, 3606 Howard Nickell, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell.

Maggie Lee, Salem Estates Hills, discussed traffic safety and requested to downgrade Howard Nickell and asked if this were annexed would sewer be provided.

Public comment was closed.

Kit Williams, City Attorney, answered the question about sewer service discussing that the City would not automatically provide sewer service.

Commissioner Winston discussed the pros and cons of Howard Nickell as a Collector or Principal Arterial. He would like to propose it be downgraded to a Collector.

Motion #1:

Commissioner Winston made a motion to modify ADM 11-3776 Master Street Plan to downgrade Howard Nickell Road to a Collector only through the Salem Hills Neighborhood and it would remain a Principal Arterial on either side of the neighborhood (starting at West Salem Road and ending at Dean Solomon Road). **Commissioner Earnest seconded the motion.**

Commissioner Cook discussed reasons for disagreement with the motion, discussing a past traffic study, and the fact that eventually capacity will or may dictate that this road be improved to four lanes. He stated that it would be a disaster to go back on the plan at this point that has been in place for a number of years.

Commissioner Hoskins discussed that there are better routes for an arterial roadway in this area and conducted detailed evaluations of various routes during a project in this area.

Commissioner Chesser discussed that Wedington is a four lane road next to his neighborhood and he doesn't feel that it splits the area. If we downgrade this to a Collector we will have to upgrade another area to an arterial and we will have the same objections to other neighbors. He discussed that it seems more fair to keep the road as it is currently designated as it had this designation before this neighborhood was even built and if the arterial were reclassified in another location it would be affecting people who were not aware of it.

Commissioner Hoskins discussed that along Salem the houses are set back as far as 95 feet and discussed details of other alternative arterial routes.

Commissioner Chesser discussed that he might be able to support a re-classification of this road if we had another plan in place for the arterial to go somewhere else.

Commissioner Bunch discussed that even if we downgrade it now we will be stringing the neighborhood along because this will be re-considered in another five years. She stated that she doesn't think we can give this up now.

Commissioner Kennedy discussed that this will be an issue as long as this neighborhood is here.

Upon roll call the motion to downgrade Howard Nickell to a Collector through the Salem Hills Estates passed with a vote of 5-4-0 (commissioners Cabe, Bunch, Cook, and Chesser voting 'No').

Commissioner Earnest discussed that the proposed street grid in the Planning Area is in conflict with the primary goals in City Plan to encourage infill and discourage sprawl.

Motion #2:

Commissioner Earnest made a motion to remove all streets on the Master Street Plan in the northeast quadrant of the Planning Area. **The motion failed for lack of a second.**

Motion #3:

Commissioner Winston made a motion to forward ADM 11-3776 (Master Street Plan update) to City Council with a recommendation for approval. **Commissioner Hoskins** seconded the motion. **Upon roll call the motion passed with a vote of 8-1-0 (Commissioner Chesser voting 'No').**

*Planning Commission
May 2, 2011
Page 8 of 8*

Motion #4:

Commissioner Earnest made to amend ADM 11-3774 City Plan 2030 document to move the Benchmark of “Determine the feasibility of a Local Housing Trust Fund and Land Bank” to short term. **Commissioner Cook** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Motion #5:

Commissioner Earnest made to amend ADM 11-3774 City Plan 2030 to move the Benchmark of “Continue to develop and implement form-based codes...” to short term. **Commissioner Chessier** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Fulcher requested that the Commission incorporate a revision to the ADM 11-3774 City Plan 2030 document to incorporate language that Chapter 164 Nonconforming Structures of the Unified Development Code be evaluated.

Motion #6:

Commissioner Chessier made to forward ADM 11-3774 City Plan 2030 document to the City Council with a recommendation of approval with the amendment as requested by staff for evaluation of Chapter 164. **Commissioner Earnest** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

Motion #7:

Commissioner Winston made to forward ADM 11-3775 Future Land Use Map to the City Council with a recommendation of approval. **Commissioner Chessier** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

There being no further business, the meeting was adjourned at 7:10 PM.

Handed out
at the City
Council meeting

Master Street Plan Proposed Amendment

6-21-11

12.2.1 ALLEYS

Alleys are used in conjunction with streets to provide rear access to properties, garages and off-street parking. Driveways connected to alleys should have sufficient depth to allow vehicles to park and not encroach into the alley right-of-way.

Solid Waste

Solid waste pick-up is allowed, subject to the following standards:

- "No parking" signs are installed at the entrance(s) and mid-block locations.
- Designated locations for carts and recycle bins are kept free of obstructions.
- Bulk hauling and brush collection is placed at the public street.
- Building walls and projections are located at least 10' from the edge of the alley pavement. To prevent encroachment into the right-of-way, additional separation may be required if parking is provided between the building and alley.
- On-street parking is provided.
- Address numbers are installed on the front and rear of every structure.
- Minimum radius requirements are provided.
- Dead-end alleys are prohibited.

Fire Department

Alleys used in conjunction with single- and two-family units are not intended to serve as fire access roads when structures also adjoin a private or public street that provides the required fire access. Fire access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

When an alley serves as the sole access, or when more than one access is required due to building height, condition of terrain, climatic conditions, the potential for impairment of a single road by vehicle congestion, or other factors that could limit access, alleys may need to be designed in accordance with the Arkansas Fire Code to support apparatus access, with approval from the fire code official.

DRAFT

**CITY
PLAN
2030**



PUBLIC VIEWPOINT: Planning Decision A Good One

Tuesday, June 21, 2011

NORTHWEST ARKANSAS — On May 2, the Fayetteville Planning Commission voted for neighborhood preservation, safety and fidelity to the city's core principles by amending the Master Street Plan for Howard Nickell Road. Our neighborhood, the Estates at Salem Hills, is deeply thankful to the Planning Commission. We have respectfully requested that City Council accept the Planning Commission's recommendation.

The previous map proposed to widen the road through the middle of our neighborhood to a four-lane principal artery. This would have destroyed the beautiful and cohesive community we have built. Downgrading the line on the map to a two-lane collector will preserve our community. This is a neighborhood with dozens of children and grandchildren biking and playing in front yards, annual block parties and Fourth of July celebrations - the kind of neighborhood that Fayetteville would want to preserve, in the city and its planning area.

The tangible threat to safety is clear by considering the accidents on Crossover, the only other principal arterial parkway on the Master Street Plan. Just last month, the city issued a press release regarding Crossover: "Police announce stepped-up enforcement to reduce injuries and crashes." Anyone visiting us can immediately see that a road like Crossover does not belong in the middle of our neighborhood.

The Planning Commission's action corrected a mistake made eight years ago, when this beautiful neighborhood was created with a ticking time bomb embedded in it.

This development was approved by the city, facing onto a proposed artery, instead of backing onto it. There are 16 curb cuts from our driveways onto the proposed artery, grossly inconsistent with the city's access management policy - a symptom of the larger mismatch between this neighborhood and the artery. As one of the current planning commissioners pointed out, this neighborhood never would have been approved today, facing onto a principal artery.

The city does have a legitimate need for connectivity, but the strategic plan says this should be accomplished by a grid of smaller roads. As City Plan 2030 states, "Two two-lane roads are better than one four-lane road." We have quite an ample such grid planned for this part of town, as the revised Master Street Plan shows. These current documents reinforce the city's 2003 traffic study, commissioned at a cost of \$250,000, which recommended keeping our road at two lanes for its 2023 plan.

The Planning Commission's May 2 vote to amend the map was the culmination of four years of efforts by our neighborhood, at dozens of meetings of the City Council, Street Committee and Planning Commission. It was a vote for safety, neighborhood integrity and distributed traffic flow - all core principles of Fayetteville.

That is why we have requested the City Council to approve the revised Master Street Plan, as recommended by the Planning Commission.

BOB COSTRELL / Fayetteville

Opinion, Pages 5 on 06/21/2011

Master Street Plan: Howard Nickell Rd.

Bob Costrell
3683 Howard Nickell Rd.
Fayetteville, AR 72704
Estates at Salem Hills POA
City Council Meeting, June 21, 2011

Thank you, Planning Commission !

PC devoted many hours & much effort to this issue.

- 7 of 9 members: individual site visits to neighborhood
- 3 agenda/wkg meetings discussed HN (1/28, 2/14, 4/21)
- 3 meetings discussed Howard Nickell (3/28, 4/11, 5/2)

Final vote reflected many concerns

Downgraded Howard Nickell from 4 lanes to 2

Core Principles for Fayetteville

- Neighborhood Preservation
- Safety
- Distributed Traffic Flow

“Two 2-lane roads are better than one 4-lane road”

Our Neighborhood

- 23 families
- Active POA
- Annual block parties, 4th of July fireworks
- Dozens of children & grandchildren
- Not designed for artery through the middle

Our Neighborhood: Roy's & Susan's House



Getting Ready for the Grandkids



Mike's & Angel's House



T.A.'s House



Heading into the Curve



Rick's & Ashley's House

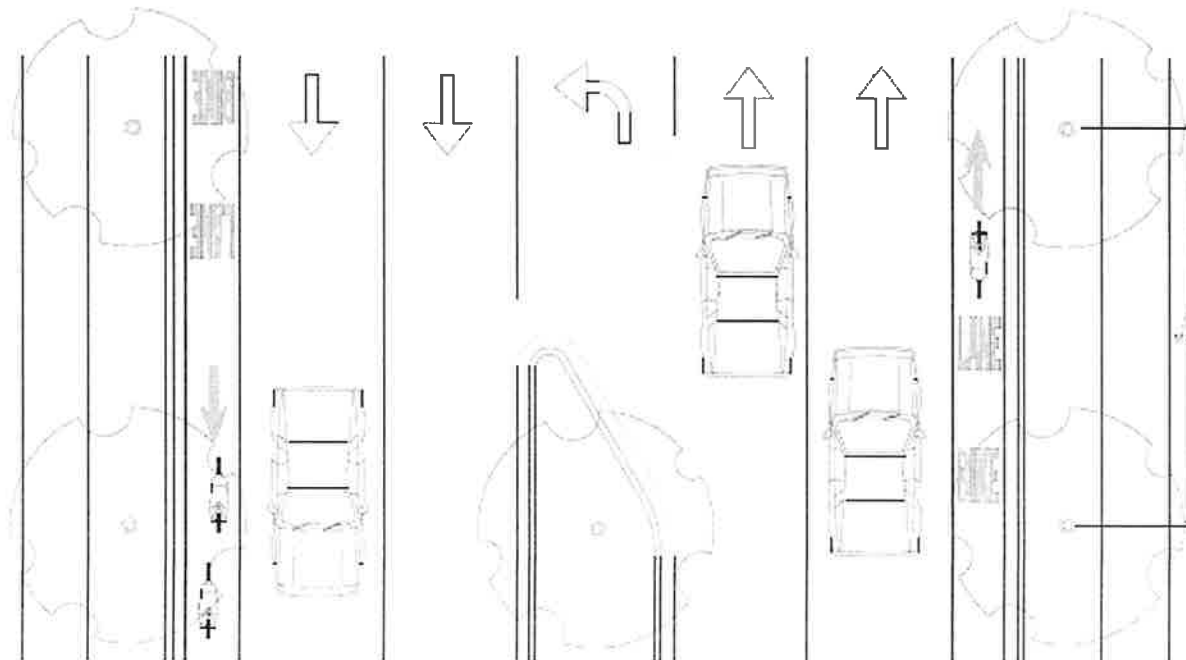
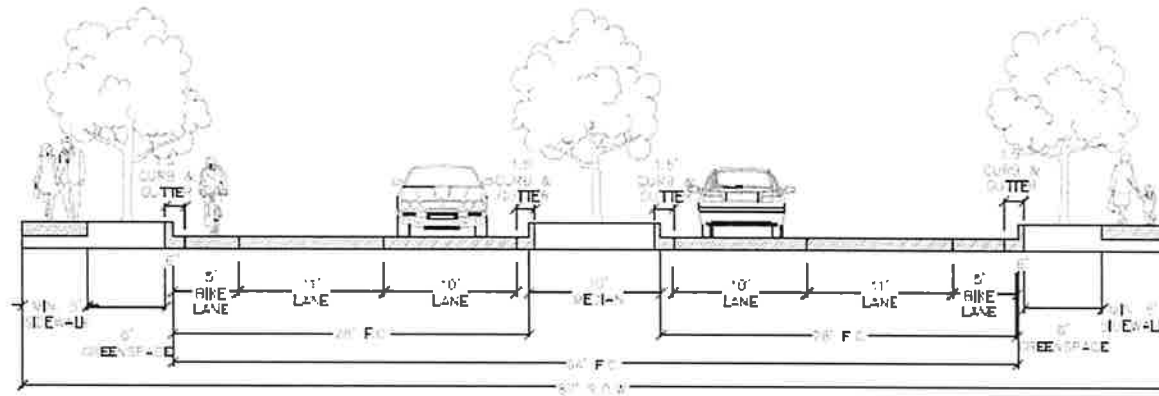


Our House – and the first likely victim

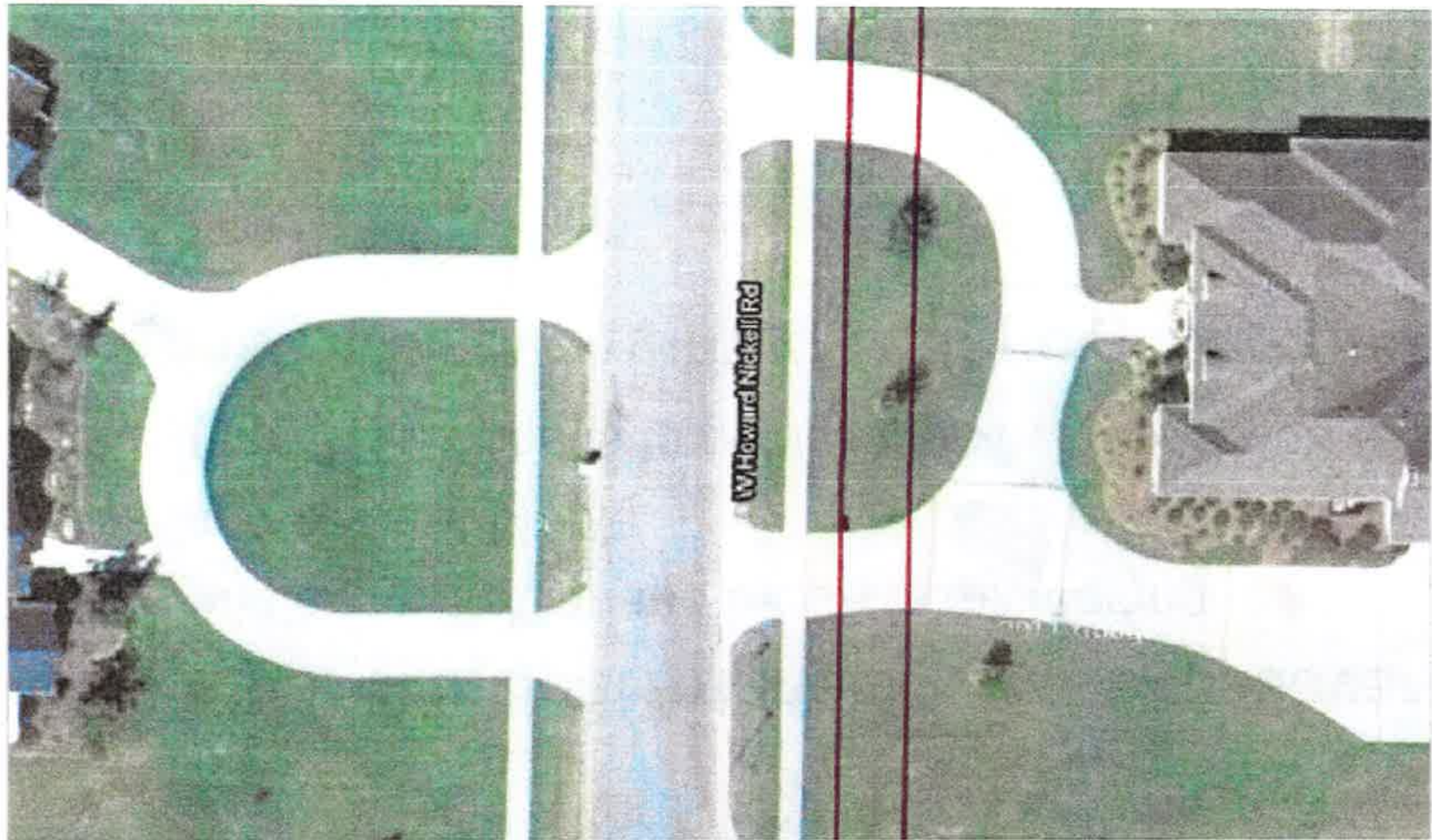


What Would Neighborhood Look Like?

PRINCIPAL ARTERIAL BOULEVARD (WITH BIKE LANES)



What Would Neighborhood Look Like?



Curb

Inside of Sidewalk

What Would Neighborhood Look Like?

- Only other Principal Arterial Pkwy: Crossover
 - The analogy with Garland by UA is misleading
 - Garland ends at Maple
 - the artery's purpose is to get *through* neighborhood *fast*
- Imagine Crossover through our neighborhood

Crossover: not the busy part



Crossover: we would have trucks, too



Crossover: well, not very busy



Safety



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



POLICE DEPARTMENT

100-A West Rock Street

Fayetteville, AR 72701

P (479) 587-3555 F (479) 587-3522

NEWS RELEASE

FOR IMMEDIATE RELEASE: May 11, 2011

**Contact: Craig Stout
(479) 587-3580**

***RE: POLICE ANNOUNCE STEPPED UP ENFORCEMENT TO REDUCE INJURIES
AND CRASHES***

The Fayetteville Police Department announced today they would begin directed traffic enforcement in an effort to reduce vehicle accidents on Crossover Road (Hwy 265).

Neighborhood Design

- Approved in 2003
- **Facing onto road**
 - Should back onto road for principal artery
- Artery would divide & destroy neighborhood
- Planning Comm has corrected this mistake

Mismatch Between Neighborhood & Artery



Original stipulation:
5 curb cuts

Approved for:
8 cuts

Amended to:
9 cuts

Today:
16 cuts

Future:
17-18 cuts

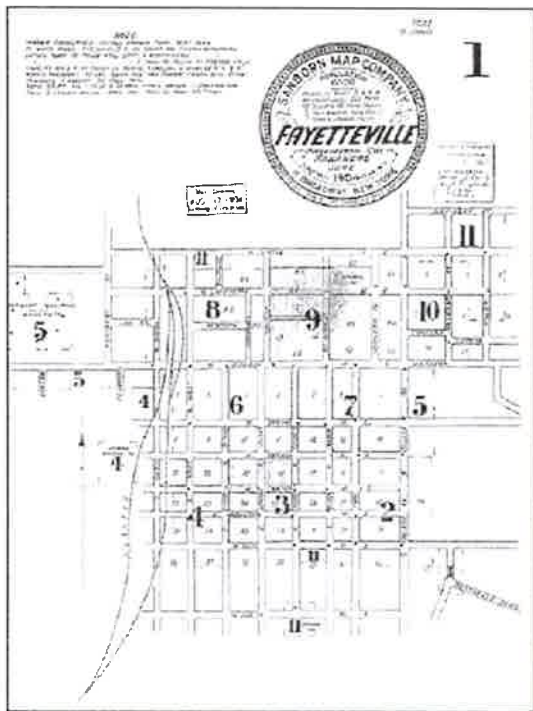
Distributed Traffic Flow

**“Two 2-lane roads are better
than one 4-lane road”**

- c. *Plan & construct multiple corridors instead of single oversized ones*

An interconnected network of streets offers motorists a variety of options to get from one destination to the next. Generally, more streets per square mile result in a more open network and drivers can avoid the degree of peak hour congestion that occurs when a limited number of large streets become congested.

Two two-lane roads are better than one four-lane road. Traffic can be easily dispersed within a road network, rather than all motorists having to depend on one major thoroughfare.



1910 Sanborn Map, Downtown Fayetteville



DRAFT

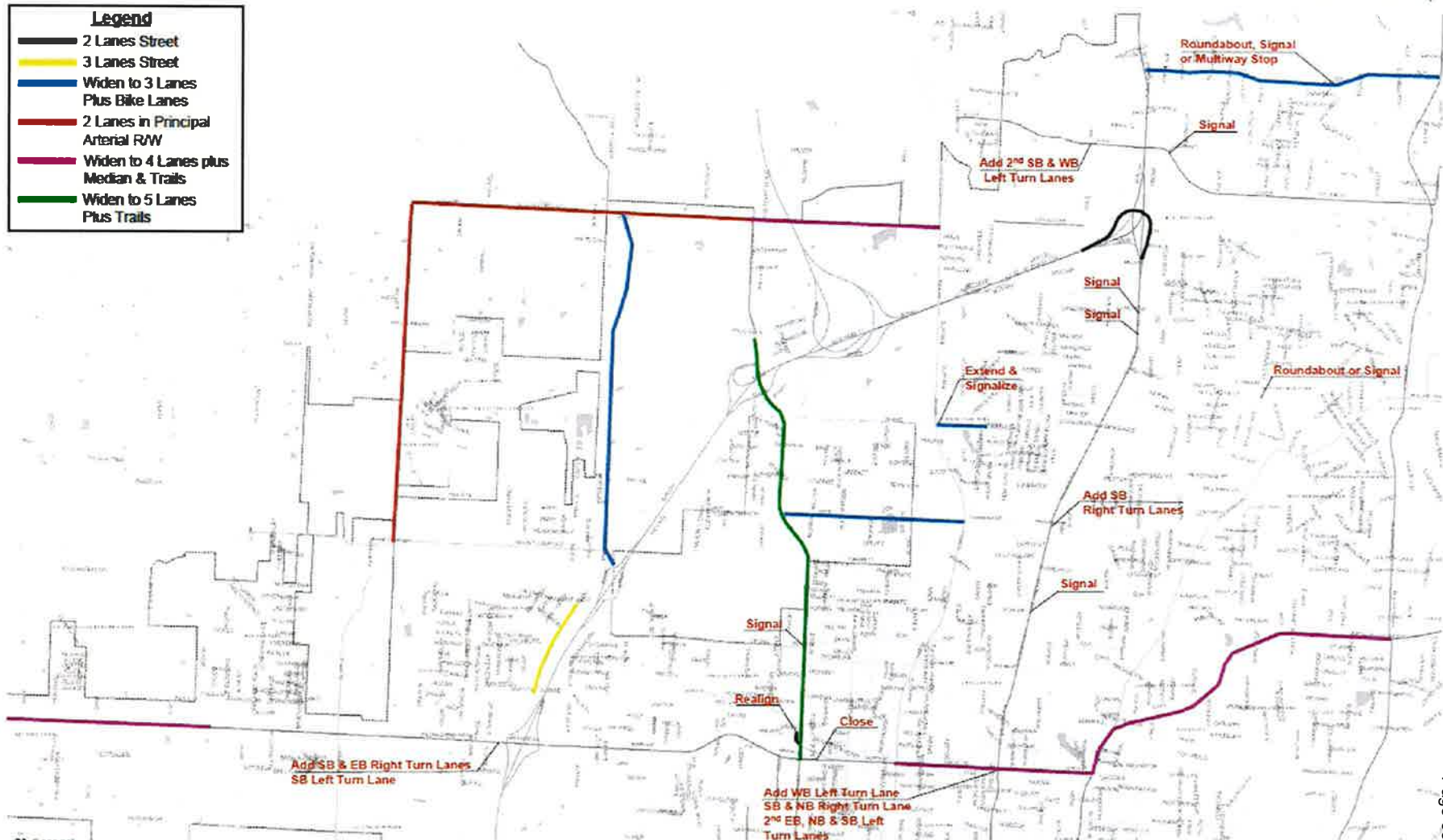


**CITY
PLAN
2030**

Fay's 2003 Traffic Study called for 2 lanes for 2023

City of Fayetteville, Arkansas Traffic and Transportation Study

Executive Summary



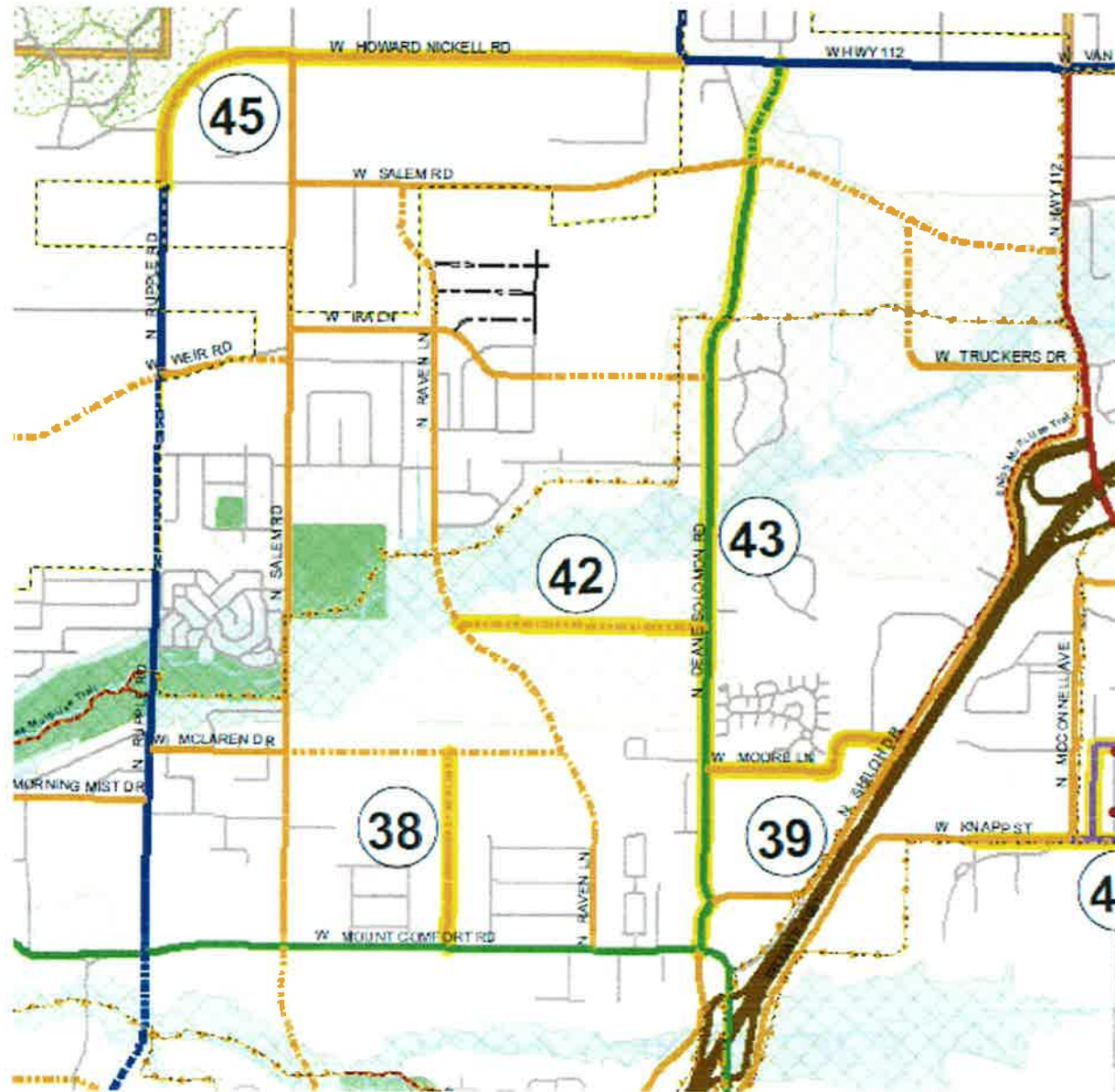
ES-Long.pdf

FIGURE ES-4 Long Range (2023) Traffic Improvements

BUR BUCHER, WILLIS & RATLIFF CORPORATION

ES-7

Planning Commission Map Has Rich Grid



Thank you, City Council

For the time and effort you have spent on this issue, listening, speaking, and working with us, not only in recent weeks, but over the 4 years we have been coming to you.

City of Fayetteville Staff Review Form

B. 3
RZN 11-3806 (South of Zion
Road and East of Taliesin
Lane/Woodbury)
Page 1 of 26

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

6/7/2011

City Council Meeting Date
Agenda Items Only

Dara Sanders
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 11-3806: (South of Zion Road and East of Taliesin Lane/Woodbury, 137): Submitted by The City of Fayetteville for property located south of Zion Road and east of Taliesin Lane. The property is zoned R-PZD, Residential Planned Zoning District 06-2190 and contains approximately 11.66 acres. The request is to revoke the PZD pursuant to 166.06(C) and rezone a portion of the subject property to NC, Neighborhood Conservation.

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

05-17-2011
Date

Previous Ordinance or Resolution #

City Attorney

5-20-2011
Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

5-20-2011
Date

Received in City
Clerk's Office

05-19-11 P03:53 RCVD

Chief of Staff

5-23-11
Date

Received in
Mayor's Office

Mayor

5/23/11
Date



Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Dara Sanders, Current Planner

Date: May 11, 2011

Subject: RZN 11-3806 (Woodbury)

RECOMMENDATION

Planning Commission and staff recommend approval of an ordinance to rezone the undeveloped portion of the Woodbury project boundary containing approximately 9.26 acres from R-PZD 06-2190 to NC, Neighborhood Conservation.

BACKGROUND

The Woodbury project boundary consists of 11.66 acres located on the south side of Zion Road, approximately 0.3 miles west of Crossover Road.

In 2006, the Planning Commission and City Council approved the Woodbury Residential Planned Zoning District on the subject property (R-PZD 05-1635). The property was originally zoned R-A, Residential Agricultural. The R-PZD zoning permitted three planning areas:

Planning Area 1 - 67 single family dwellings surrounding a common area at a density of approximately 8.5 units/acre

Planning Area 2 - 45 multi-family dwellings in two buildings at a density of approximately 17 units/acre adjacent to Zion Road

Planning Area 3 - Common area in a central location with a clubhouse, pool, and greenspace

The applicant proposed to develop all roads and infrastructure in approximately eight to twelve months from City Council approval and to construct the residences in groupings in response to market demands, with a full build-out within three years of approval. Construction permits for the project were obtained to install the primary internal and the perimeter private streets, the clubhouse and pool, and 16 of the single-family dwellings. However, construction permits for the remaining seven internal private streets and dwelling units were not obtained and the R-PZD approval has expired.

While the original PZD remains intact for regulation of the existing dwellings within the Woodbury neighborhood, the remaining undeveloped property, approximately 9.26 acres, is unable to be developed or subdivided until the old PZD zoning is revoked and a new, valid zoning district is assigned. In an effort to establish a valid zoning district on the subject property the City Planning Division has initiated the PZD revocation process following the requirements Fayetteville Unified Development Code Chapter 166.06(C). An initial letter was sent to the property owners on October 21, 2010 notifying them of the expired PZD, discussing options for establishing a valid zoning district, and the intent of the City to revoke the PZD and rezone the property if the owners did not initiate a rezoning. On April 7, 2010 the City Planning Division sent an official PZD revocation letter to the property owner via certified mail

notifying them that the City Planning Division was proposing to revoke the PZD and rezone the property to NC, Neighborhood Conservation.

Staff finds that the NC zoning district is consistent with the Future Land Use designation of Residential Area on the property and the existing and surrounding land uses and infrastructure. This site is located in an area with a range of uses and residential densities. While the NC district would not allow for the multi-family apartment buildings to be constructed adjacent to Zion Road, the current or future property owner could request conditional use approval to construct three-family dwellings or to submit a separate request to rezone this portion of the property to some other zoning district that would allow for the multi-family dwellings by right.

DISCUSSION

On May 9, 2011 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-2-0. Commissioners Hoskins and Honchell voted "no", with Commissioner Hoskins stating on the record a preference that the property revert back to the original R-A, Residential Agricultural zoning district.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REVOKING R-PZD 06-2190 (WOODBURY) REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3806, FOR APPROXIMATELY 9.26 ACRES, LOCATED SOUTH OF ZION ROAD AND EAST OF TALIESIN LANE, FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 06-2190, TO NC, NEIGHBORHOOD CONSERVATION.

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

Section 1: That a portion of the property as described herein zoned R-PZD 06-2190 (Woodbury) is hereby revoked because the developer failed to obtain development permits in accordance with the approved phased development schedule.

Section 2: That the zone classification of the following described property is hereby changed as follows:

From R-PZD, Residential Planned Zoning District 06-2190 to NC, Neighborhood Conservation, as shown on Exhibit "A" attached hereto and made a part hereof.

Section 3: That the property identified in Exhibit "B" attached hereto shall retain its zoning designation of R-PZD 06-2190 (Woodbury), will all of the zoning and development rights and regulations prescribed therein.

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 , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

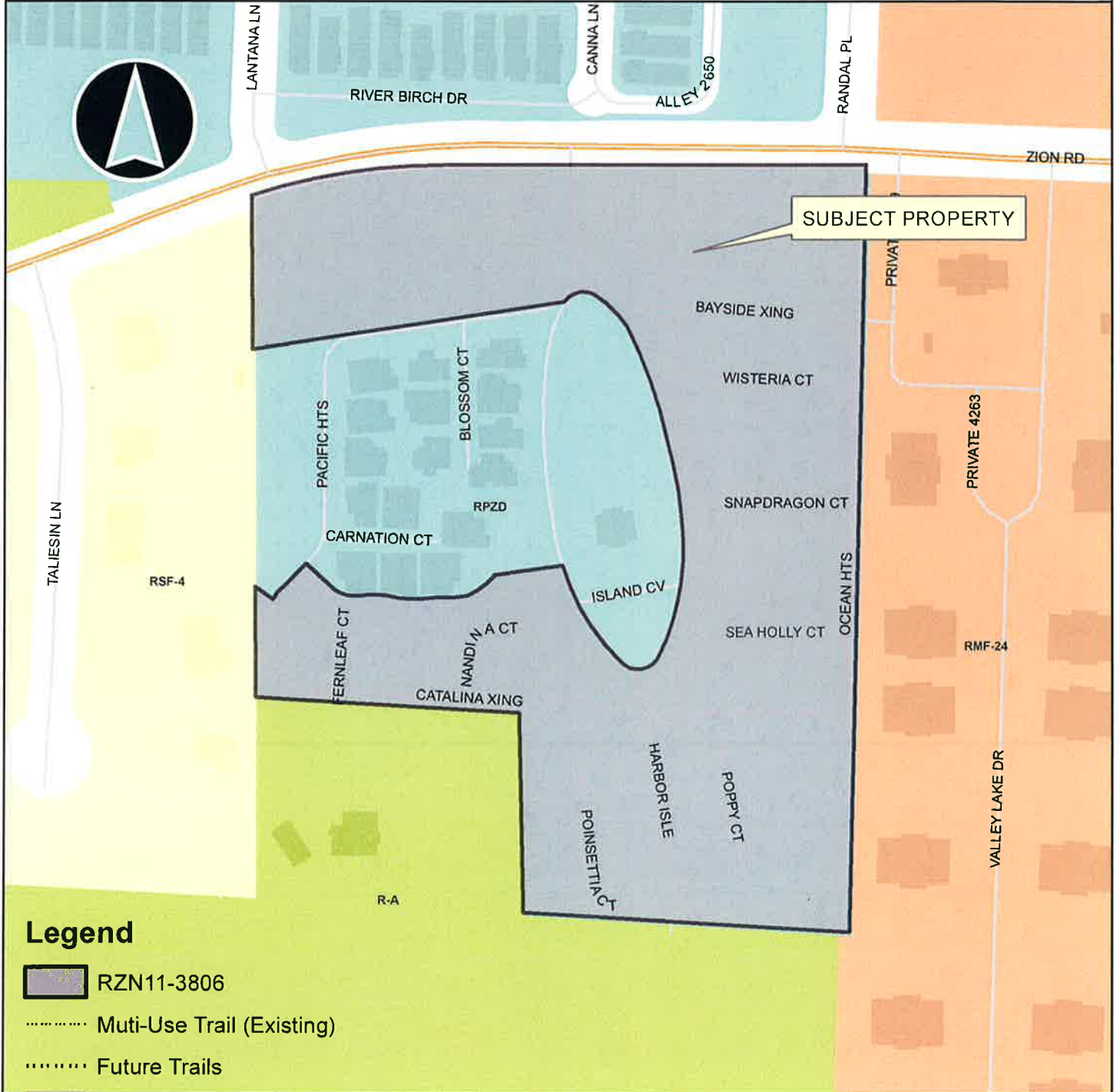
Exhibit "A"

B. 3
RZN 11-3806 (South of Zion
Road and East of Taliesin
Lane/Woodbury)
Page 5 of 26

RZN11-3806

WOODBURY

Close Up View



Legend



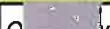
RZN11-3806



Multi-Use Trail (Existing)



Future Trails



Footprints 2010



Hillside-Hilltop Overlay District



Design Overlay District



Design Overlay District



Planning Area



Fayetteville

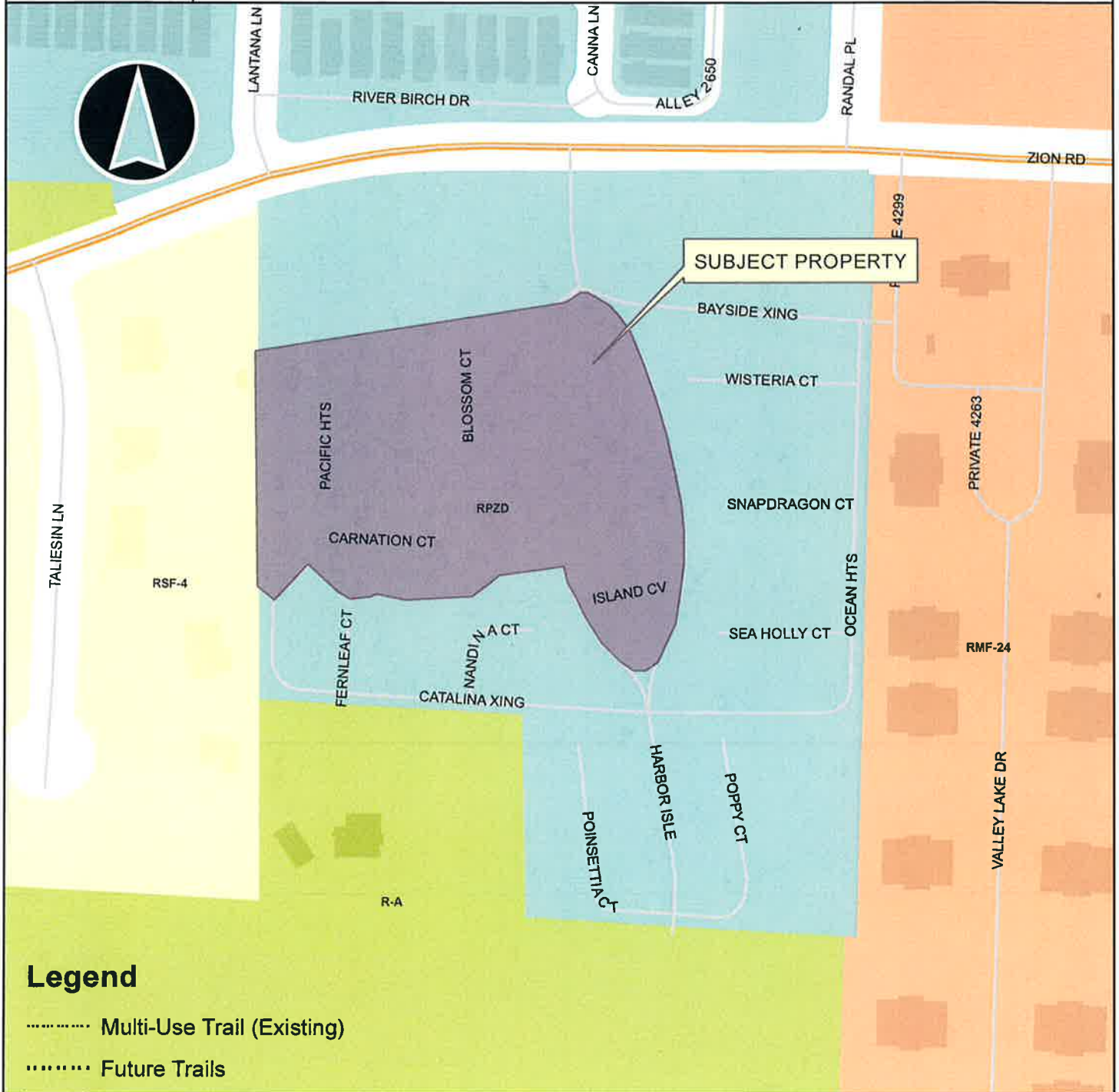
Exhibit "B"

B. 3
RZN 11-3806 (South of Zion
Road and East of Taliesin
Lane/Woodbury)
Page 6 of 26

RZN11-3806

WOODBURY

Close Up View



Legend

..... Multi-Use Trail (Existing)

..... Future Trails

o Footprints 2010

■ Hillside-Hilltop Overlay District

□ Design Overlay District

□ Design Overlay District

--- Planning Area

□ Fayetteville



PC Meeting of May 9, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~May 4, 2011~~ Updated May 11, 2011

RZN 11-3806: Rezone (WOODBURY, 137): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located SOUTH OF ZION ROAD AND EAST OF TALIESIN LANE. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 06-2190 and contains approximately 11.66 acres. The request is to revoke the PZD pursuant to 166.06(C) and rezone the subject property to NC, NEIGHBORHOOD CONSERVATION.

Planner: Dara Sanders

BACKGROUND:

Property Description: The Woodbury project boundary consists of 11.66 acres located on the south side of Zion Road, approximately 0.3 miles west of Crossover Road. The site is relatively flat, with a majority of the tree canopy on the property along Zion Road. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Zion Gardens R-PZD under development	R-PZD 05-1599
South	Undeveloped wood and agricultural land	R-A, Residential-Agricultural
East	Multi-family residential	RMF-24, Residential Multi-Family 24 Units/Acre
West	Single-family residential	RSF-4, Residential Single-Family 4 Units/Acre

History: In 2006, the Planning Commission and City Council approved the Woodbury Residential Planned Zoning District on the subject property (R-PZD 05-1635). The property was originally zoned R-A, Residential Agricultural. The R-PZD zoning permitted three planning areas:

Planning Area 1 - 67 single family dwellings surrounding a common area at a density of approximately 8.5 units/acre

Planning Area 2 - 45 multi-family dwellings in two buildings at a density of approximately 17 units/acre adjacent to Zion Road

Planning Area 3 - Common area in a central location with a clubhouse, pool, and greenspace

The applicant proposed to develop all roads and infrastructure in approximately eight to twelve months from City Council approval and to construct the residences in groupings in response to market demands, with a full build-out within three years of approval. Construction permits for the

project were obtained to install the primary internal and the perimeter private streets, the clubhouse and pool, and 16 of the single-family dwelling. However, construction permits for the remaining seven internal private streets and dwelling units were not obtained and the R-PZD approval has expired.

PZD Revocation: If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is revoked and a new, valid zoning district is assigned. In an effort to establish a valid zoning district on the subject property the City Planning Division has initiated the PZD revocation process following the requirements Fayetteville Unified Development Code Chapter 166.06(C). An initial letter was sent to the property owners on October 21, 2010 notifying them of the expired PZD, discussing options for establishing a valid zoning district, and the intent of the City to revoke the PZD and rezone the property if the owners did not initiate a rezoning. On April 7, 2010 the City Planning Division sent an official PZD revocation letter to the property owner via certified mail notifying them that the City Planning Division was proposing to revoke the PZD and rezone the property to NC, Neighborhood Conservation. The section of the Fayetteville Unified Development Code covering PZD revocation and copies of letters sent to the property owners are attached to this report.

Proposal: The City Planning Division proposes to rezone the remaining undeveloped portion of the Woodbury project boundary from R-PZD 06-2190 to NC, Neighborhood Conservation.

Public Comment: Staff has received public comment from a residence in this neighborhood concerned with drainage issues.

RECOMMENDATION:

Staff recommends forwarding **RZN 11-3806 (Woodbury)** to the City Council with a recommendation for approval based on the findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 9, 2011</u>	☐ Tabled	☐ Forwarded	☐ Denied		
Motion: <u>Chesser</u>	Second: <u>Winston</u>	Vote: <u>6-2-0 (Commissioners Hoskins and Honchel voted "no")</u>			
CITY COUNCIL ACTION:		Required	<u>YES</u>		
		☐ Approved		☐ Denied	
Date:					

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan*

*designates this site as **Residential Neighborhood Area**. Residential Neighborhood Areas are almost exclusively residential in nature with conventional setbacks. This designation may have large blocks and irregular roads to accommodate natural conditions. A primary guiding policy of Residential Neighborhood Areas is to, "Site new residential areas accessible to roadways, alternative transportation nodes, community amenities, schools, infrastructure, and retail and commercial goods and services."*

INFRASTRUCTURE:

- Streets:** The site has access to Zion Road. Zion Road is a fully improved three lane City street in this location. Street improvements will be evaluated at the time of development of this property.
- Water:** Public water is available to the property. There are 8" public water mains extended throughout the development.
- Sewer:** Sanitary sewer is available to the site. There are 8" sanitary sewer mains extended throughout the development.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.
- Police:** Staff did not receive objections from the Police Department to this rezoning.
- Fire:** The Fire Department does not find that this rezoning will affect calls for service or response times.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

- Finding:** Staff finds that the NC zoning district is consistent with the Future Land Use designation of Residential Area on the property and the existing and surrounding land uses and infrastructure. This site is located in an area with a range of uses and residential densities. Staff finds that proposed zoning district would allow for the development of single- and two-family dwellings in a compact form, similar to the density approved for the majority of the project boundary with R-PZD 06-2190. While the NC district would not allow for the multi-family apartment buildings to be constructed adjacent to Zion Road, the current or future property owner could request conditional use approval to construct three-family dwellings or to submit a separate request to rezone this portion of the property to some other zoning district that would allow for multi-family dwellings by right.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed zoning is needed at this time as the existing R-PZD zoning has expired and the property is unable to developed in any manner, including minor applications such as a lot split or single family residence, until the expired PZD zoning is revoked and a new zoning district is assigned. As discussed in Finding No. 1, the proposed zoning is justified as it is compatible with the surrounding zoning and land uses and consistent with the City's Future Land Use Plan.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed rezone would not increase traffic congestion in comparison to the R-PZD. The NC zoning is a medium density zoning that would not result in large volumes of traffic as the maximum density is 10 dwelling unit per acre.**

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: **Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments and are included in this report. The proposed zoning change to NC should have no discernable impact on public services.**

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 recommends in favor of the request.**

EXISTING R-PZD ZONING CRITERIA

B. 3
RZN 11-3806 (South of Zion
Road and East of Taliesin
Lane/Woodbury)
Page 11 of 26

will consist of "The Commons," containing a clubhouse, pool, outdoor living areas, and park area.

PLANNING AREA 1

PERMITTED USES	
UNIT	DESCRIPTION
UNIT 1	CITY-WIDE USES BY RIGHT
UNIT 8	SINGLE FAMILY DWELLING

CONDITIONAL USES	
UNIT	DESCRIPTION
UNIT 2	CITY-WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

LAND USE DENSITY / INTENSITY

TOTAL PLANNING AREA SIZE: 7.92 ACRES

TOTAL NUMBER OF RESIDENTIAL UNITS: 67

NON-RESIDENTIAL SQUARE FEET: NOT APPLICABLE

RESIDENTIAL DENSITY: 8.5 UNITS PER ACRE

BULK AND AREA REGULATIONS

AREA REGULATIONS

LOT WIDTH MINIMUM: 32 FT

LOT AREA MINIMUM: 1,200 SF

LAND AREA PER DWELLING: 3,096 SF

SETBACK REQUIREMENTS

FRONT-WOODBURY DRIVE: 10 FT from R/W (Back of Curb)

FRONT-PRIVATE DRIVES: 15 FT from Access Easement

SIDE-PROPERTY LINE: 8 FT

MIN. BETWEEN BUILDINGS: 6 FT

HEIGHT

Structures in this Planning Area are limited to a building height of 35 feet as measured from the lowest point of the structure at the historic grade.

The height of a proposed structure may only be increased above 35 feet by obtaining a variance after hearing by the Planning Commission.

BUILDING AREA

MAXIMUM: 60%

SITE PLANNING

LANDSCAPING

A Landscape Tree shall be planted every 30 feet of public and private street frontage, and along the pedestrian walkways as indicated on the landscape plan.

PARKING

Parking in this Planning Area will be mainly occur in garages in the individual units. The Woodbury covenants are very specific that garages are to be used for parking vehicles, not for storage. On-street parking is allowed on the 1-way portions of Woodbury Drive surrounding The Commons. All 2 and 3 bedroom units have a 2-car garage which satisfies the parking requirements for those units. There are only 6 single bedroom units in the development and these have only a 1-car garage. Excess parking requirements for these units will be satisfied by the on-street parking allowed on Woodbury Drive.

ARCHITECTURAL DESIGN STANDARDS

Structures shall be built using brick, stone, and stucco with lap and shingle siding, consistent with the building elevations included in the project booklet.

PLANNING AREA 2

PERMITTED USES	
UNIT	DESCRIPTION
UNIT 1	CITY-WIDE USES BY RIGHT
UNIT 26	MULTI-FAMILY DWELLINGS

CONDITIONAL USES	
UNIT	DESCRIPTION
UNIT 2	CITY-WIDE USES BY CONDITIONAL USE PERMIT
UNIT 12	OFFICES, STUDIOS, AND RELATED SERVICES
UNIT 13	EATING PLACES
UNIT 15	NEIGHBORHOOD SHOPPING GOODS
UNIT 16	SHOPPING GOODS
UNIT 24	HOME OCCUPATIONS

LAND USE DENSITY / INTENSITY

TOTAL PLANNING AREA SIZE: 2.62 ACRES

TOTAL NUMBER OF RESIDENTIAL UNITS: 45

NON-RESIDENTIAL SQUARE FEET: NOT APPLICABLE

RESIDENTIAL DENSITY: 17.2 UNITS PER ACRE

BULK AND AREA REGULATIONS

AREA REGULATIONS

LOT WIDTH MINIMUM: 18 FT

LOT AREA MINIMUM: 1,100 SF

LAND AREA PER BUILDING UNIT: 2,536 SF

USE MAXIMUMS

A MAXIMUM OF 20,000 SF OF THIS PLANNING AREA MAY BE UTILIZED FOR CONDITIONAL USE UNITS 12, 13, 15, AND 16.

SETBACK REQUIREMENTS

FRONT-ZION: 10 FT

FRONT-WOODBURY DRIVE: 10 FT from R/W (Back of Curb)

FRONT-PRIVATE DRIVES: 5 FT from Access Easement

SIDE-PROPERTY LINE: 10 FT

MIN. BETWEEN BUILDINGS: 6 FT

HEIGHT

Structures in this Planning Area are limited to a building height of 45 feet as measured from the lowest point of the structure at the historic grade. The height of a proposed structure may only be increased above 45 feet by obtaining a variance after hearing by the Planning Commission.

BUILDING AREA

MAXIMUM: 65%

SITE PLANNING

LANDSCAPING

A Landscape Tree shall be planted every 30 feet of public and private street frontage, and along the pedestrian walkways as indicated on the landscape plan.

PARKING

Parking in this Planning Area will occur in garages in the individual units. The Woodbury covenants are very specific that garages are to be used for parking vehicles, not for storage. All units in this Planning Area are 2 bedroom units and will have a 2-car garage to match the number of bedrooms in the unit. This satisfies the parking requirements for those units.

ARCHITECTURAL DESIGN STANDARDS

Structures shall be built using brick, stone, and stucco with lap and shingle siding, consistent with the building elevations included in the project booklet.

PLANNING AREA 3

PERMITTED USES	
UNIT	DESCRIPTION
UNIT 1	CITY-WIDE USES BY RIGHT
UNIT 4	CULTURAL & RECREATIONAL FACILITIES

CONDITIONAL USES	
UNIT	DESCRIPTION
UNIT 2	CITY-WIDE USES BY CONDITIONAL USE PERMIT

LAND USE DENSITY / INTENSITY

TOTAL PLANNING AREA SIZE: 1.12 ACRES

TOTAL NUMBER OF UNITS: 0

NON-RESIDENTIAL SQUARE FEET: 3,000 SF

INTENSITY: 2,679 SF PER ACRE

BULK AND AREA REGULATIONS

AREA REGULATIONS

BUILDING WIDTH MINIMUM: 35 FT

BUILDING AREA MINIMUM: 1,500 SF

LAND AREA PER DWELLING UNIT: NOT APPLICABLE

SETBACK REQUIREMENTS

WOODBURY DRIVE: 10 FT from R/W (Back of Curb)

HEIGHT

Structures in this Planning Area are limited to a building height of 35 feet as measured from the lowest point of the structure at the historic grade. The height of a proposed structure may only be increased above 35 feet by obtaining a variance after hearing by the Planning Commission.

BUILDING AREA

MAXIMUM: 45%

SITE PLANNING

LANDSCAPING

A Landscape Tree shall be planted every 30 feet of public and private street frontage, and along the pedestrian walkways as indicated on the landscape plan.

PARKING

Parking in this Planning Area will occur in the parking area in front of the clubhouse and on Woodbury Drive. On-street parking is allowed on the 1-way portions of Woodbury Drive surrounding The Commons. As a maximum 3,000 SF building, 12 spaces are required (1 per 250 SF). We

PROPOSED ZONING

161.26 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	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related 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	80 ft.
Three Family	90 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	5 ft.
Rear	5 ft.
Rear, from center line of an 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.

166.06 Planned Zoning District (PZD)

(L) 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 master development plan 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 may 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.

ENGINEERING COMMENTS:

RZN 11-3806: Rezone (WOODBURY, 137): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located at the corner of SOUTH OF ZION ROAD, AND EAST OF TALIESIN LANE. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 06-2190 and contains approximately 11.66 acres. The request is to rezone the subject property to NC, NEIGHBORHOOD CONSERVATION.

Planner: Dara Sanders

Public water is available to the property. There are 8" public water mains extended throughout the development.

Sanitary sewer is available to the site. There are 8" sanitary sewer mains extended throughout the development.

The site has access to Zion Road. Zion Road is a fully improved three lane City street in this location. Street improvements will be evaluated at the time of development of this property.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.

Zoning Review

To: Dara Sanders
From: Terry Lawson, Fire Marshal
Date: May 3, 2011

Re: RZN 11-3806: Rezone (WOODBURY, 137): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located at the corner of ZION ROAD, AND EAST OF TALIESIN LANE. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 06-2190 and contains approximately 11.66 acres. The request is to rezone the subject property to NC, NEIGHBORHOOD CONSERVATION.
Planner: Dara Sanders

This development will be protected by Engine 5 located at 2979 N. Crossover Rd.
It is 5 miles from the station with an anticipated response time of 5 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development zoning change will affect our calls for service or our response times.

If you have any questions please feel free to contact me.



Fayetteville Fire Department

From: DEBORAH SANTEFORD <deborah.santeford@fayar.net>
To: "agarner@ci.fayetteville.ar.us" <agarner@ci.fayetteville.ar.us>
Date: 5/4/2011 10:08 AM
Subject: Woodbury PZD

Mr. Garner:

I have read about the rezoning of the PDZ's and have seen the sign at the Woodbury Subdivision. Drainage is a very big issue for the existing homeowners. I do believe the city engineers either miscalculated the need for serious drainage work on the property, or the builder ignored the directives. It has left the homeowners below the retaining walls (including myself) with moats around the homes. It has been particularly evident this spring, but it is a recurring, year round problem because of natural springs.

I do hope the city will take the time to look carefully at the property before it is rezoned. I am not an engineer or a drainage expert, but I am very sure there could be development on the empty property that would make the situation worse for the existing homeowners.

Thank you for your consideration of this matter. If there is something the homeowners can do to inform the city further, please let me know.

As a separate question, I would like to know if the current zoning is the reason why homeowners in the subdivision are without street signs. Chris Elkins at Metropolitan Bank has also told us we are responsible for the street signs, as well as streetlight power and maintenance. This is my fourth home in Fayetteville but the first with these responsibilities belonging to the homeowners. None of the homeowners were made aware of this when we purchased the homes. I hope the city will think again if Jeff Martin comes back with a proposal for another development in Fayetteville.

Debbie Santeford
4278 N. Blossom Court
479-521-6860



www.accessfayetteville.org

B. 3
RZN 11-3806 (South of Zion
Road and East of Taliesin
THE CITY OF FAYETTEVILLE, ARKANSAS
DEVELOPMENT SERVICES DEPARTMENT
Page 20 of 26
125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

7 April 2011

Metropolitan National Bank
P.O. Box 8010
Little Rock, Arkansas 72203

VIA: CERTIFIED MAIL

Philip/Martin Development Partners LLC
P.O. Box 9598
Fayetteville, Arkansas 72703-0027

Jeff Martin
2458 East Joyce Boulevard, Suite 8
Fayetteville, Arkansas 72703

Re: Re-zoning of the Expired Woodbury Planned Zoning District Project

Dear Property Owner:

The Assessor of Washington County, Arkansas lists you as the owner for the subject property that is zoned by the City of Fayetteville as a Planned Zoning District (PZD). This letter notifies you that the subject PZD approval has expired. In accordance with Fayetteville Unified Development Code Section 166.06(L) the City has cause to revoke this PZD as development permits have not been obtained in accordance with the approved phased development schedule. Therefore, the City Development Services Department has initiated revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign the property the zoning district of NC, Neighborhood Conservation. This proposal to revoke the PZD and rezone your property will be first heard at a public meeting of the Planning Commission on May 9, 2011 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas 72701. You are welcome to speak at that meeting and/or provide written or verbal comment to City staff prior to the meeting.

Please contact our office at 479.444.3443 to set up a meeting with one of our City Planners, or you may email us at development_services@ci.fayetteville.ar.us.

Best Regards,

Andrew Garner
Senior Planner

COPY

AMG



www.accessfayetteville.org

B. 3
RZN 11-3806 (South of Zion
Road and East of Taliesin
Lane Woodbury)
THE CITY OF FAYETTEVILLE, ARKANSAS
DEVELOPMENT SERVICES DEPARTMENT
Page 2 of 2
125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

7 April 2011

Metropolitan National Bank
P.O. Box 8010
Little Rock, Arkansas 72203

VIA: CERTIFIED MAIL

Philip/Martin Development Partners LLC
P.O. Box 9598
Fayetteville, Arkansas 72703-0027

Jeff Martin
2458 East Joyce Boulevard, Suite 8
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Best Regards,

Andrew Garner
Senior Planner

AMG

COPY



www.accessfayetteville.org

B. 3
RZN 11-3806 (South of Zion
Road and East of Taliesin
Lane/Woodbury)
THE CITY OF FAYETTEVILLE, ARKANSAS
DEVELOPMENT SERVICES DEPARTMENT
Page 22 of 28
125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

7 April 2011

Metropolitan National Bank
P.O. Box 8010
Little Rock, Arkansas 72203

VIA: CERTIFIED MAIL

Philip/Martin Development Partners LLC
P.O. Box 9598
Fayetteville, Arkansas 72703-0027

Jeff Martin
2458 East Joyce Boulevard, Suite 8
Fayetteville, Arkansas 72703

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Best Regards,

Andrew Garner
Senior Planner

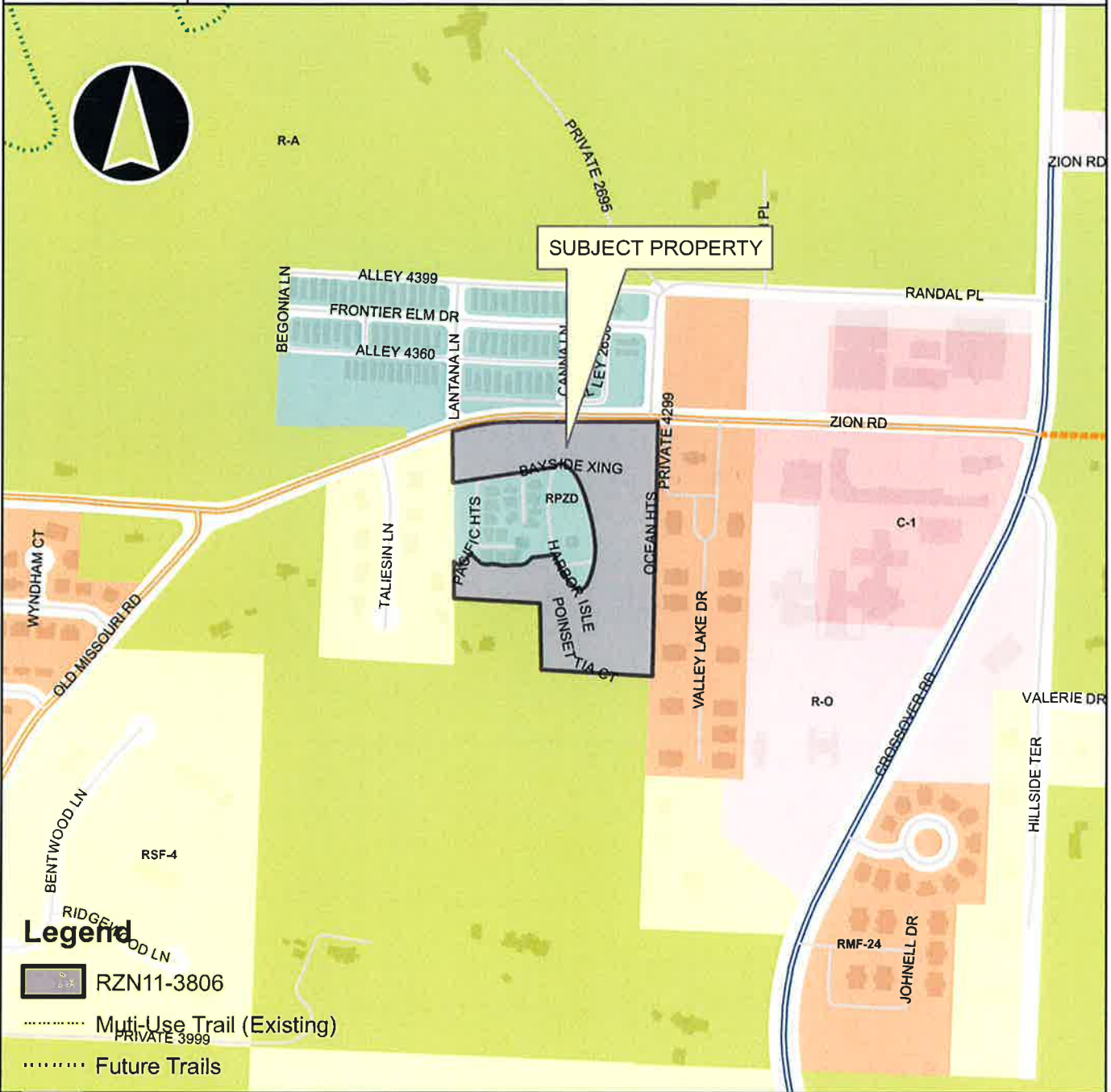
AMG

COPY

RZN11-3806

Close Up View

WOODBURY



Legend

- RZN11-3806
- Multi-Use Trail (Existing)
- Future Trails

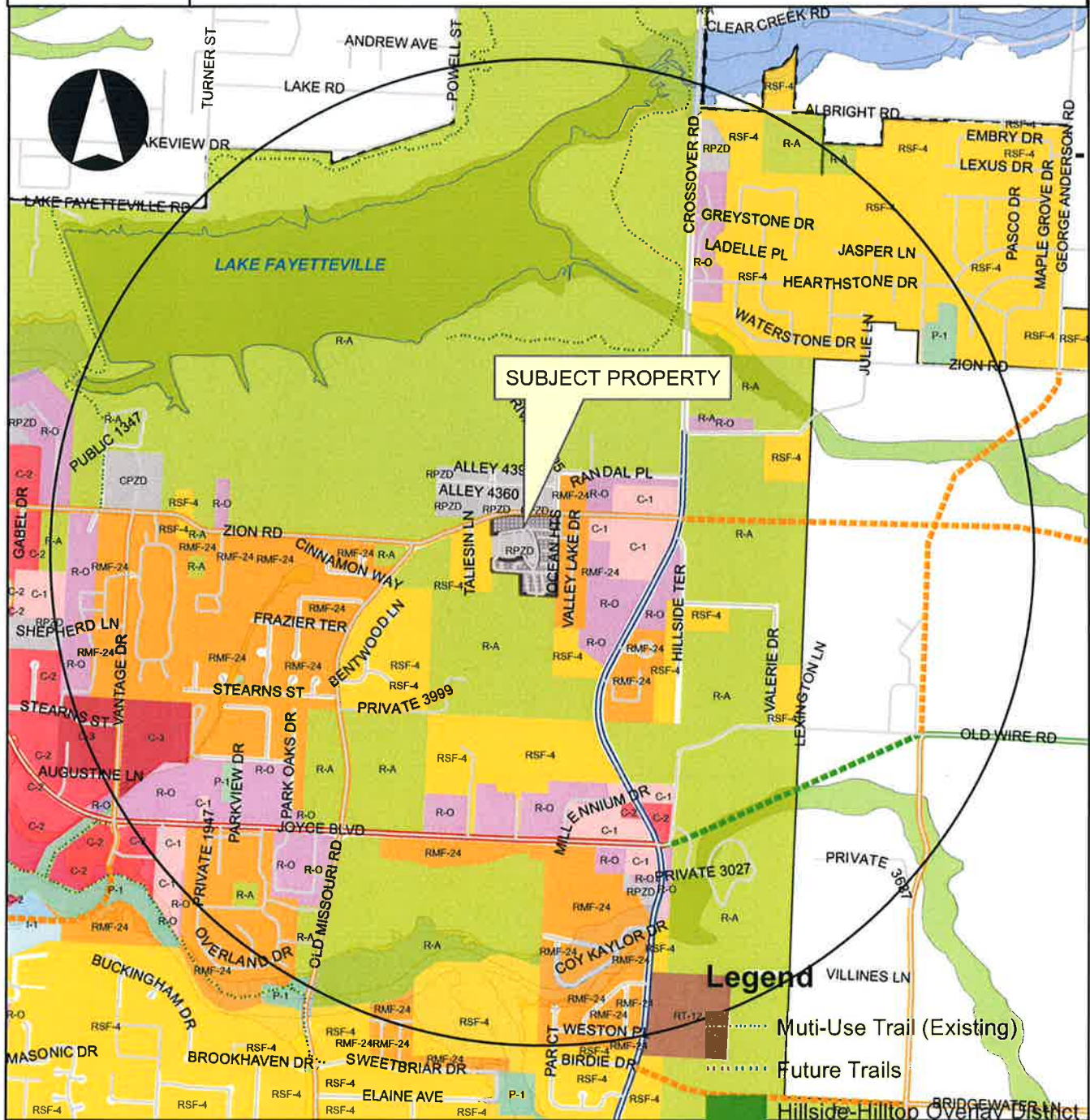
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area
- Fayetteville



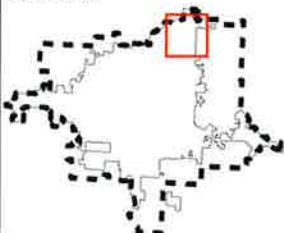
RZN11-3806

One Mile View

WOODBURY



Overview



Legend

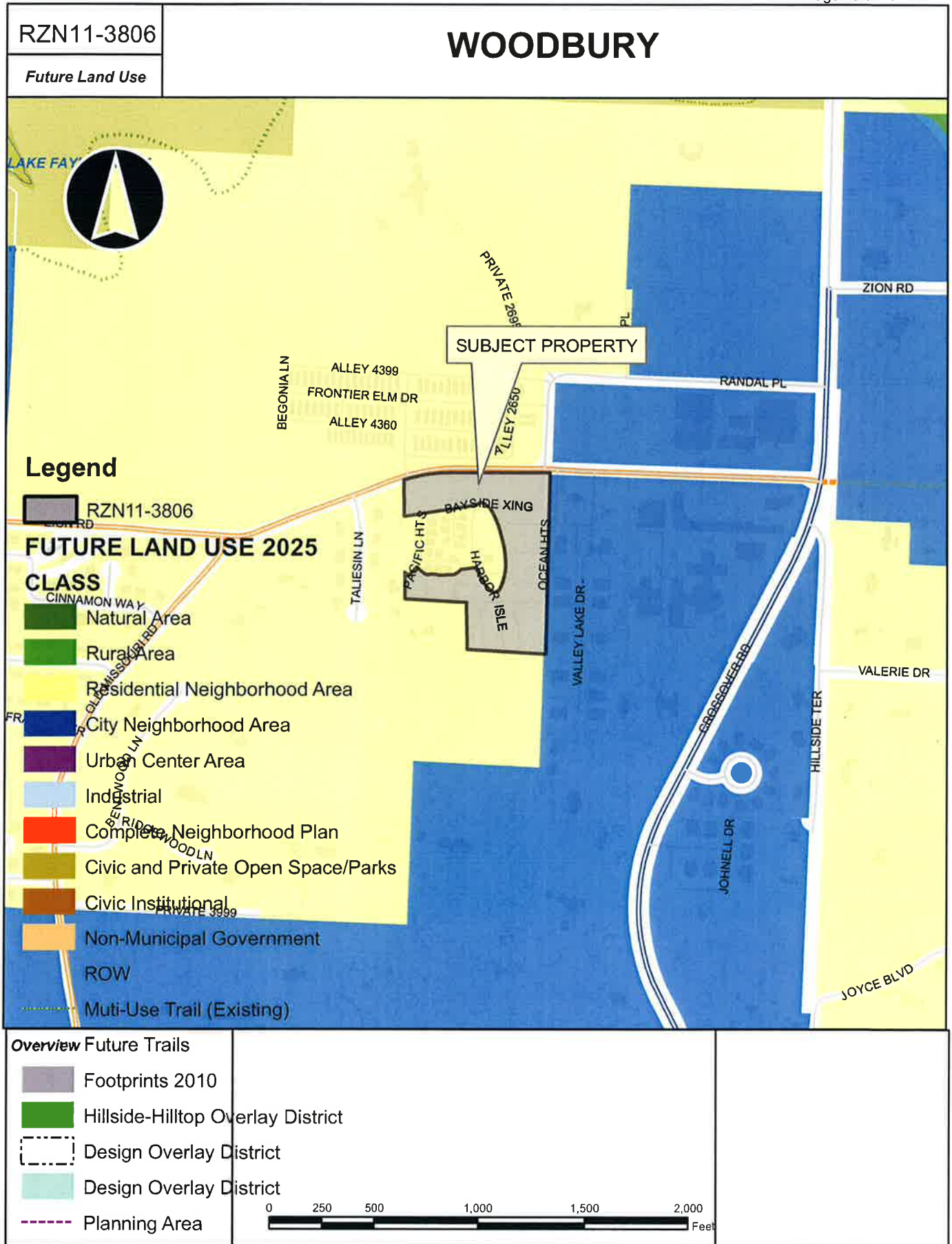
Subject Property
RZN11-3806

Boundary

0 0.25 0.5

RZN11-3806
Design Overlay District
Planning Area
Fayetteville

1
Miles



Current Land Use

WOODBURY



-
- Footprints 2010
 Hillside-Hilltop Overlay District
 Design Overlay District
 Design Overlay District
 Planning Area
 Fayetteville
- 0 200



City of Fayetteville Staff Review Form

B. 4
RZN 11-3807 (Southwest
Corner of Razorback Road
and 15th Street/Champion
Club Condos)
Page 1 of 24

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

~~6/7/2011~~ 6-21-11

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 11-3807: (Southwest Corner of Razorback Road and 15th Street/Champion Club Condos, 599): Submitted by The City of Fayetteville for property located at the southwest corner of Razorback Road and 15th Street. The property is zoned R-PZD, Residential Planned Zoning District 07-2551 and contains approximately 4.42 acres. The request is to revoke the PZD pursuant to 166.06(C) and rezone the subject property to UT, Urban Thoroughfare.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

Project Number

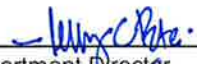
\$

Remaining Balance

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director

05.11.2011
Date

Previous Ordinance or Resolution #


City Attorney

5-16-2011
Date

Original Contract Date:

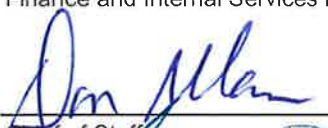
Original Contract Number:

Paul A. Becher
Finance and Internal Services Director

5-16-2011
Date

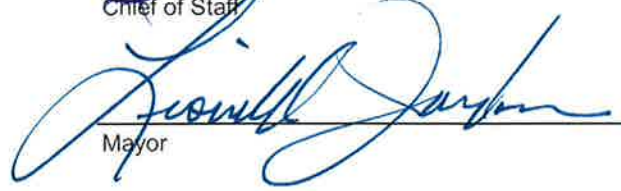
Received in City
Clerk's Office

05-12-11P04:18 RCVD


Chief of Staff

5-16-11
Date

Received in
Mayor's Office


Mayor

5/16/11
Date

Comments:



www.accessfayetteville.org

B. 4
RZN 11-3807 (Southwest
Corner of Razorback Road
and 15th Street/Champion
Club Condos)

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT OF CORRESPONDENCE
Page 2 of 24

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Andrew Garner, Senior Planner

Date: May 11, 2011

Subject: RZN 11-3807 (Champions Club Condos PZD Revocation)

RECOMMENDATION

Planning Commission and staff recommend approval of an ordinance to revoke the expired Champions Club Condos Planning Zoning District and rezone the property from R-PZD 07-2551 Champions Club Condos to U-T, Urban Thoroughfare.

BACKGROUND

The subject property contains 4.42 acres located south of 15th Street and West of Razorback Road. The site is zoned R-PZD 07-2551, and is generally flat, undeveloped, disturbed grassland with the Town Branch along the western border of the site. On July 3, 2007 the City Council approved the Champions Club Condominiums Planned Zoning District on the subject property (R-PZD 07-2551). The property was originally zoned I-1, Heavy Commercial/Light Industrial. The R-PZD zoning permitted a total of 143 multi-family dwellings with a density of approximately 32 units per acre. Construction permits for the project were never obtained and the R-PZD approval has expired. If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is revoked and a new, valid zoning district is assigned. In an effort to establish a valid zoning district on the subject property the City Planning Division has initiated the PZD revocation process following the requirements of Fayetteville Unified Development Code Chapter 166.06(C). An initial letter was sent to the property owners on October 21, 2010 notifying them of the expired PZD, discussing options for establishing a valid zoning district, and the intent of the City to revoke the PZD and rezone the property if the owners did not initiate a rezoning. On April 7, 2010 the City Planning Division sent an official PZD revocation letter to the property owner via certified mail notifying them that the City Planning Division was proposing to revoke the PZD and rezone the property to U-T, Urban Thoroughfare.

DISCUSSION

On May 9, 2011 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REVOKING R-PZD 07-2551 (CHAMPIONS CLUB CONDOS) AND REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3807, FOR APPROXIMATELY 4.42 ACRES, LOCATED AT THE SOUTHWEST CORNER OF RAZORBACK ROAD AND 15TH STREET, EAST OF THE CROWNE APARTMENTS, FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 07-2551, TO UT, URBAN THOROUGHFARE.

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

Section 1: That R-PZD 07-2551 (Champions Club Condos) is hereby revoked because the developer failed to obtain development permits in accordance with the approved phased development schedule.

Section 2: That the zone classification of the following described property is hereby changed as follows:

From R-PZD, Residential Planned Zoning District 07-2551 to UT, Urban Thoroughfare, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 3: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 2 above.

PASSED and APPROVED this day of , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

B. 4
RZN 11-3807 (Southwest
Corner of Razorback Road
and 15th Street/Champion
Club Condos)
Page 4 of 24

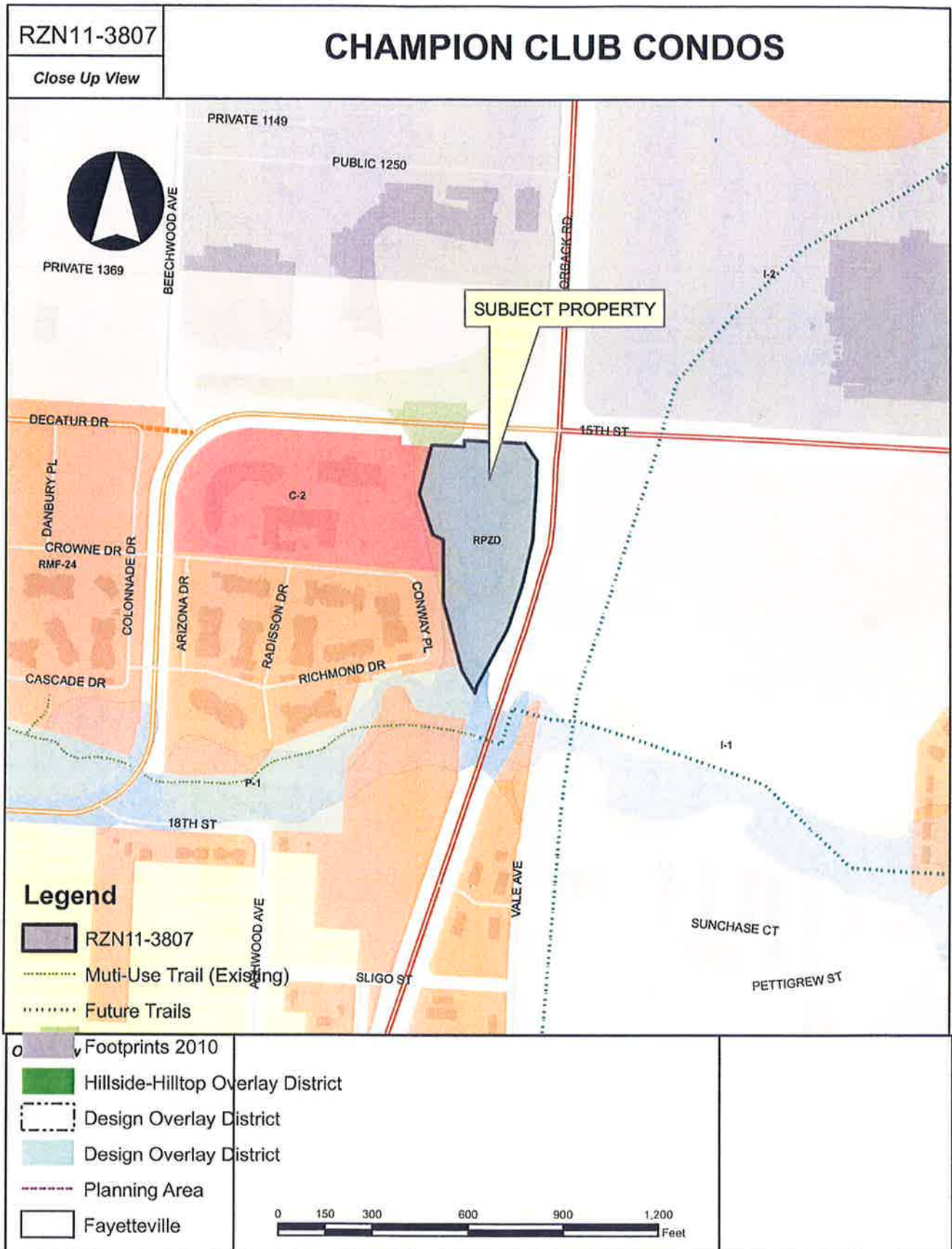


EXHIBIT "B"
RZN 11-3807

A PART OF THE NW1/4 OF THE SE1/4 OF SECTION 20, T-16-N, R-30-W, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NE CORNER OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 20, THENCE N 87°13'22" W 128.24 FEET, AND THENCE S 2°46'38" W 108.54 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE FOR RAZORBACK ROAD; THENCE S 2°42'57" W 90.32 FEET; THENCE S 3°24'21" W 160.96 FEET; THENCE S 12°40'55" W 136.51 FEET; THENCE S 18°21'12" W 156.93 FEET; THENCE S 28°16'46" W 203.04 FEET; THENCE S 18°21'12" W 26.27 FEET; THENCE LEAVING SAID RIGHT-OF-WAY FOR RAZORBACK ROAD N 30°02' W 82.11 FEET; THENCE N 14°47'06" W 227.46 FEET; THENCE N 0°11'38" W 193.83 FEET; THENCE N 64°04'53" W 36.47 FEET; THENCE N 17°38'29" W 138.54 FEET; THENCE N13°52'53"E 157.39 TO THE SOUTH RIGHT-OF-WAY OF 15TH STREET; THENCE S 87°22'48" E 102.94 FEET; THENCE N 2°37'12" E 20.00 FEET; THENCE S 87°14'05" E 100.37 FEET; THENCE S 86°51'14" E 93.20 FEET; THENCE S 34°40'45" E 65.87 FEET TO THE POINT OF BEGINNING, CONTAINING 4.42 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. SUBJECT TO ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.



PC Meeting of May 9, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~April 27, 2011~~ Updated May 11, 2011

RZN 11-3807: Rezone (CHAMPIONS CLUB CONDOS, 599): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located at the SOUTHWEST CORNER OF RAZORBACK ROAD AND 15TH STREET, EAST OF THE CROWNE APARTMENTS. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 07-2551 and contains approximately 4.42 acres. The request is to revoke the PZD pursuant to 166.06(C) and rezone the subject property to UT, URBAN THOROUGHFARE. Planner: Andrew Garner

BACKGROUND:

Property Description: The subject property contains 4.42 acres located south of 15th Street and West of Razorback Road. The site is zoned R-PZD 07-2551, and is generally flat, undeveloped, disturbed grassland with the Town Branch along the western border of the site. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Baum Stadium (University of Arkansas Baseball Stadium)	I-1
South	Crown Apartments; Town Branch Creek	RMF-24
East	University of Arkansas property (baseball field and RV park)	I-1
West	Crown Apartments; University Village Commercial Center	RMF-24; C-2

History: On July 3, 2007 the City Council approved the Champions Club Condominiums Planned Zoning District on the subject property (R-PZD 07-2551). The property was originally zoned I-1, Heavy Commercial/Light Industrial. The R-PZD zoning permitted a total of 143 multi-family dwellings with a density of approximately 32 units per acre. Construction permits for the project were never obtained and the R-PZD approval has expired.

PZD Revocation: If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is revoked and a new, valid zoning district is assigned. In an effort to establish a valid zoning district on the subject property the City Planning Division has initiated the PZD revocation process following the requirements of Fayetteville Unified Development Code Chapter 166.06(C). An initial

G:\ETC\Development Services Review\2011\Development Review\11-3807 RZN SW Corner of Razorback Rd_15th St (Champion Club Condo's)\03 Planning Commission\05-09-2011\Comments and Redlines

letter was sent to the property owners on October 21, 2010 notifying them of the expired PZD, discussing options for establishing a valid zoning district, and the intent of the City to revoke the PZD and rezone the property if the owners did not initiate a rezoning. On April 7, 2010 the City Planning Division sent an official PZD revocation letter to the property owner via certified mail notifying them that the City Planning Division was proposing to revoke the PZD and rezone the property to UT, Urban Thoroughfare. The section of the Fayetteville Unified Development Code covering PZD revocation and copies of letters sent to the property owners are attached to this report.

Proposal: The City Planning Division proposes to rezone the approximately 4.42-acre property from R-PZD 07-2551 Champions Club Condos to UT, Urban Thoroughfare.

Public Comment: Staff has not received public comment on this particular request.

RECOMMENDATION:

Staff recommends forwarding **RZN 11-3807 (Champions Club Condos)** to the City Council with a recommendation of approval based on the findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 9, 2011</u>	☐ Tabled	☒ Forwarded	☐ Denied		
Motion: <u>Kennedy</u>	Second: <u>Honchell</u>	Vote: <u>8-0-0</u>			
CITY COUNCIL ACTION:				Required	<u>YES</u>
				☐ Approved	☐ Denied
Date:					

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **Urban Center Area**. Urban Center Areas are the equivalent of a main street, including building types that accommodate retail, offices, rowhouses and apartments. These areas contain taller buildings and have the most intense and dense development patterns within the City, as well as the greatest variety of buildings, with unique civic buildings in particular.*

INFRASTRUCTURE:

Streets: The site has access to 15th Street and Razorback Road. Improvements will be needed along 15th street to connect with Razorback. Razorback is an improved five

lane state highway and 15th Street is an improved four lane state highway in this location.

- Water:** Public water is located adjacent to the site. There is a 12" waterline to the east side of the property at 15th street. This 12" main will need to extend through the property and connect to the main on the east side of Razorback at the time of development.
- Sewer:** Sanitary sewer is available on the site. There is a 24" sewer main located through the center of the property. Sewer service will need to be extended within the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development.
- Drainage:** Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-year floodplain of Town Branch.
- Police:** Staff did not receive objections from the Police Department to this rezoning.
- Fire:** This site is located three miles from Engine 6 at 900 South Hollywood with an anticipated response time of four minutes to this site. This rezoning should not affect calls for service or response times.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Staff finds the proposal is highly consistent with the land use planning objectives, principles and policies, as evidenced by the number of guiding policies for Urban Center Area this proposal meets. Rezoning the property will accommodate both the future land use plan for non-residential and residential uses in this intended high-intensity area. The subject property is a desirable location for infill development at this intersection of two principal arterial roadways and in close proximity to the University of Arkansas. The proposed UT zoning would also be compatible with the surrounding university, commercial, and multi-family uses.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The proposed zoning is needed at this time as the existing R-PZD zoning has expired and the property is unable to be developed in any manner, including minor applications such as a lot split or single family residence, until the expired PZD zoning is revoked and a new zoning district is assigned. As discussed in Finding No. 1, the proposed zoning is justified as it is compatible with the

surrounding zoning and land uses and consistent with the City's Future Land Use Plan.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed rezone would potentially increase traffic over the existing R-PZD zoning. However, given this site's location at the intersection of two Principal Arterial roadways (both state highways); the existing street infrastructure can safely accommodate increased traffic with standard street improvements required 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: **Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments and are included in this report. The proposed zoning change to UT should not have an adverse impact on public services.**

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 recommends in favor of the request.**

PROPOSED ZONING

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(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 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory 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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies

Unit 43	Animal boarding and training
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(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(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 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* A building or a portion of a building that is closer than 15 feet from the front property line shall have a maximum height of 4 stories or 56 feet, whichever is less. A building or portion of a building that is located 15 feet or greater from the front property line or the Master Street Plan right-of-way shall have a maximum height of 6 stories or 84 feet, whichever is less. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10)

R-PZD 07-2551 (Champions Club Condos)

Existing Zoning (pg. 1 of 3)

B. 4
RZN 11-3807 (Southwest
Corner of Razorback Road
and 15th Street/Champion
Club Condos)
Page 12 of 24

second phase will be dictated by market conditions and the speed at which the units in the first phase are occupied.

All permits for phase 1 of the project are anticipated to be obtained within 1 year after City Council Approval with the opportunity for a 1 year extension with planning commission approval. All permits for phase 2 of the project are anticipated to be obtained within 4 years after City Council Approval with the opportunity for a 1 year extension with planning commission approval.

E. Proposed Planning Areas:

The site will consist of a single planning area. All of the proposed development standards will apply to the entire 4.42 acres.

F. Proposed Zoning and Development Standards:

R-PZD 06-2107 Champion's Club Planned Zoning District

(A) Purpose. The intent of the Champion's Club PZD is to provide zoning requirements that are beneficial to the development of the site, as well as maintaining the current character of the neighborhood. The PZD will allow a higher density, which is required for this type of development. It will also be compatible with the apartments to the west and will provide access to Baum Stadium to the north.

(B) Uses.

(1) Permitted Uses.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 26	Multi-family dwellings

(2) Conditional Uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 12	Offices, studios, and related services
Unit 13	Eating Places
Unit 15	Neighborhood Shopping
Unit 24	Home occupation
Unit 25	Professional offices

(C) Density.

Acreage	4.42 acres
Number of Dwelling Units	143
Nonresidential square feet (maximum)	55,000*
Density (DU/acre)	32.4
Nonresidential Intensity (SF/acre)	12,443sf/acre

* Nonresidential square feet includes all public restroom, hallways, common areas, and allotment for converted residential spaces in accordance with the Conditional Uses allowed under this PZD.

R-PZD 07-2551 (Champions Club Condos)

Existing Zoning (pg. 2 of 3)

(D) Bulk and area regulations.

(1) Lot width minimum.

Three or more	90 ft.
Professional Offices	100 ft.

(2) Lot area minimum.

Three or more	8000 sq. ft.
Professional Offices	1 acre

(3) Land area per dwelling unit.

Condominiums:	
One Bedroom	818 sq. ft.
Two Bedrooms	1149 sq. ft.
Three Bedrooms	1568 sq. ft.

(E) Setback requirements.

Front	Side	Rear
20 ft.	10 ft.	10 ft.

- (F) Height regulations.** Height for this structure will be measured from the existing sidewalk or edge of asphalt of the street. This is done because the existing sidewalk and street infrastructure is much higher than the site, which could result in a misleading building height. The maximum height of the building along Razorback Road shall be 73.5 feet as measured on the street side of the building. The maximum height of the building along 15th Street shall be 73.5 feet as measured on the street side of the building. It is important to note that the building height is only 63.5 feet at the intersection as can be seen in Appendix A Building Elevations.

- (G) Building Area.** Buildings shall not exceed 60% of the total area of a lot.

(H) Site Planning.

- (1) Landscaping.** Landscaping shall be in accordance with the City of Fayetteville Landscape Manual as it pertains to Multi-family and Mixed-use developments. A completed and detailed Landscaping Plan shall be submitted and approved at the time of Large Scale Development/ Final PZD application for the development.

R-PZD 07-2551 (Champions Club Condos)

Existing Zoning (pg. 3 of 3)

B. 4
RZN 11-3807 (Southwest
Corner of Razorback Road
and 15th Street/Champion
Club Condos)
Page 14 of 24

(2) Parking.

Parking Ratio	1 space per 1 bedroom 2 spaces per 2&3 bedroom (30% Reduction allowed)
Accessibility	In accordance with Section 172 of the Unified Development Code
Design Standards	In accordance with Section 172 of the Unified Development Code with the Parking Ratio specified above.

(3) Architectural Design Standards. The proposed development will be Residential Condominium Project and will be 4 stories in height from all street elevations and will be 5 stories from the building's parking side (inward facing rear sides) with a story of covered parking underneath a portion of the building – but not an underground parking deck. Maximum height of the building will be 73.5 feet as measured on the street side of the building. The building's skin will consist of Masonry with accent areas of hardy board or siding. Siding will not be metal building siding, but will consist of residential style siding or hardy board. The building's massing has been broken down into 3 main parts and further articulated on the exterior to provide a proper scale and massing for the location.

(4) Signage. Proposed Signage for this development will include display of the name of the development on the building as shown on the elevations in Appendix A as well as a free-standing monument style signage at the two entrances to the development. All signage will have complementary architectural elements and are targeting the University-themed environment of this area. The details of the signage will be provided and approved at the time of Large Scale Development/ Final PZD application and will comply with the City's Sign Ordinance.

G. Zoning Requirements Comparison Chart: PZD MDP vs. I-1

Requirement	Proposed PZD	I-1
Permitted Uses	1, 4, 26	1, 3, 4, 6, 12, 13, 17, 18, 21, 22, 25, 27
Conditional Uses	2, 3, 12, 13, 15, 24, 25	2, 19, 20, 28, 36
Density units/acre	32.4	None
Lot width min.	Three or more: 90 ft Professional Offices: 100 ft	None

PROPOSED ZONING

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) Permitted uses

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
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Unit 8	Single-family dwellings
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Unit 13	Eating places
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Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory 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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies

- | | |
|------------------------|---------|
| Single-family dwelling | 18 feet |
| All other dwellings | None |
| Non-residential | None |

- | | |
|--|---|
| Front: | The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line. |
| Side and rear: | None |
| Side or rear, when contiguous to a residential district: | 15 feet |

- G:\ETC\Development Services Review\2011\Development Review\11-3807 RZN SW Corner of Razorback Rd_15th St (Champion Club Condo's)\03 Planning Commission\05-09-2011\Comments and Redlines

166.06 Planned Zoning District (PZD)

(L) 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 master development plan 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 may 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.



www.accessfayetteville.org

B. 4
RZN 11-3807 (Southwest
Corner of Razorback Road
and 15th Street/Champion
Club Condos)
THE CITY OF FAYETTEVILLE, ARKANSAS
DEVELOPMENT SERVICES DEPARTMENT
125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

7 April 2011

Champions Club on Razorback, LLC
P.O. Box 8187
Roanoke, Virginia 24014

VIA: CERTIFIED MAIL

K. Vaughn Knight
Champions Club on Razorback, LLC
509 W. Spring Street, Suite 460
Fayetteville, Arkansas 72701

Re: Re-zoning of the Expired Champions Club Condos Planned Zoning District Project

Dear Property Owner:

The Assessor of Washington County, Arkansas lists you as the owner for the subject property that is zoned by the City of Fayetteville as a Planned Zoning District (PZD). This letter notifies you that the subject PZD approval has expired. In accordance with Fayetteville Unified Development Code Section 166.06(L) the City has cause to revoke this PZD as development permits have not been obtained in accordance with the approved phased development schedule. Therefore, the City Development Services Department has initiated revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign the property the zoning district of UT, Urban Thoroughfare. This proposal to revoke the PZD and rezone your property will be first heard at a public meeting of the Planning Commission on May 9, 2011 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas 72701. You are welcome to speak at that meeting and/or provide written or verbal comment to City staff prior to the meeting.

Please contact our office at 479.444.3443 to set up a meeting with one of our City Planners, or you may email us at development_services@ci.fayetteville.ar.us.

Best Regards,

Andrew Garner
Senior Planner

AMG



www.accessfayetteville.org

B. 4
RZN 11-3807 (Southwest
Corner of Razorback Road
Champion
THE CITY OF FAYETTEVILLE, ARKANSAS
DEVELOPMENT SERVICES DEPARTMENT
Page 19 of 24
Fayetteville, AR 72701
Phone (479) 444-3443

21 October 2010

VIA: CERTIFIED MAIL

Champions Club on Razorback, LLC
PO BOX 8187
Roanoke, VA 24014

Re: Re-zoning of the Expired Champions Club Condos Planned Zoning District Project

Dear Champions Club on Razorback, LLC:

The Assessor of Washington County, Arkansas lists you as the owner for the subject property that is zoned by the City of Fayetteville as a Planned Zoning District (PZD). This letter notifies you that the subject PZD approval has expired or will expire by the end of the year 2010. An expired PZD zoning does not permit subdivision or development until a different zoning district is assigned to that property. There are three basic options to remove the expired PZD zoning and obtain a valid zoning:

1. The property owner may initiate a re-zoning request;
2. The property owner may initiate a repeal of the PZD within three (3) years of the PZD approval¹; or
3. The City may initiate revocation of the PZD after the project has expired².

Unless we receive a request from you by the end of 2010, in 2011 the City Development Services Department will initiate revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign a valid zoning district to the property consistent with the Comprehensive Land Use Plan of the City (City Plan 2025). Please evaluate the options for your property and respond to this letter by the end of the year 2010 to discuss a new zoning for your property. Whichever of the above options you choose to pursue, we will be happy to work with you.

Please contact our office at 479.444.3443 to set up a meeting with one of our City Planners, or you may email us at development_services@ci.fayetteville.ar.us.

Best Regards,

Jeremy C. Pate
Development Services Director

AMG

¹ Pursuant to Fayetteville UDC Section 166.06(C)(7)

² Pursuant to Fayetteville UDC 166.06(L)



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THE CITY OF FAYETTEVILLE, ARKANSAS
Page 20 of 24
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

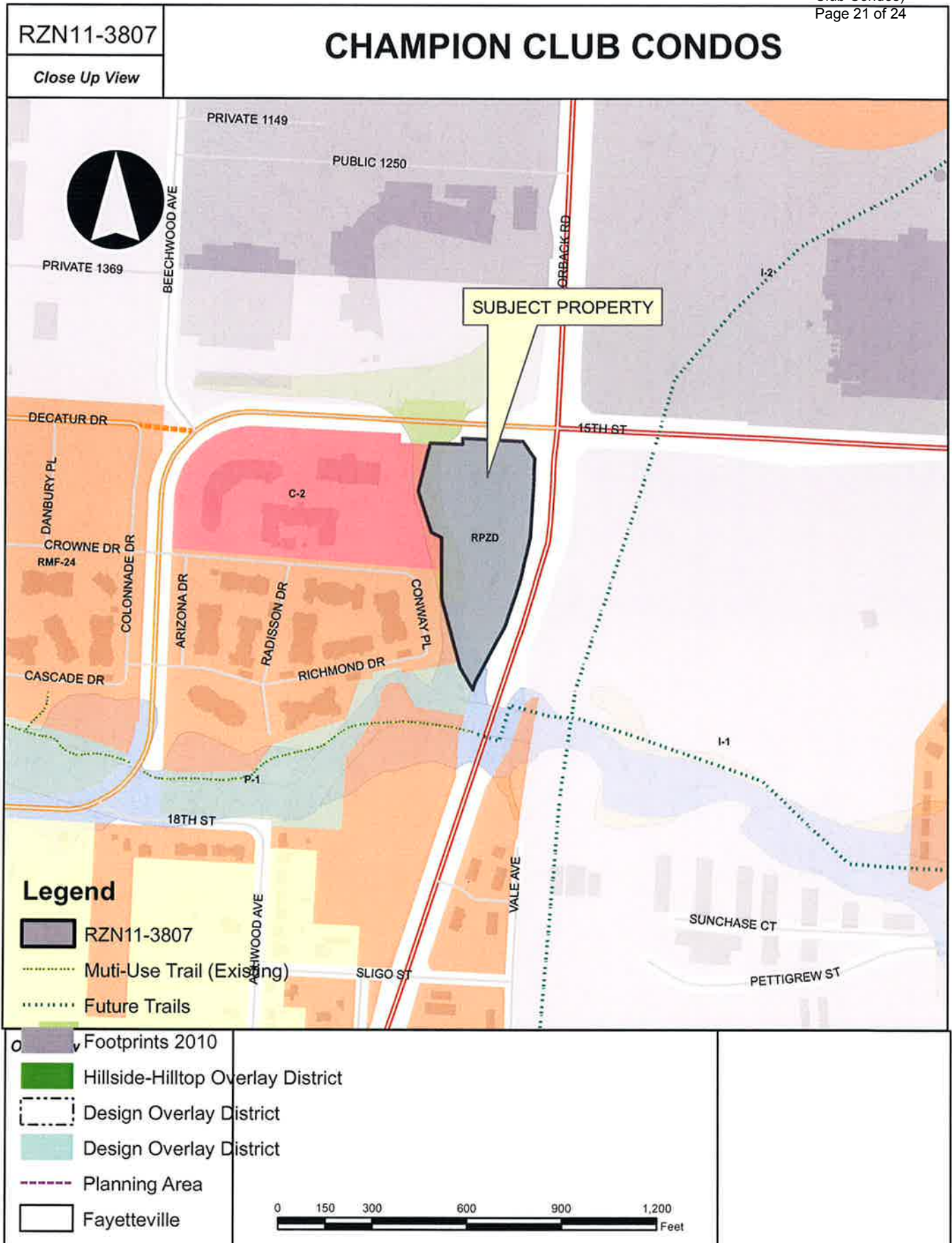
To: Andrew Garner
From: Terry Lawson, Fire Marshal
Date: May 3, 2011

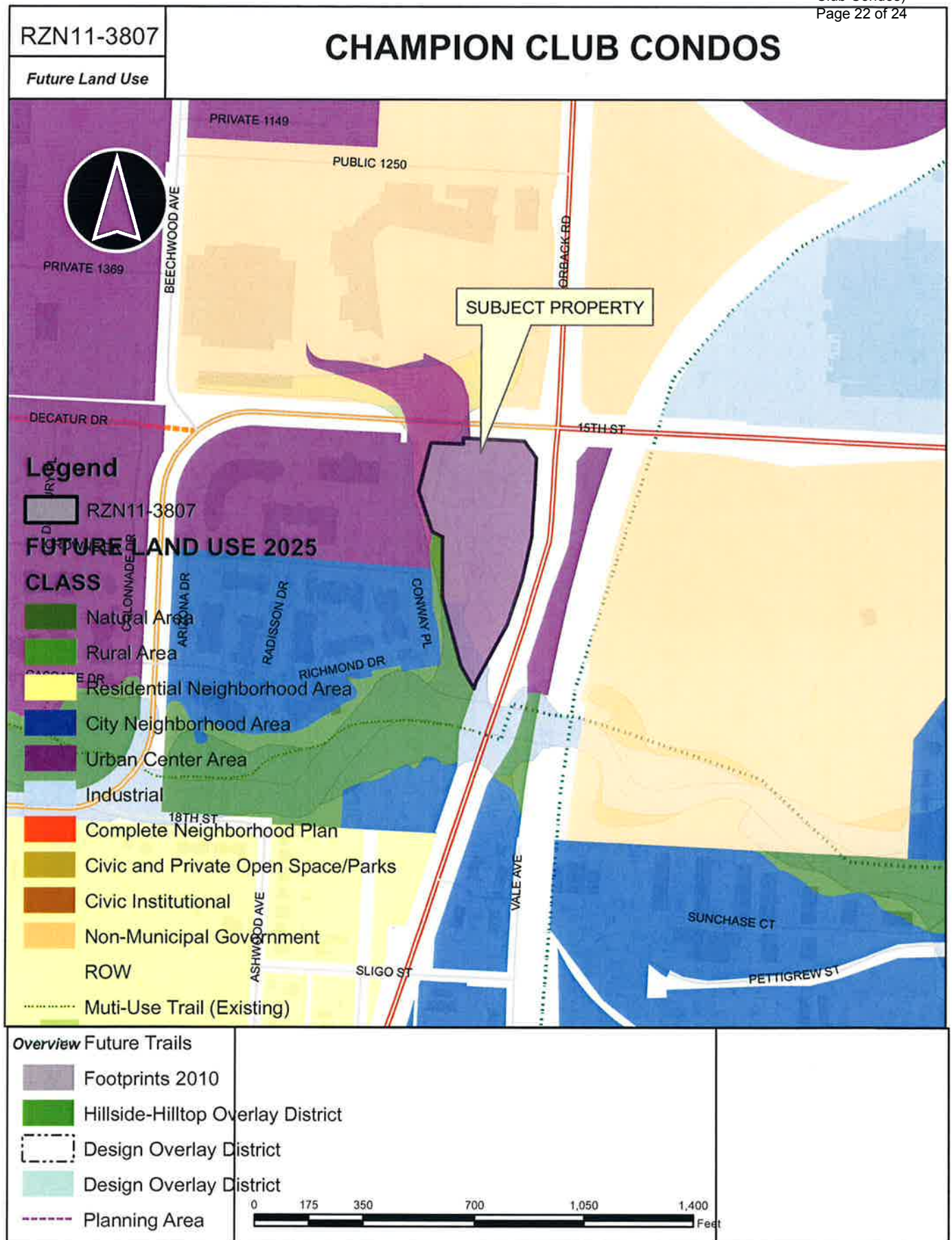
Re: RZN 11-3807: Rezone (CHAMPION CLUB CONDOS, 599): Submitted by CITY OF FAYETTEVILLE PLANNING DIVISION for property located at the corner of SW CORNER OF RAZORBACK RD. AND 15TH STREET, E OF THE CROWNE APTS. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT 07-2551 and contains approximately 4.42 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE.
Planner: Andrew Garner

This development will be protected by Engine 6 located at 900 S. Hollywood.
It is 3 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development zoning change will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Fayetteville Fire Department





RZN11-3807

CHAMPION CLUB CONDOS

Current Land Use



- o Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

0 150 300 600 900 1,200 Feet

Miles

City of Fayetteville Staff Review Form

B. 5
RZN 11-3835 (3710 West
Martin Luther King Boulevard/Zaifi)
Page 1 of 22

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

6/21/2011

City Council Meeting Date
Agenda Items Only

Dara Sanders
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 11-3835: (3710 West Martin Luther King Boulevard/Zaifi, 556-595): Submitted by Mehdi Zaifi for property located at 3710 West Martin Luther King Boulevard. The property is zoned C-1, Neighborhood Commercial and contains approximately 1.20 acres. The request is to rezone the subject property to CS, Community Services.

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

[Signature]
Department Director

06-02-2011
Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

6-2-2011
Date

Original Contract Date:

Original Contract Number:

Paul A. Bahr
Finance and Internal Services Director

6-3-2011
Date

Received in City Clerk's Office 06-02-11 P03:27 RCVD

[Signature]
Chief of Staff

6-3-11
Date

Received in
Mayor's Office

[Signature]
Mayor

6/6/11
Date



Comments:

Revised January 15, 2009

Let it on the Second Reading at the 6/21/11 CC mtg.



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Dara Sanders, Current Planner

Date: May 25, 2011

Subject: RZN 11-3835 (Zaifi)

RECOMMENDATION

Planning Commission and staff recommend approval of an ordinance to rezone the subject property from C-1, Neighborhood Commercial to CS, Community Services.

BACKGROUND

The subject property is located at 3710 Martin Luther King Boulevard, west of Old Farmington Road, and is developed for a single-family dwelling. The floodway and associated floodplain of the Goose Creek is located on the northern portion of the property, which leaves a small portion of area outside of the floodway and floodplain adjacent to Martin Luther King Boulevard. The applicant submitted a request to rezone the property from C-1, Neighborhood Commercial to UT, Urban Thoroughfare. The applicant's request discusses that it is impractical to use the property as it is zoned C-1 with a single-family dwelling.

Staff finds that rezoning the property to a form-based zoning district is justified due to the development limitations imposed on the subject property as a result of the regulations associated with the floodway, floodplain, and Streamside Protection Ordinance. A form-based zoning district would require new development to be constructed close to the street, providing more buildable area away from the floodplain at the back of the property; however, staff does not find that "up zoning", or increasing the intensity and permitted uses on the subject property, to the UT district is justified or needed. The Urban Thoroughfare district is intended to provide goods and services for persons living in the surrounding communities and would allow for uses by-right that could be incompatible with the surrounding uses, the residences to the north, and the adjacent stream if not reviewed and conditioned appropriately, specifically large and small commercial recreation sites, unlimited regional shopping goods, and transportation-related trades and services (used car lots, automotive sales and repair, bus station, body shops, etc).

Staff finds that rezoning the subject property from the C-1 zoning district to the comparable mixed use, form-based CS zoning district is more appropriate, as it would allow for the maintenance and expansion of the existing residential dwelling, increase the buildable area with the "build-to zone", and allow for the future redevelopment of the property in accordance with the goals and objectives of City Plan 2025 without introducing potentially incompatible uses.

DISCUSSION

This item was considered at the Planning Commission on May 23, 2011, during which the Commissioners expressed concerns with the potential for adverse impacts on adjacent properties resulting from the permitted uses in the UT, Urban Thoroughfare zoning district. After verifying that the applicant would accept the lower intensity CS, Community Services, zoning district, the Planning Commission forwarded this item to the City Council with a recommendation of approval for the CS, Community Services zoning district with a vote of 9-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3835, FOR APPROXIMATELY 1.20 ACRES, LOCATED AT 3710 WEST MARTIN LUTHER KING BOULEVARD FROM C-1, NEIGHBORHOOD COMMERCIAL TO CS, COMMUNITY SERVICES.

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

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

From C-1, Neighborhood Commercial to CS, Community Services, 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 , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

B. 5
RZN 11-3835 (3710 West
Martin Luther King Boulevard/Zaifi)
Page 4 of 22

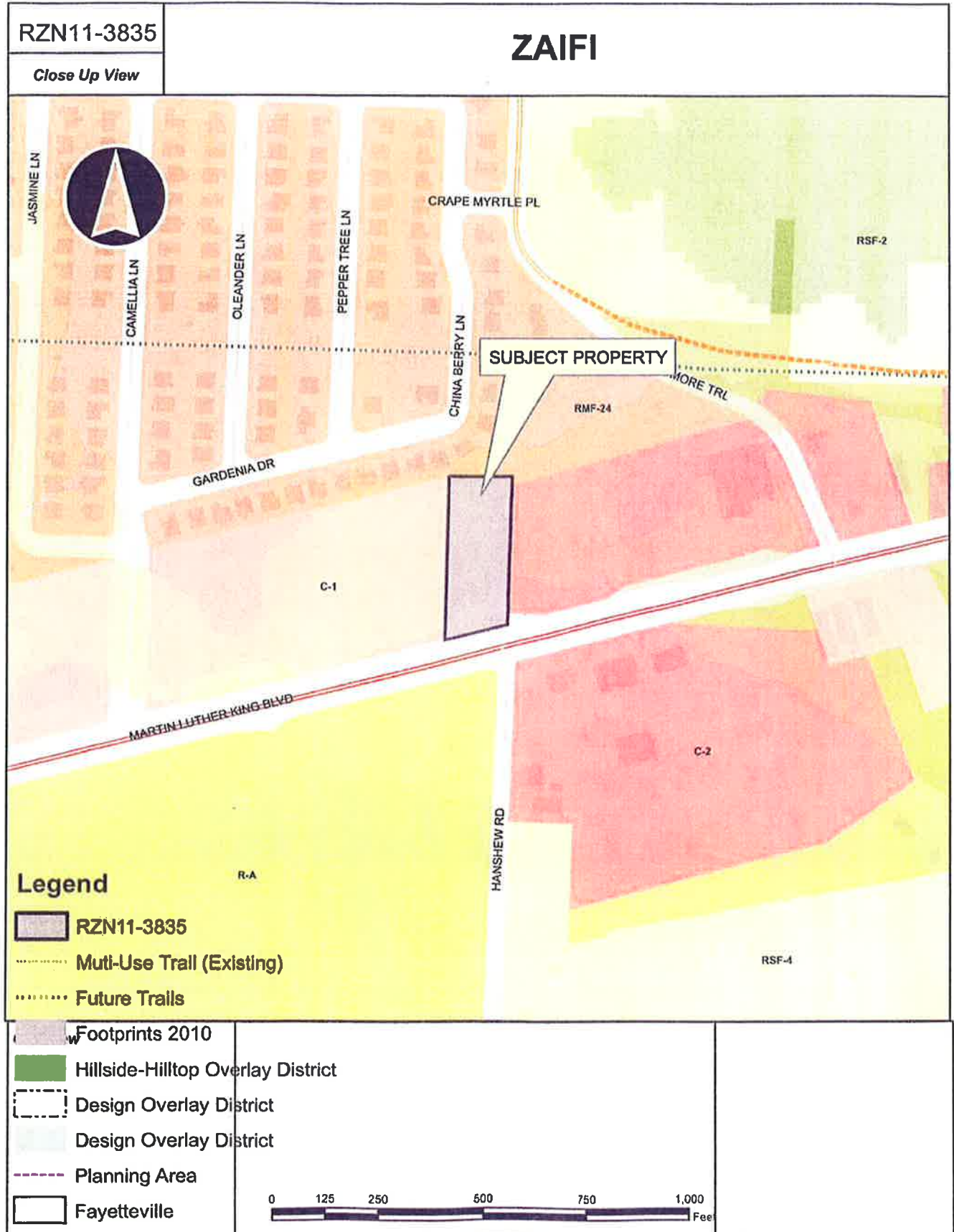


EXHIBIT "B"
RZN 11-3835

PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 31 WEST, DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT WHICH IS 111 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LAST MENTIONED FORTY ACRE TRACT, AND RUNNING THENCE NORTH 400 FEET, THENCE WEST 150 FEET, THENCE SOUTH TO THE NORTH LINE OF THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 62, THENCE EAST WITH THE NORTH LINE OF SAID HIGHWAY 150 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 1.2 ACRES, MORE OR LESS.

*Planning Commission
May 23, 2011
Page 8 of 8*

RZN 11-3835: Rezone (3710 WEST MARTIN LUTHER KING BLVD. /ZAIFI, 556/595): Submitted by Submitted by MEHDI ZAIFI for property located at 3710 WEST MARTIN LUTHER KING BOULEVARD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.20 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE.

Dara Sanders, Current Planner, presented the staff report and recommendation.

Mehdi Zaifi, applicant, introduced himself and discussed the setback requirement of the C-1 zoning district and his request for a form-based zoning district.

No public comment was presented.

Commission Winston discussed the surrounding properties and expressed concern with the requested UT zoning district and suggested that the CS, Community Services, would be more appropriate.

Sanders discussed the uses in both the UT and CS districts.

Commissioner Hoskins asked the applicant if there are uses in the CS zoning district that would not permit him to develop the property the way he wants and asked if the CS zoning district would be acceptable.

Mr. Zaifi stated that the CS zoning district is acceptable.

Motion:

Commissioner Winston made a motion to forward RZN 11-3835 to the City Council with a recommendation to approve a zoning district of CS, Community Services. **Commissioner Chesser** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

There being no further business, the meeting was adjourned at 7:03 PM.



PC Meeting of May 23, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~May 18, 2011~~ Updated May 25, 2011

RZN 11-3835: Rezone (3710 WEST MARTIN LUTHER KING BLVD. /ZAIFI, 556/595):
Submitted by Submitted by MEHDI ZAIFI for property located at 3710 WEST MARTIN LUTHER KING BOULEVARD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.20 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE. Planner: Dara Sanders

BACKGROUND:

The subject property is located at 3710 Martin Luther King Boulevard, west of Old Farmington Road, and is developed for a single-family dwelling. The floodway and associated floodplain of the Goose Creek is located on the northern portion of the property, which leaves a small portion of area outside of the floodway and floodplain adjacent to Martin Luther King Boulevard. Similarly, the property to the east is significantly affected by the floodway and floodplain, and the property to the west is completely within the floodway and floodplain. Surrounding land uses and zoning are shown in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single family residential	RMF-24, Residential Multi-family 24 du/acre
South	Undeveloped and a nonconforming salvage yard	R-A, Residential Agricultural, C-2, Thoroughfare Commercial
East	Undeveloped	C-2, Thoroughfare Commercial
West	Undeveloped	C-1, Neighborhood Commercial

Proposal: The applicant has submitted an application to rezone the property from C-1, Neighborhood Commercial to UT, Urban Thoroughfare. The applicant's request discusses that it is impractical to use the property as it is zoned C-1 with a single-family dwelling.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends denial of the applicants request to rezone the property to UT, Urban Thoroughfare. However, staff has discussed with the applicant support for a rezoning request to CS, Community Services, zoning district, finding that the CS district is comparable to the existing underlying C-1, Neighborhood Commercial, zoning district but would allow for the continued use of the existing single-family dwelling on the property, as well as similar permitted and conditional uses.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>05-23-11</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Winston (to forward with a recommendation of approval for the CS, Community Services zoning district)</u>			
Second: Chesser	Vote: 9-0-0		
CITY COUNCIL ACTION: Required <u>YES</u>			
Date:	☐ Approved	☐ Denied	

INFRASTRUCTURE:

- Streets:** The site has access to Martin Luther King Blvd. Martin Luther King Blvd is a fully improved five lane state highway in this location.
- Water:** Public water is available to the property. There is 1" water main stubbed across Martin Luther King to this property. Public water main improvements will be necessary to provide adequate fire flow for a future development.
- Sewer:** Sanitary sewer is available to the site. There is a 6" and 10" public main located through this property. A capacity analysis of the existing 6" sewer main may be necessary if a connection is proposed at the time of development.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is largely affected by the 100-year floodplain and the Streamside Protection Zones.
- Police:** The Fayetteville Police Department has not objected to this request.
- Fire:** The Fayetteville Fire Department does not anticipate that this request will affect calls for service or response times.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **City Neighborhood Area**, which is a denser and primarily residential urban fabric where mixed and low-intensity nonresidential uses are usually confined to corner locations. City Neighborhood Areas recognize conventional strip commercial developments, but encourages complete, compact, connected neighborhoods.*

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: This area transitions from a regional commercial area to the east (Wal-Mart, Lowe's, various hotels, etc) to low- to medium-density residential areas to the west toward Farmington, as indicated in the attached aerial image and project maps. The surrounding areas are primarily residential in nature with the exception of the nonconforming use of the salvage yard located to the southeast.

Staff finds that the applicant's request to rezone the property to Urban Thoroughfare is inconsistent with land use planning objectives, principles and policies. The City Neighborhood Area, the land use designation for this property, recommends that uses should primarily serve residents of Fayetteville rather than a regional population. The Urban Thoroughfare district is intended to provide goods and services for persons living in the surrounding communities and would allow for uses by-right that could be incompatible with the surrounding uses, the residences to the north, and the adjacent stream if not reviewed and conditioned appropriately, specifically large and small commercial recreation sites, unlimited regional shopping goods, and transportation-related trades and services (used car lots, automotive sales and repair, bus station, body shops, etc).

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that rezoning the property to a form-based zoning district is justified due to the development limitations imposed on the subject property as a result of the regulations associated with the floodway, floodplain, and Streamside Protection Ordinance. A form-based zoning district would require new development to be constructed close to the street, providing more buildable area away from the floodplain at the back of the property; however, staff does not find that "up zoning", or increasing the intensity and permitted uses on the subject property, to the UT district is justified or needed.

Staff finds that rezoning the subject property from the C-1 zoning district to the comparable mixed use, form-based CS zoning district is more appropriate, as it would allow for the maintenance and expansion of the existing residential dwelling, increase the buildable area with the "build-to zone", and allow for the future redevelopment of the property in accordance with the goals and objectives of City

Plan 2025 without introducing potentially incompatible uses.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Future development with the proposed zoning would increase traffic on Martin Luther King Boulevard more than that which exists today. With the regulations of Chapter 166.08, Street Design and Access Management Standards, the proposed zoning would likely not create or appreciably increase traffic danger or congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments and are included in this report. The proposed zoning change should have no discernable impact on public services.

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.

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services

(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

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

area of such lot.

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(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 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
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	Transportation, trades and services
Unit 19	Commercial recreation, small sites

Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(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 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* Maximum height is 4 stories or 56 feet which ever is less.

(G) *Minimum buildable street frontage.* 65% of the lot width.

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a

commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(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 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory 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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

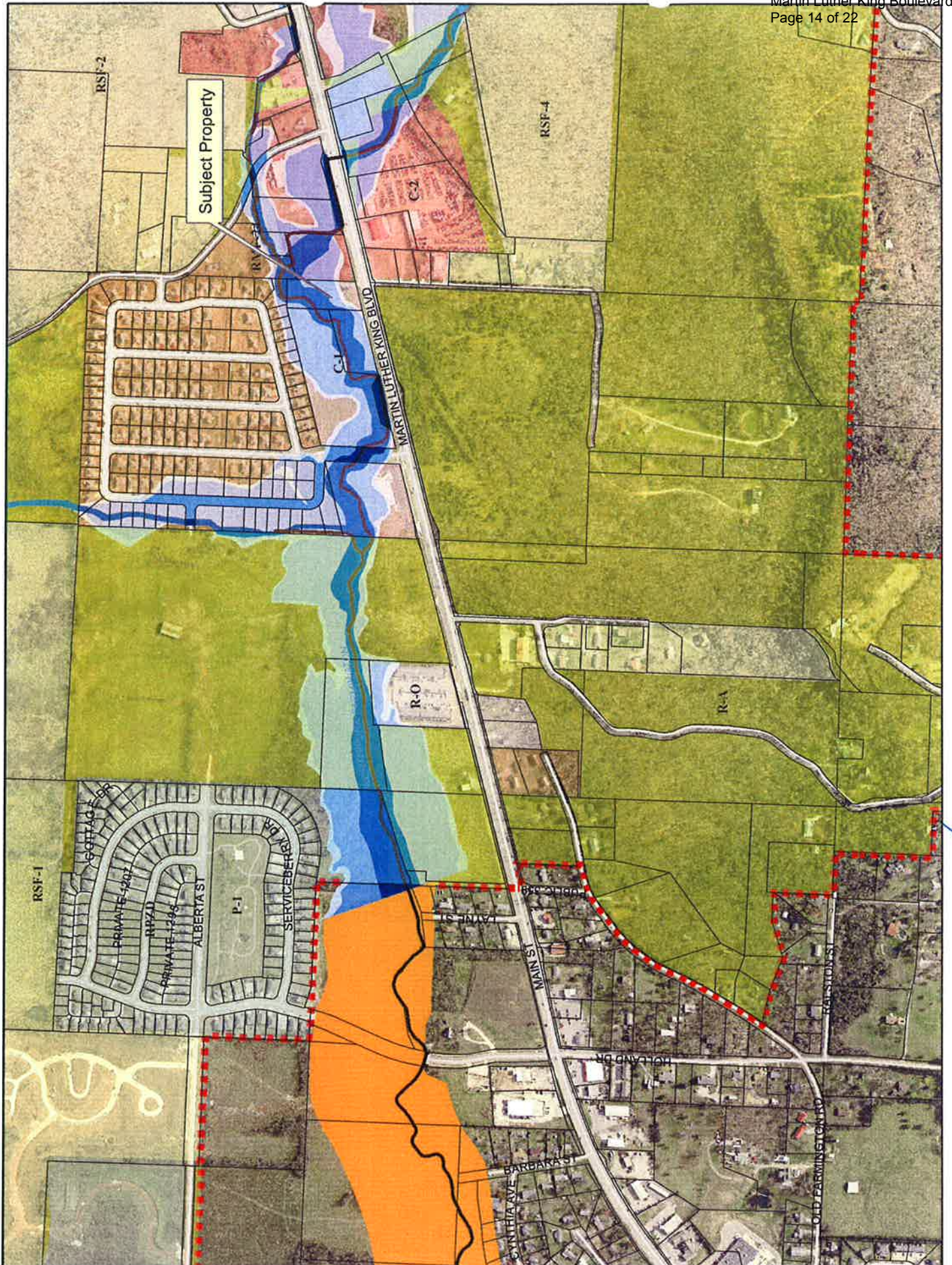
(2) Lot area minimum None

(E) *Setback regulations.*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

- (F) *Height regulations.* A building or a portion of a building that is closer than 15 feet from the front property line shall have a maximum height of 4 stories or 56 feet, whichever is less. A building or portion of a building that is located 15 feet or greater from the front property line or the Master Street Plan right-of-way shall have a maximum height of 6 stories or 84 feet, whichever is less. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

- (G) *Minimum buildable street frontage.* 50% of the lot width.



City Limits

RZN 11-3835: Rezone (3710 WEST MARTIN LUTHER KING BLVD. /ZAIFI, 556/595).
Submitted by Submitted by MEHDI ZAIFI for property located at 3710 WEST MARTIN
LUTHER KING BOULEVARD. The property is zoned C-1, NEIGHBORHOOD
COMMERCIAL and contains approximately 1.20 acres. The request is to rezone the subject
property to UT, URBAN THOROUGHFARE. Planner: Dara Sanders

Public water is available to the property. There is 1" water main stubbed across Martin Luther
King to this property. Public water main improvements will be necessary to provide adequate
fire flow for a future development.

Sanitary sewer is available to the site. There is a 6" and 10" public main located through this
property. A capacity analysis of the existing 6" sewer main may be necessary if a connection is
proposed at the time of development.

The site has access to Martin Luther King Blvd. Martin Luther King Blvd is a fully improved
five lane state highway in this location.

Standard improvements and requirements for drainage will be required for any development.
This property is largely affected by the 100-year floodplain and the Streamside Protection Zones.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Dara Sanders
From: Terry Lawson, Fire Marshal
Date: May 17, 2011

Re: RZN 11-3835: Rezone (3710 WEST MARTIN LUTHER KING BLVD. /ZAIFI, 556/595): Submitted by Submitted by MEHDI ZAIFI for property located at 3710 WEST MARTIN LUTHER KING BOULEVARD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.20 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE.

Planner: Dara Sanders

This development will be protected by Engine 6 located at 900 Hollywood Ave.
It is 1 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

A handwritten signature in cursive script that reads "Terry Lawson".

Terry Lawson, Fire Marshal

Fayetteville Fire Department

Mehdi Zaifi
2599 N. Elizabeth Ave.
Fayetteville, AR
72703

B. 5
RZN 11-3835 (3710 West
Martin Luther King Boulevard/Zaifi)
Page 17 of 22

City of Fayetteville, Arkansas Planning Division

Dear Sir,

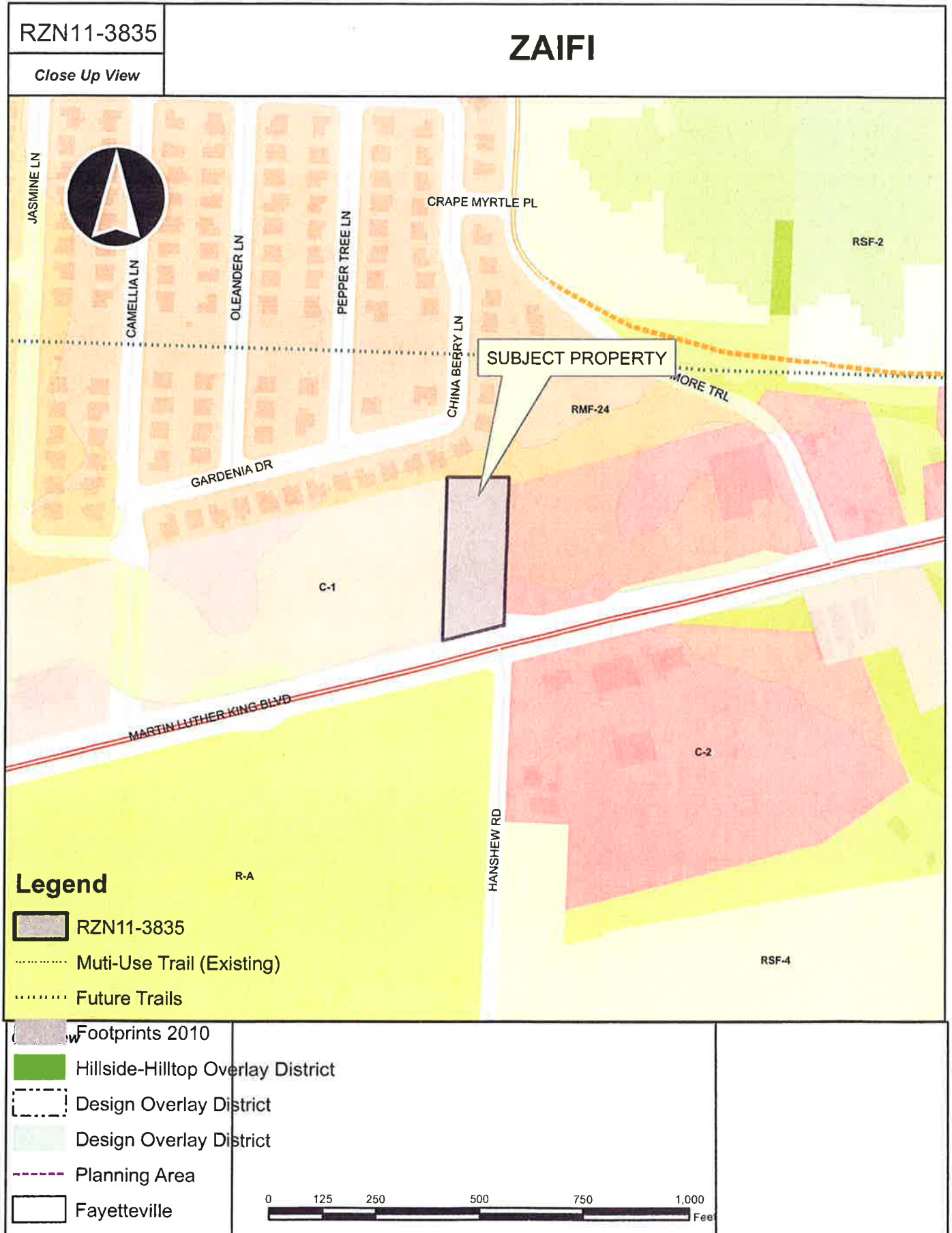
As a request for a rezoning from a C-1 to a U.T, I, Mehdi Zaifi, owner of a property located at 3710 West 6th St. of Fayetteville AR, would like to explain my reasoning for this need and the description of my property as it follows.

- A. The property consists of 1.2 acres of land, which is currently zoned C-1, and an old residential building.
- B. The back part of the land is under floodway, and a big portion of it is under a flood zone. That and with the C-1 zoning, it is difficult to put any new commercial buildings or even reconstruct the old one with the limitation of the C-1 zoning.
- C. The property is located on a major highway (hwy 62) that connects Fayetteville to Farmington and Prairie Grove. This Hwy is very commercialized and there is a Wal-Mart Supercenter and a Lowe's very close by on the same street.
- D. The property currently has all the utilities and uses the city sewer system.
- E. As of any major hwy, the street has a large size of traffic, but any concern about any increased traffic could be answered by:
 - 1. The property is already a C-1 and that has been approved based on the reality of the traffic flow.
 - 2. Any improvement plan for entering or exiting the premises could be addressed with any improvement.
- F. At this time it is very impractical to use this premises as it is zoned as C-1 with a residential building in it.

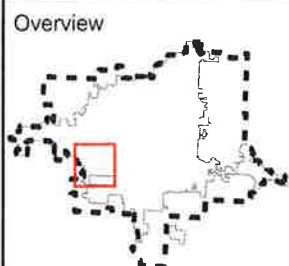
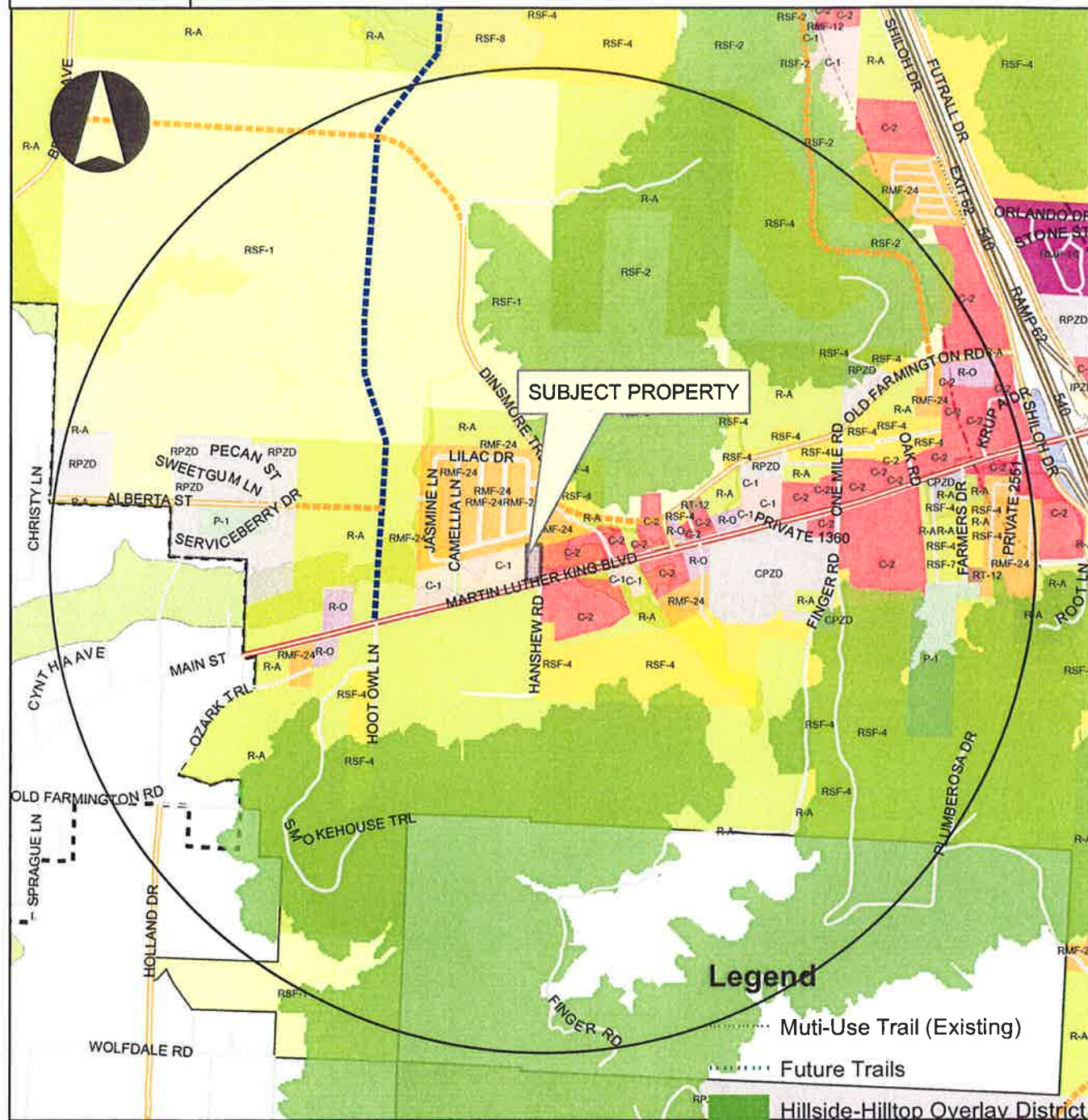
As a better alternative, changing the current zone to UT would be much more beneficial. This is also more consistent with your ideas in approaching the merging of commercial and residential premises in our area.

Mehdi Zaifi





One Mile View

ZAIFI

Subject Property

 RZN11-3835

Boundary

0 0.25 0.5



RZN11-3835

11

Design Overlay District

1

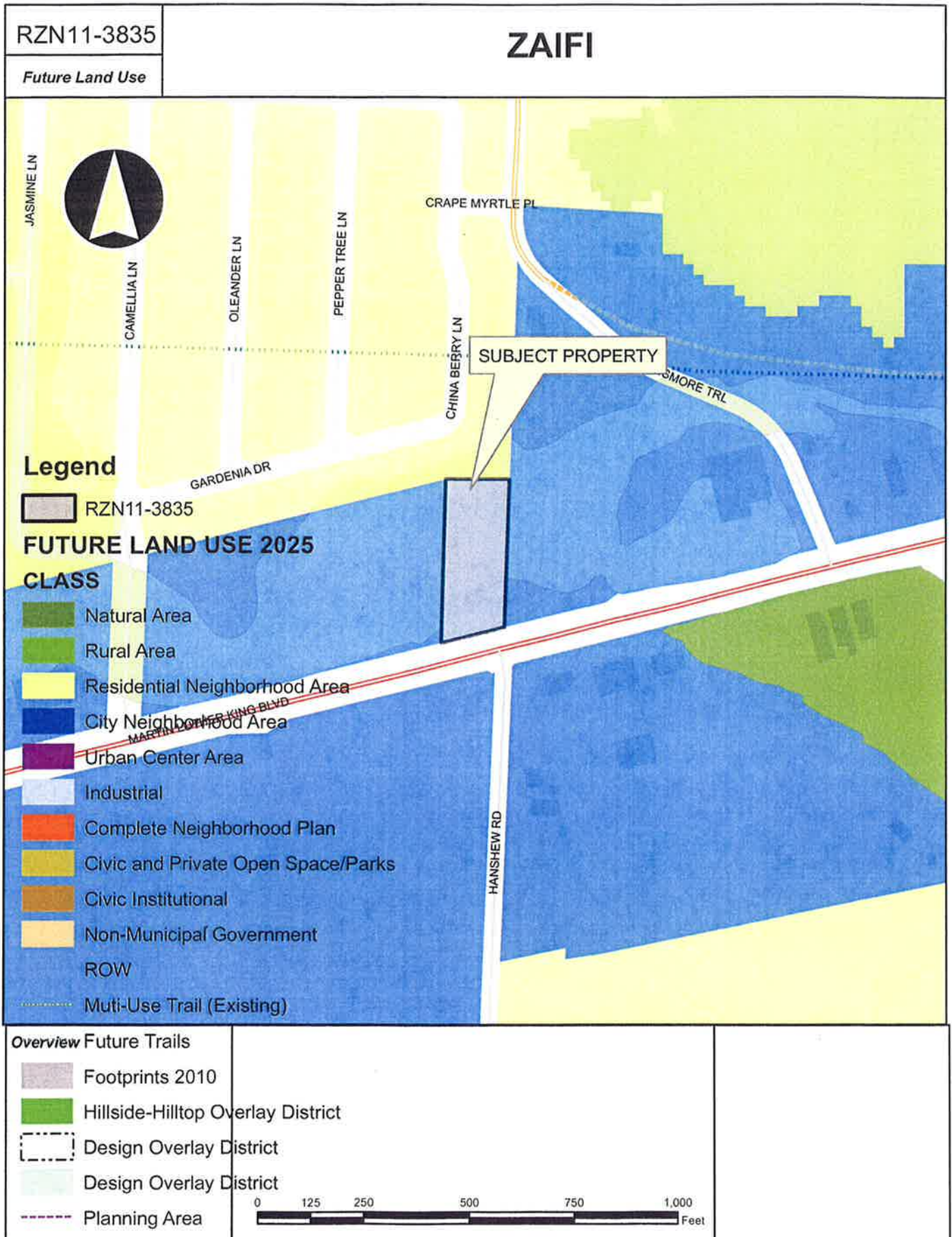
Planning Area

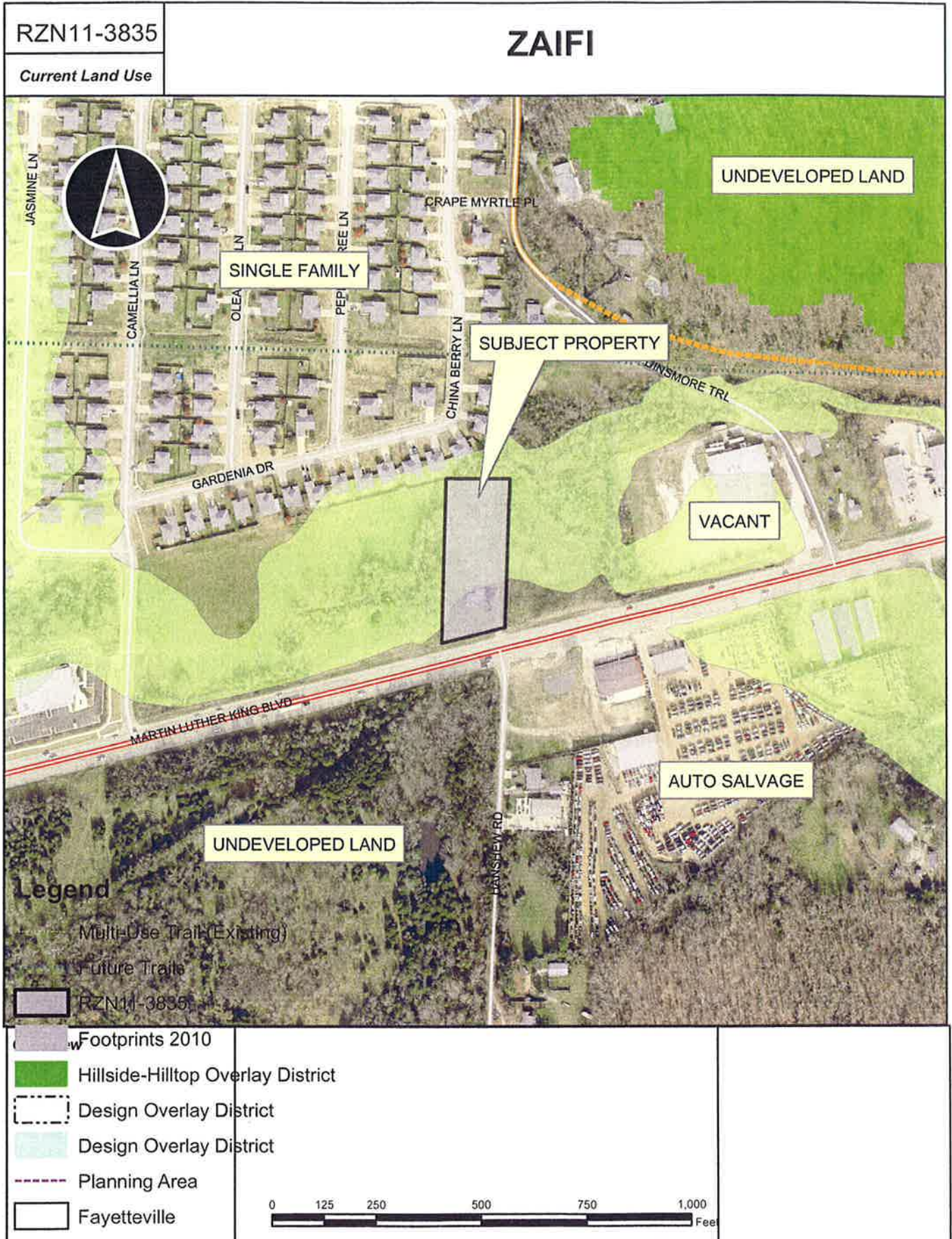
11

Fayetteville

1

Miles







ENGINEERS ■ SURVEYORS ■ PLANNERS
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712
(479) 273-9472 Fax (479) 273-0844

www.ceieng.com

B. 6
Appeal RZN 11-3831
(209 W. Martin Luther King Blvd.)
Page 1 of 38

RECEIVED

JUN 02 2011

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

June 2, 2011

Ms. Sondra Smith
City Clerk
113 W. Mountain Street
Fayetteville, AR 72701

RE: RZN 11-3831: Rezone (209 W. Martin Luther King Blvd.)
Letter of Appeal for the June 21, 2011 City Council meeting agenda

Dear Ms. Smith:

We respectfully appeal the May 23, 2011 Planning Commission's recommendation that the referenced property be rezoned to Community Services - CS (Title XV Unified Development Code, Chapter 161: Zoning Regulations, Section 161.19 Community Services). Pursuant to Title XV Unified Development Code, Chapter 155: Appeals, Section 155.02 Form/Time/Place) we appeal the Planning Commission's recommendation and request the property be rezoned, Neighborhood Commercial (C-1) for the following reasons:

1. The existing zoning in the immediate area (intersection of Hill and Martin Luther King Blvd.) supports C-1:
 - a. Applicant's property is located in the SW corner of the intersection.
 - b. The NW corner of the intersection is zoned C-1.
 - c. The NE corner of the intersection is zoned C-2, Thoroughfare Commercial.
 - d. The SE corner of the intersection is zoned I-1, Heavy Commercial, Light Industrial.
2. Requesting C-1 is in compliance with City Plan 2025.
3. Staff forced the use of the recently adopted form-based zoning. Neither one of the form-based zoning districts (Urban Thoroughfare, UT or Community Services, CS) are appropriate for the proposed land use. Either form-based zoning district would require the applicant to request a variance. This very fact is completely in violation of the criteria for requesting a variance, specifically, Title XV Unified Development Code, Chapter 156: Variances, Subsection 156.02: Zoning Regulations, Item "(3) Resulting Actions. That the special conditions and circumstances do not result from the actions of the applicant." It is obvious that the variance request would be a direct result of the actions of the applicant, as forced by staff.

Thank-you for placing our appeal on the June 21, 2011 City Council agenda.

Sincerely,

Dennis Blind

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

Let it be on the first Reading at the 6/21/11 Cmty.

From: <DBlind@ceieng.com>
To: <:ssmith@ci.fayetteville.ar.us>
Date: 6/2/2011 11:05 AM
Subject: RZN 11-3831: Rezone (209 W. Martin Luther King Blvd.)
Attachments: Kum & Go - Letter of Appeal 6-2-11.pdf

Ms. Smith

Attached is our letter of Appeal for the June 21, 2011 City Council meeting. We will also submit an original of our letter to your office.

Thanks

--

Dennis Blind
Project Manager
CEI

Phone: 479-273-9472

"We will continually set the national standard for land development services, and we are committed to the growth and success of each other."

Arizona | Arkansas | California | Florida | Georgia | Minnesota |
Pennsylvania | Texas

This message could contain confidential information. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute this information. If you have received this message in error, please advise Dennis Blind immediately at 1-479-273-9472 or return it promptly by mail.



THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Current Planner

Date: May 30, 2011

Subject: RZN 11-3831 (Kum and Go) – Appeal of Planning Commission decision

RECOMMENDATION

Planning Commission and staff recommend approval of an ordinance to rezone the subject property from RMF- 24, Residential Multi-family 24 dwelling units/acre to CS, Community Services. Staff and the Planning Commission did not recommend approval of the applicant's original request to rezone the property to UT, Urban Thoroughfare.

BACKGROUND

The subject property is located at the southwest corner of Martin Luther King Boulevard and Hill Avenue, and is undeveloped, containing approximately 2.64 acres. The applicant originally requested to rezone the property from RMF- 24, Residential Multi-family 24 dwelling units/acre, to UT, Urban Thoroughfare. The applicant has stated that the intent is to develop a portion of the subject property for a Kum and Go gas station.

Planning staff did not meet with the representative that presented the application at the Planning Commission meeting, and feel that statements made at the Planning Commission by the applicant were either mis-communicated or inaccurate. However, staff did communicate with others at CEI Engineering about the proposal. A number of zoning districts would allow a fueling station: UT, CS, C-1, C-2, I-1 and I-2, to name a few. However, just because any one of these districts allow for the use that the applicant is pursuing does not make it necessarily appropriate for that area. The existing zone (RMF-24) is a form-based district, requiring buildings to be placed along the street with parking hidden behind. After a review of the location of this property and following the City Council's adopted policy of "making traditional town form the standard," staff recommended that the applicant maintain one of the form-based codes for their future development plan, so that the development plan would be more in keeping with the current districts form-based requirements. In this case, Community Services is the most appropriate for this location, due to the surrounding land use, intensity, and compatibility.

Planning staff did not support the applicant's ultimate rezoning request for Urban Thoroughfare, finding that the Community Services district is more compatible and appropriate at this location. The Community Services district will also allow for the development of a gas station and a wide variety of uses that serve the nearby areas. The Urban Thoroughfare district is intended to serve a wider range of population, generally regional in nature. This particular location does not seem to support a regional development pattern, and there are some uses within the Urban Thoroughfare district that may not be appropriate for this location.

Pursuant to Chapter 155.05(A)(1), the applicant is appealing the Planning Commission's recommendation and is now requesting that the subject property be rezoned to C-1, Neighborhood Commercial. The C-1 district is similar in purpose and contains uses allowed in the Community Services district. However, the differences are readily apparent in the purpose statement of the Community Services district that requires "traditional urban form with buildings addressing the streets." The C-1 zoning district is much more of a conventional suburban development model that is no longer encouraged in a location such as this; if this form is acceptable to the City Council at this location, then the C-1 district would be an appropriate request. Staff does not believe this is the direction we have been asked to take in implementing City Plan 2025. In fact, over the last several years, the City Council has denied applications for rezoning to C-1 and C-2 along Martin Luther King Boulevard.

There was also much discussion about the need for variances related to a development within the Community Services district. As the Council is aware, a specific development proposal may not be considered as part of a rezoning request; while the intent has been stated that a fueling station is planned for this property, there is no guarantee that will occur. Any commercial development would be required to be constructed in compliance with the underlying zoning district, including architectural and site design standards. All form-based zoning districts, which are important to ensuring a traditional town form is accomplished, require buildings to be placed along the street. When there are conditions unique to a property that makes it impracticable to meet all of these requirements, a variance may be requested. In this case, staff discussed with the applicant representatives the topography of the site could make it difficult to place buildings along certain adjacent streets. In addition, the property is made up of many different parcels, not all of which will necessarily be used for the proposed development. Currently, no commercial development is allowed on this property within the RMF-24 zoning, thus the change to Community Services would certainly increase the allowed uses on the property to include commercial, and likely thereby increase the value of the property, as well. Staff would work with the applicant, as we do with all development applications, to get project approval that meets or exceeds the minimum standards of the Unified Development Code.

DISCUSSION

On May 23, 2011 the Planning Commission forwarded this item to the City Council with a recommendation for approval of the CS, Community Services zoning district with a vote of 7-2-0 (Commissioners Honchell and Hoskins voted "no"). The applicant does not agree with staff's recommendation for Community Services. The Planning Commission did not consider the current request for C-1, Neighborhood Commercial. The staff report and meeting minutes are attached.

BUDGET IMPACT

None.

From Kit Williams 6/14/11

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Appeal RZN 11-3831
(209 W. Martin Luther King Blvd.)
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Departmental Correspondence



LEGAL
DEPARTMENT

www.accessfayetteville.org

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Jeremy Pate, Development Services Director
Andrew Garner, Senior Planner - Current Planning
Jesse Fulcher, Planner - Current Planning

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: June 14, 2011

RE: Appeal of RZN 11-3831 (Kum & Go)

DISCRETION OF THE CITY COUNCIL

Normally, the City Attorney's Office will take no position in a City Council rezoning decision which almost always rests within the sound discretion and judgment of the City Council. Indeed, I have successfully defended the few court challenges to the City Council's zoning decisions during my decade as Fayetteville City Attorney. Your rezoning decisions have never been overturned in Circuit Court. However, the current appeal ({RZN 11-3831 Kum & Go}) requesting Neighborhood Commercial (C-1) involves a unique situation and potential legal issues for the City. Therefore, I think I need to call your attention to these issues before you decide on the rezoning.

The City Council is granted wide discretion by the Courts when deciding zoning issues. Only if a zoning was "arbitrary, capricious, or wholly inequitable," *City of Conway v. Housing Authority of Conway*, 266 Ark. 40, 584 S.W. 2d 10, 13 (1979), would such a zoning decision be overturned by the Circuit Court. The Arkansas Supreme Court defined "arbitrary" in that case as meaning "arising from unrestrained exercise of ... personal preference; based on random or convenient choice, rather than on reason or nature." The major legal concern I have is that denying the applicant's request for a Neighborhood Commercial zoning in favor of a Community Service zoning might be deemed a "spot zoning" based upon the preference of the City Council for a "form based" rather than "traditional" zoning district.

C-1 AND CS: IDENTICAL PURPOSES; SIMILAR USES

It is important to note that Neighborhood Commercial (C-1), a very old traditional zoning district has almost the identical express purpose of Community Services (CS) as stated in the Unified Development Code.

The express purpose for Neighborhood Commercial (C-1) is:

“(A) Purpose. The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.”
§161.18 of the UDC.

This is the identical language used for the newer Community Services (CS) district:

“(A) Purpose. The Community Services district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas”
§161.19 of the U.D.C.

The Purpose section of §161.19 Community Service (CS) adds further language because it allows uses not allowed in Neighborhood Commercial, primarily residential uses. Indeed, **every permitted use in Neighborhood Commercial is also permitted in Community Service and every conditional use allowed in Neighborhood Commercial is also allowed in Community Services.** Therefore, it would not seem reasonable for the City Council to deny on applicant its requested Neighborhood Commercial zoning district by rezoning to Community Services because Community Services has additional permitted uses the applicant clearly does not desire. Since the purpose and uses of these zoning districts cannot justify denial of the rezoning to the more restrictive zoning district, C-1 Neighborhood Commercial, I believe there remains a single justification for a forced rezoning to Community Services instead of Neighborhood Commercial, that is Community Service’s new “build-to zones” and the required 65% street frontage coverage by a developer’s building (making it “form based”).

BOARD OF ADJUSTMENT

Recognizing that this 65% street frontage requirement could cause real development problems for many “permitted uses” in Community Service (CS), such as Unit 18 Gasoline service stations, Unit 15 Neighbor Shopping, etc., Planning staff informed the Planning Commission that an applicant/developer for the Kum & Go rezoning could go to the Board of Adjustment for a variance of this 65% street frontage building coverage for this parcel. At this point the Planning Commission believed and was not otherwise informed that this 2.5 acre rezoning request was for a single parcel with over 900 feet of street frontage. To comply with the Community Services street frontage requirements, the developer would have had to build a building along **200 yards of street frontage**, a difficult obligation for a developer wanting to build a gas station, eating place, or convenience store.

I expressed my doubts that the Board of Adjustment would or could grant such a substantial reduction in street frontage requirements to make anticipated permitted uses developable. I also pointed out the only appeal from the Board of Adjustment is to Circuit Court. If the City Council wants to facilitate this potential development, it can do so only with its rezoning decision.

My review of the four requirements that the Board of Adjustment must find to exist before it can grant any relief shows **any variance approval would be almost impossible to legally grant**. Thus, the applicant can probably get no relief from the Board of Adjustment. Fortunately, Community Services Director Jeremy Pate has informed me that this 2.5 acre parcel is actually composed of several existing lots. Attached is the map of the property to be rezoned showing the internal lot lines. If the developer wishes to develop only about an acre or so on the corner of MLK and Hill using existing lots, then he would not need to build an “L” shaped building a football field in length along both Hill and MLK. However, if zoned to Community Services a developer would still have to cover two-thirds of the street frontage of this corner lot with his building, an odd configuration for a gas station or convenience store, both of which are allowed by right in both Community Services (CS) and Neighborhood Commercial (C-1).

ZONING COMPATIBILITY

Zoning ordinances were developed many decades ago primarily to ensure compatibility between differing land uses. The current zoning of all three adjacent corners of the intersection of Martin Luther King Boulevard and Hill Avenue are all of the City’s traditional commercial zoning districts. Immediately east across Hill Avenue is zoned Heavy Commercial/Light Industrial (I-1), catty-corner is zoned

Thoroughfare Commercial (C-2) and immediately across MLK is zoned Neighborhood Commercial (C-1). I have attached a GIS map showing these zones. South and West of this property to the railroad tracks is a Residential Planned Zoning District with no building within 25 feet of Martin Luther King Boulevard.

Attached is another GIS map which shows the zoning, plus photos of structures, etc. A Community Services rezoning would be the only form based commercial zoning at this intersection. Indeed, the whole block along Martin Luther King Boulevard east of the Hill Avenue intersection is Thoroughfare Commercial or Heavy Commercial/Light Industrial with existing warehousing and retail set back far off MLK. The block of Hill Avenue south from the intersection is zoned Heavy Commercial/Light Industrial with substantial existing warehousing. It could certainly be argued that dropping a form-based commercial district within this established traditional commercial and warehousing district would be "spot zoning."

SPOT ZONING

As I have informed the City Council for the last decade in numerous memos about what can be considered in zoning decisions, I have warned that spot zoning should be avoided. I have quoted this case most recently in my December 15, 2010 memo.

"Spot zoning, by definition, is invalid because it amounts to an arbitrary, capricious and unreasonable treatment of a limited area within a particular district. As such, it departs from the comprehensive treatment or privileges **not in harmony with the other use classifications in the area** and without any apparent circumstances which call for different treatment. Spot zoning almost invariably involves a single parcel or at least a limited area.' R. Wright and S. Webber, *Land Use* (1978)." *Riddell v. City of Brinkley*, 612 S.W. 2d 116, 117 (1981). (emphasis added)

What concerns me from a legal point of view is that all of the other corner lots at this intersection are traditional commercial zones with setbacks rather than the opposite "form based" zones with build-to frontage requirements. None of these other commercial zones must build close to the street right-of-way for any part of the street

frontage, much less two-thirds of the entire street frontage. The applicant could argue that a form-based commercial zoning constitutes “unreasonable treatment of a limited area” within this commercial node “without any apparent circumstances which call for different treatment.” *Riddle v. City of Brinkley*.

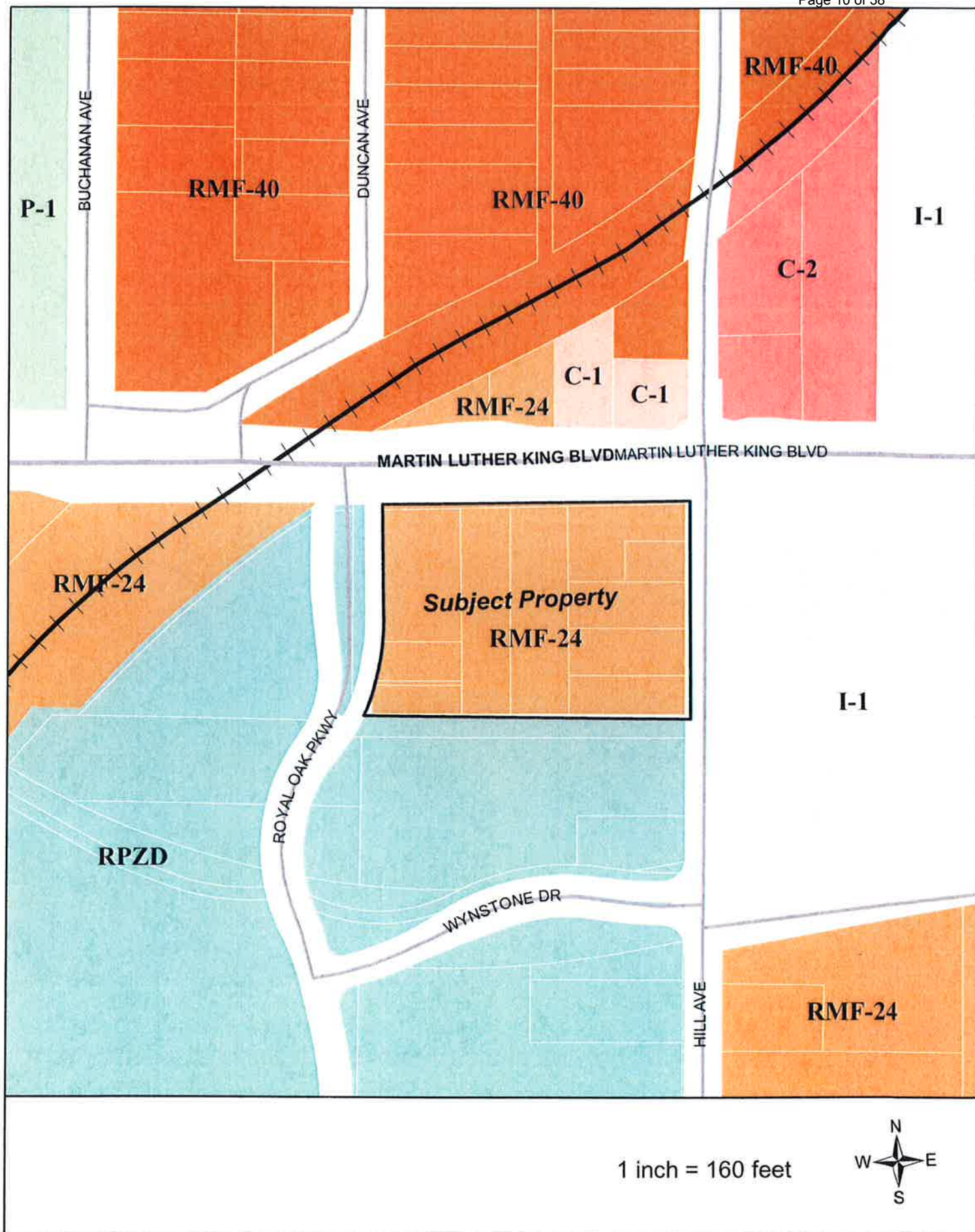
The City Council’s preference to force commercial buildings to be constructed near the street right-of-way and to extend the building for two-thirds of the total street frontage might be determined to be unreasonable in the context of surrounding commercial zones and currently constructed warehouses and commercial buildings (including a former convenience store catty-corner from the proposed rezoning).

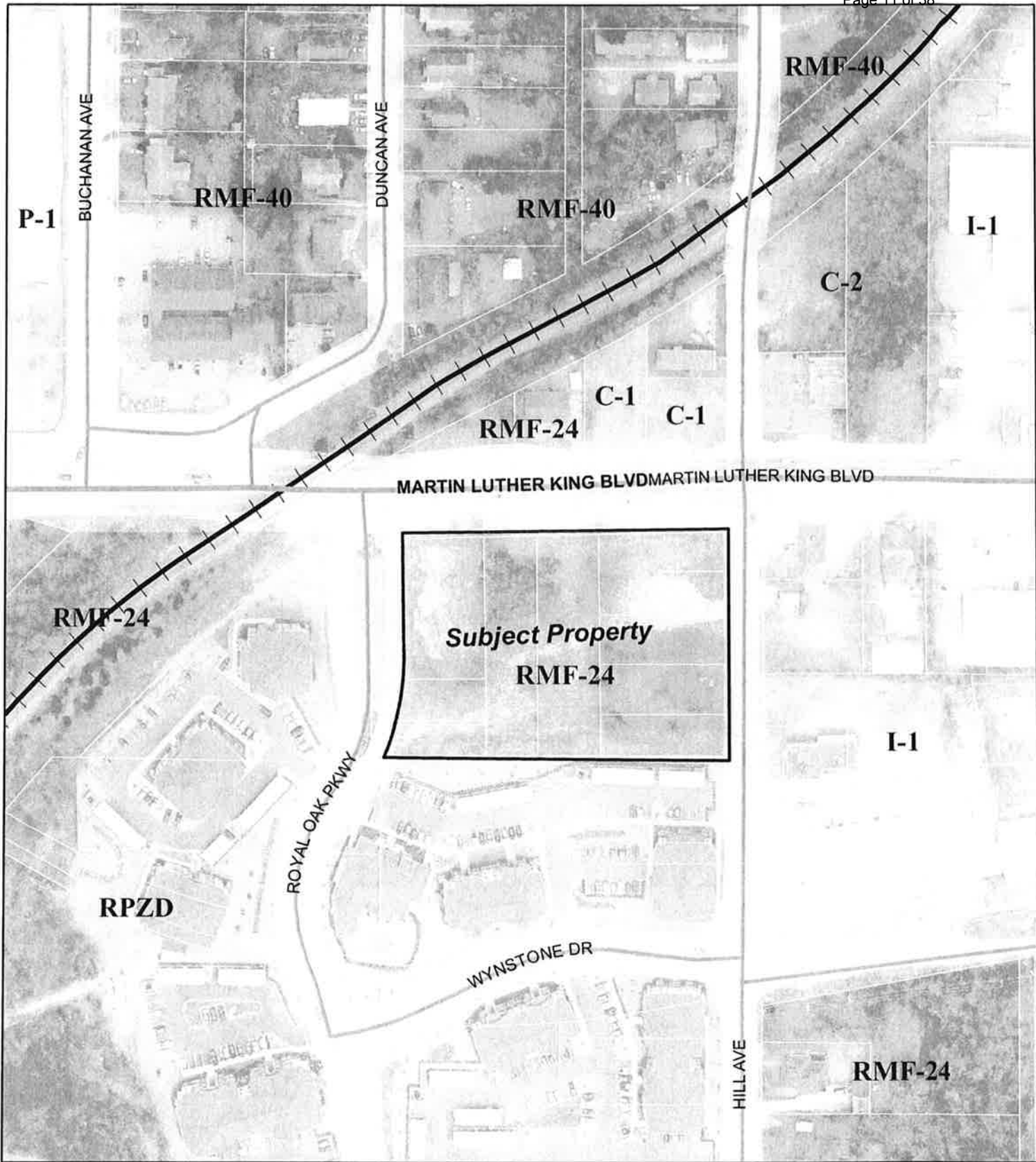
When the Downtown Master Plan was implemented with new “form based” zoning districts, this master planned area was treated comprehensively, and thus could withstand a “spot zoning” charge. Dropping a “form based” commercial zoning district into the midst of traditional commercial district when the applicant desires a traditional commercial district (with the identical purposes and uses as the “form based” district) creates a potential legal challenge of spot zoning. The personal preference of aldermen who wish to force “form based” zoning districts into the midst of existing traditional commercial zones may not be enough to withstand a Circuit Court challenge.

CONCLUSION

Other “form based” commercial rezonings for parcels outside a Master Planned Area have been approved by this City Council without a problem. A current request for rezoning to Community Services by a land owner along MLK should be granted by the City Council because there is no opposition and water problems at the rear of his lot make it much easier to develop with the 10 foot build-to line of CS rather than the 50 foot setback of C-1. **Only if an applicant or citizens object to a rezoning (which would make litigation possible) will I normally make any comment.** Because of this appeal from a land owner/developer who requests a traditional commercial zoning, the issue of whether to force a developer to accept “form based” commercial district with almost identical purpose and uses provisions is squarely before the City Council. This is purely a setback v. a “build-to” zone requiring a building on 65% of right-of-way street frontage issue. I am concerned about defending the reasonableness of such a requirement for this parcel in Circuit Court.

In addition to language in our Long Term Plan (2025 or 2030 Plan) and any personal preference for a “form based” zoning district, the City Council should have and express reasoned analysis of why the applicant’s requested Neighborhood Commercial (C-1) zoning should be denied.





1 inch = 160 feet





ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3831, FOR APPROXIMATELY 2.64 ACRES LOCATED AT 209 WEST MARTIN LUTHER KING BOULEVARD FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO C-1, NEIGHBORHOOD COMMERCIAL.

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

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

From RMF-24, Residential Multi-Family, 24 units per acre to C-1, Neighborhood Commercial, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

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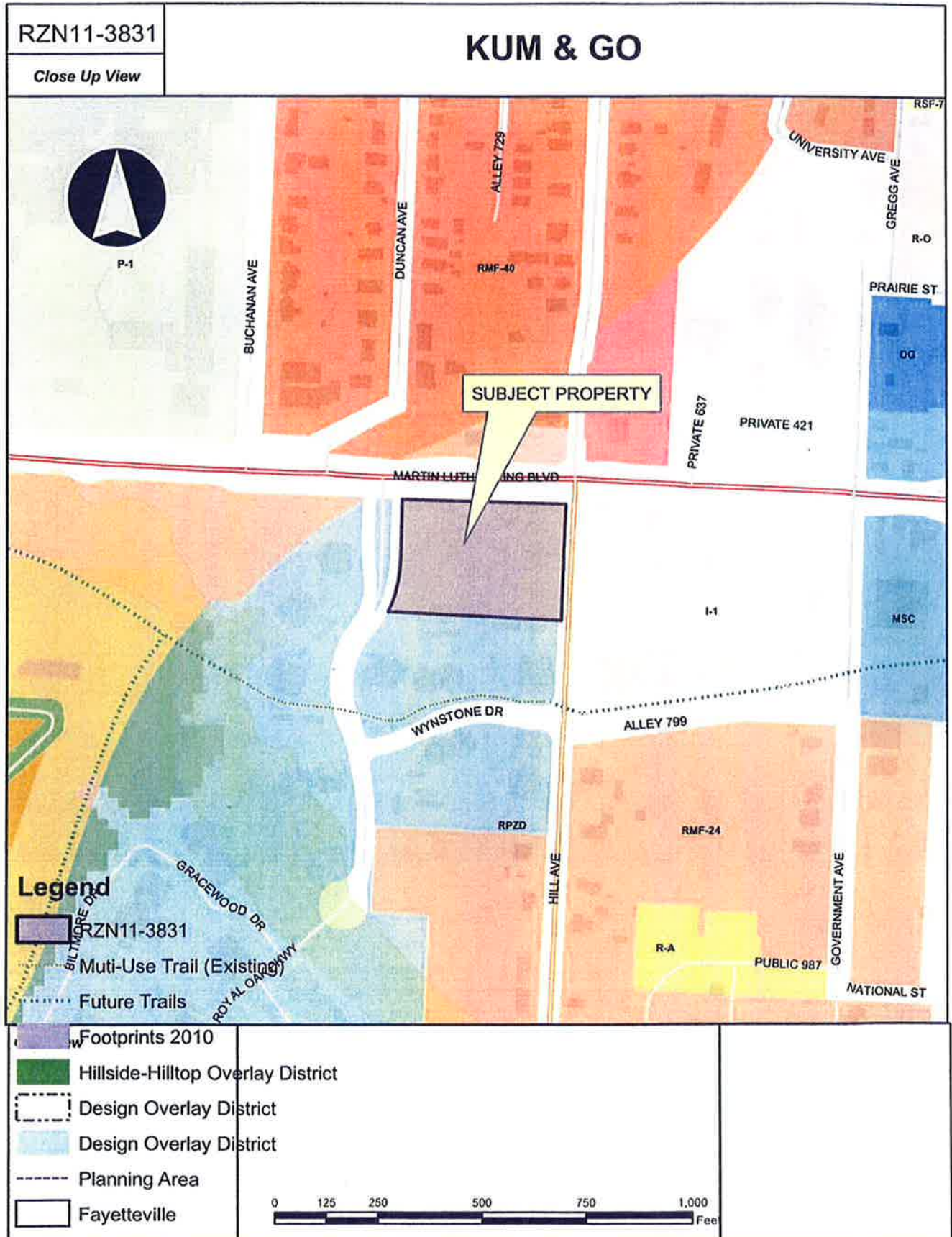


EXHIBIT "B"
RZN 11-3831

TRACT 2 OF PROPERTY LINE ADJUSTMENT PLAT FILED FOR RECORD AT PLAT 23A-000132 AT THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, BEING DESCRIBED ON SAID PLAT AS FOLLOWS:

PART OF THE SOUTH $\frac{1}{2}$ OF THE SW $\frac{1}{4}$ OF SECTION 16, AND A PART OF THE NORTH $\frac{1}{2}$ OF THE NW $\frac{1}{4}$ OF SECTION 21, T-16-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 21, SAID POINT BEING AN EXISTING IRON PIPE; THENCE S $87^{\circ}04'09''$ E. ALONG THE NORTH LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 21, A DISTANCE OF 5.92 FEET TO THE POINT OF BEGINNING; THENCE S $87^{\circ}04'09''$ E 418.49 FEET; THENCE N $02^{\circ}23'10''$ E 299.42 FEET, TO AN EXISTING ARKANSAS HIGHWAY COMMISSION RIGHT-OF-WAY MONUMENT ON THE SOUTH LINE OF ARKANSAS HIGHWAY 180 (WEST 6TH STREET); THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY N $89^{\circ}03'47''$ W 173.03 FEET TO AN EXISTING AHC MONUMENT; THENCE N $89^{\circ}52'30''$ W 17.36 FEET TO AN EXISTING AHC MONUMENT; THENCE S $00^{\circ}06'16''$ W 5.02 FEET TO AN EXISTING AHC MONUMENT; THENCE N $89^{\circ}40'59''$ W 45.74 FEET TO AN EXISTING AHC MONUMENT; THENCE N $89^{\circ}29'27''$ W 62.28 FEET TO AN EXISTING AHC MONUMENT; THENCE S $81^{\circ}41'17''$ W 30.03 FEET TO AN EXISTING AHC MONUMENT; THENCE N $77^{\circ}25'50''$ W 25.70 FEET TO AN EXISTING AHC MONUMENT; THENCE N $88^{\circ}18'00''$ W 42.21 FEET; THENCE LEAVING SAID RIGHT-OF-WAY S $01^{\circ}44'50''$ W 153.30 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 315.50 FEET AND A DISTANCE OF 81.06 FEET; THENCE S $16^{\circ}28'01''$ W 8.54 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 215.50 FEET A DISTANCE OF 40.68 FEET TO THE POINT OF BEGINNING, CONTAINING 2.64 ACRES, MORE OR LESS, FAYETTEVILLE, ARKANSAS, THE ABOVE DESCRIBED 2.64 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF HILL AVENUE AND ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.

LESS AND EXCEPT, SIXTH STREET RIGHT-OF-WAY:

PART OF TRACTS 1 & 2 OF PROPERTY LINE ADJUSTMENT PLAT FILED FOR RECORD AT PLAT 23A-000132 AT THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, BEING DESCRIBED IN DEED TO CITY OF FAYETTEVILLE #2006-9895, AS FOLLOWS:

PART OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16, T-16-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 16, SAID POINT BEING AN EXISTING IRON PIPE; THENCE N $86^{\circ}14'53''$ W, ALONG THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16 A DISTANCE OF 46.00 FEET; THENCE DUE NORTH A DISTANCE OF 268.15 FEET TO THE POINT OF BEGINNING; THENCE S $88^{\circ}18'00''$ E, A DISTANCE OF 482.55 FEET; THENCE N $02^{\circ}23'10''$ E, A DISTANCE OF 20.58 FEET; THENCE N $89^{\circ}03'47''$ W, A DISTANCE OF 173.03 FEET; THENCE N $89^{\circ}52'30''$ W, A DISTANCE OF 17.35 FEET; THENCE S $00^{\circ}06'16''$ W, A DISTANCE OF 5.02 FEET; THENCE N $89^{\circ}40'59''$ W, A DISTANCE OF 46.74 FEET; THENCE N $89^{\circ}29'27''$ W, A DISTANCE OF 62.28 FEET; THENCE S $81^{\circ}41'17''$ W, A DISTANCE OF 30.03 FEET; THENCE N $77^{\circ}25'50''$ W, A DISTANCE OF 26.70 FEET; THENCE N $88^{\circ}18'00''$ W, A DISTANCE OF 45.36 FEET; THENCE N $87^{\circ}40'49''$ W, A DISTANCE OF 26.16 FEET; THENCE N $87^{\circ}41'42''$ W, A DISTANCE OF 40.98 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1381.79 FEET AND A CENTRAL ANGLE OF $0^{\circ}50'34''$, A DISTANCE OF 20.32 FEET TO THE POINT OF BEGINNING, CONTAINING 0.15 ACRES, MORE OR LESS, FAYETTEVILLE, ARKANSAS.



ENGINEERS ■ SURVEYORS ■ PLANNERS
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3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712
(479) 273-9472 Fax (479) 273-0844

www.ceieng.com

June 2, 2011

Ms. Sondra Smith
City Clerk
113 W. Mountain Street
Fayetteville, AR 72701

RE: RZN 11-3831: Rezone (209 W. Martin Luther King Blvd.)
Letter of Appeal for the June 21, 2011 City Council meeting agenda

Dear Ms. Smith:

We respectfully appeal the May 23, 2011 Planning Commission's recommendation that the referenced property be rezoned to Community Services - CS (Title XV Unified Development Code, Chapter 161: Zoning Regulations, Section 161.19 Community Services). Pursuant to Title XV Unified Development Code, Chapter 155: Appeals, Section 155.02 Form/Time/Place) we appeal the Planning Commission's recommendation and request the property be rezoned, Neighborhood Commercial (C-1) for the following reasons:

1. The existing zoning in the immediate area (intersection of Hill and Martin Luther King Blvd.) supports C-1:
 - a. Applicant's property is located in the SW corner of the intersection.
 - b. The NW corner of the intersection is zoned C-1.
 - c. The NE corner of the intersection is zoned C-2, Thoroughfare Commercial.
 - d. The SE corner of the intersection is zoned I-1, Heavy Commercial, Light Industrial.
2. Requesting C-1 is in compliance with City Plan 2025.
3. Staff forced the use of the recently adopted form-based zoning. Neither one of the form-based zoning districts (Urban Thoroughfare, UT or Community Services, CS) are appropriate for the proposed land use. Either form-based zoning district would require the applicant to request a variance. This very fact is completely in violation of the criteria for requesting a variance, specifically, Title XV Unified Development Code, Chapter 156: Variances, Subsection 156.02: Zoning Regulations, Item "(3) Resulting Actions. That the special conditions and circumstances do not result from the actions of the applicant." It is obvious that the variance request would be a direct result of the actions of the applicant, as forced by staff.

Thank-you for placing our appeal on the June 21, 2011 City Council agenda.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis Blind", is written over a blue circular stamp.

Dennis Blind

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA



PC Meeting of May 23, 2011

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
THRU: Jeremy Pate, Development Services Director
DATE: ~~May 16, 2011~~ Updated May 31, 2011

RZN 11-3831: Rezone (209 W. MARTIN LUTHER KING BLVD./KUM & GO, 522):
Submitted by CEI ENGINEERING for property located at 209 WEST MARTIN LUTHER KING BOULEVARD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS/ACRE and contains approximately 2.64 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE. Planner: Jesse Fulcher

BACKGROUND:

The subject property is located at the southwest corner of Martin Luther King Boulevard and Hill Avenue, and is undeveloped. Surrounding land uses and zoning are shown in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single family residential/undeveloped	C-1, Neighborhood Commercial/RMF-24
South	Multi-family residential	R-PZD Hill Place
East	Commercial/Industrial	I-1, Heavy Commercial Light Industrial
West	Multi-family residential	R-PZD Hill Place

Proposal: The applicant has submitted an application to rezone the property from RMF-24, Residential Multi-family 24 units per acre to UT, Urban Thoroughfare.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends denial of the applicants request to rezone the property to UT, Urban Thoroughfare. However, staff does support rezoning the property to CS, Community Services, which will also allow for the proposed gas station.

PLANNING COMMISSION ACTION: Required <u>YES</u>		
Date: <u>05-23-11</u>	☐ Tabled	☒ Forwarded ☐ Denied
Motion: <u>Cook</u>	Second: <u>Earnest</u>	Vote: <u>6-3-0</u> (Honchell, Hoskins, Kennedy 'No')
CITY COUNCIL ACTION: Required <u>YES</u>		
Date: <u>6-21-11</u>	☐ Approved	☐ Denied

INFRASTRUCTURE:

Streets: The site has frontage on Martin Luther King Boulevard and Hill Avenue. Martin Luther King Boulevard is an improved four-lane arterial and Hill Avenue is an improved 2-lane collector with a dedicated left turn-lane for north bound traffic. Street improvements and access to the property will be evaluated at the time of development.

Water: Public water is available to the property. There is 12" main on Martin Luther King Boulevard, an 8" main on the west and south property lines, and a 6" main on Hill Avenue. Water main improvements will be evaluated at the time of development.

Sewer: Sanitary sewer is available to the site. There is an 8" main on Martin Luther King Boulevard, along the west and south property lines, and a 6" main on Hill Avenue. Sewer main improvements will be evaluated at the time of development.

Drainage: Standard improvements and requirements for drainage will be required for any development.

Police: The Fayetteville Police Department has not objected to this request.

Fire: The Fayetteville Fire Department has not objected to this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **City Neighborhood Area**, which is a denser and primarily residential urban fabric where mixed and low-intensity nonresidential uses are usually confined to corner locations. City Neighborhood Areas recognize conventional strip commercial developments, but encourages complete, compact, connected neighborhoods.*

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 applicant's request to rezone the property to Urban Thoroughfare is in staff's opinion, inconsistent with land use planning objectives, principles and policies. The Urban Thoroughfare district is intended to provide goods and services for persons living in the surrounding communities. However, the City Neighborhood Area, the land use designation for this property, recommends that uses should primarily serve residents of Fayetteville rather than a regional population. Martin Luther King Boulevard is an arterial street with high traffic volumes, but not all of it is in a regional context. A string of fast food restaurants, hotels, car lots and big-box retailers begin at Razorback Road and continue west, past the I-540 interchange and into Farmington. However, this regional commercial development pattern is not reflected east of Razorback. This area transitions into an older portion of Fayetteville, with short blocks, and a wide variety of nonresidential and residential land uses. This pattern is most apparent east of School Avenue. Therefore, the zoning for this property should provide for uses that serve the surrounding neighborhoods.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The proposed zoning is justified in order to promote development patterns consistent with the City Plan 2025. The City Plan 2025 identifies some Guiding Policies for City Neighborhood Areas that are applicable to the proposed rezoning as follows:

Guiding Policies:

- *Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.*
- *Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas...*
- *Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.*

The proposed use would be compatible to adjacent land uses and would encourage continued growth of this identified mixed use area. The non-residential use would serve the existing and future population of the surrounding areas and would not create a nuisance or adversely affect the public interest.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed zoning district will allow certain uses that could generate a greater volume of traffic than that which would be created by the existing RMF-24 zoning. However, not to a degree that would appreciably increase traffic danger. Provided that the requirements of the access management ordinance are followed, and additional left hand turning movements are not created along Martin Luther King Boulevard.**

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: **It is unlikely that the proposed zoning would increase the population density over the existing density allowance of 24 units per acre. Public service providers have reviewed this request and do not anticipate that this rezoning would undesirably increase the load on public services.**

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.**

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family 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 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments: No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.

Fraternity or Sorority	1,000 sq. ft. per resident
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(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.	8 ft.	25 ft.
HHOD Front	HHOD Side	HHOD Rear
15 ft.	8 ft.	15 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60ft.
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Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services

(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

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

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10)

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(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 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
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	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(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 10 feet and a line 25 feet from the front property line.
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Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* Maximum height is 4 stories or 56 feet which ever is less.

(G) *Minimum buildable street frontage.* 65% of the lot width.

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(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 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory 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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(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 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* A building or a portion of a building that is closer than 15 feet from the front property line shall have a maximum height of 4 stories or 56 feet, whichever is less. A building or portion of a building that is located 15 feet or greater from the front property line or the Master Street Plan right-of-way shall have a maximum height of 6 stories or 84 feet, whichever is less. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

RZN 11-3835: Rezone (3710 WEST MARTIN LUTHER KING BLVD. /ZAIFI, 556/595):
Submitted by Submitted by MEHDI ZAIFI for property located at 3710 WEST MARTIN
LUTHER KING BOULEVARD. The property is zoned C-1, NEIGHBORHOOD
COMMERCIAL and contains approximately 1.20 acres. The request is to rezone the subject
property to UT, URBAN THOROUGHFARE. Planner: Dara Sanders

Public water is available to the property. There is 1" water main stubbed across Martin Luther King to this property. Public water main improvements will be necessary to provide adequate fire flow for a future development.

Sanitary sewer is available to the site. There is a 6" and 10" public main located through this property. A capacity analysis of the existing 6" sewer main may be necessary if a connection is proposed at the time of development.

The site has access to Martin Luther King Blvd. Martin Luther King Blvd is a fully improved five lane state highway in this location.

Standard improvements and requirements for drainage will be required for any development. This property is largely affected by the 100-year floodplain and the Streamside Protection Zones.



THE CITY OF FAYETTEVILLE, ARKANSAS

FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Jesse Fulcher
From: Terry Lawson, Fire Marshal
Date: May 17, 2011

Re: RZN 11-3831: Rezone (209 W. MARTIN LUTHER KING BLVD. /KUM & GO, 522): Submitted by CEI ENGINEERING for property located at 209 WEST MARTIN LUTHER KING BOULEVARD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS/ACRE and contains approximately 2.64 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE.

Planner: Jesse Fulcher

This development will be protected by Engine 6 located at 900 Hollywood Ave.
It is 1.2 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Terry Lawson, Fire Marshal

Fayetteville Fire Department



April 14, 2011

Development Services Department
City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

RE: Request for Rezoning for parcels located at 209 W. Martin Luther King Blvd.

Dear Development Services:

Pursuant to the City of Fayetteville's Rezoning Application, the following information satisfies Item 5, sub-items a through i of the Rezoning Checklist.

- 5a. ***Current ownership information and any proposed or pending property sales.*** The current owner of the land is Chambers Bank, P.O. Box 609, Danville, AR 72833. The land is under contract by Kum & Go, 6400 Westtown Parkway, West Des Moines, Iowa 50266. Rezoning the land is included in the buyer's due diligence and a successful rezoning is a contract contingency.
- 5b. ***Reason (need) for requesting the zoning change.*** The current zoning (RMF-24) is inappropriate for the buyer's land use – a Kum & Go gas and convenience store. An Urban Thoroughfare zoning district is requested to accommodate the applicant's land use.
- 5c. ***Statement of how the proposed zoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.*** The proposed zoning is in compliance with the established land use patterns along the Martin Luther King Blvd. corridor. Hill Place Apartments are located to the south of the property and the proposed Kum & Go will provide convenience goods for the residents. Relative to traffic, the proposed Kum & Go is not a "destination" land use so as such, it will not generate negative traffic impacts to the corridor. The site has adequate frontage on Martin Luther King Blvd. and Hill Street to safely accommodate ingress and egress. Kum & Go has developed an aesthetic brand for both the appearance and signage for their gas and convenience stores and their brand will not be a visual distraction along the Martin Luther King Blvd. corridor.
- 5d. ***Availability of water and sewer (state size of lines).*** Water – 12" line on MLK, 8" line on the west and south side of the property, and a 6" line on Hill. Sanitary Sewer – 8" line on MLK, 8" line on the south property line and a 6" line on Hill

- 5e. ***The degree to which the proposed zoning is consistent with the land use planning objectives, principles, and policies and with land use and zoning plans.*** The proposed zoning is consistent with the development patterns along the Martin Luther King Blvd. corridor and in compliance with the City Neighborhood Area land use classification as presented in the adopted, City Plan 2025. Also, the proposed zoning, in accordance to the City's zoning ordinance, Section 161.21 states "Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted."
- 5f. ***Whether the proposed zoning is justified and/or needed at the time of the request.*** The proposed zoning change is justified by the lack of market demand for RMF-24 zoning district and the location's viability as a Kum & Go store. Martin Luther King Blvd. is a commercial corridor and the proposed zoning is in compliance with the City's comprehensive plan and zoning.
- 5g. ***Whether the proposed zoning will create or appreciably increase traffic danger and congestion.*** The proposed zoning will not create or appreciably increase traffic danger and congestion since the site has frontage on both Martin Luther King Blvd. and Hill Street. The site is also easily accessible from the south, the location of the Hill Place Apartments. This section of the corridor has good site distances and is not developed with regional, destination type of land uses.
- 5h. ***Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.*** The proposed zoning will not alter the population density. It is a commercial land use and as such will not foster any population increase, as would the existing zoning of RMF-24.
- 5i. ***Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.*** Market demand for the uses permitted in RMF-24 have declined considerably and the proposed zoning and land use will fill a need in the corridor. The closest gas stations are east of the site at the intersection of Martin Luther King Blvd. and Highway 71B and to the west at the intersection of Martin Luther King Blvd. and Razorback Road.

**MINUTES OF A MEETING OF THE
PLANNING COMMISSION**

A regular meeting of the Fayetteville Planning Commission was held on May 23, 2011 at 5:30 p.m. in Room 219, City Administration Building in Fayetteville, Arkansas.

ITEMS DISCUSSED

ACTION TAKEN

Consent:

MINUTES: May 9, 2011
Page 3

Approved

Old Business:

CUP 11-3811: Conditional Use Permit (339 WEST AVENUE/ROCK BOTTOM, 484)
Page 4

Tabled

New Business:

CUP 11-3836: Conditional Use Permit (305 POWDERHORN DRIVE/MOUNTAIN RANCH POA, 478)
Page 5

Approved

RZN 11-3831: Rezone (209 W. MARTIN LUTHER KING BLVD. /KUM & GO, 522)
Page 6

Forwarded

RZN 11-3835: Rezone (3710 WEST MARTIN LUTHER KING BLVD. /ZAIFL, 556/595)
Page 7

Forwarded

MEMBERS PRESENT

Craig Honchell
Sarah Bunch
William Chesser
Hugh Earnest
Tracy Hoskins
Jeremy Kennedy
Porter Winston
Matthew Cabe
Kyle Cook

MEMBERS ABSENT

STAFF PRESENT

Andrew Garner
Jesse Fulcher
Dara Sanders

STAFF ABSENT

Jeremy Pate

Planning Commission
May 23, 2011
Page 6 of 8

RZN 11-3831: Rezone (209 W. MARTIN LUTHER KING BLVD. /KUM & GO, 522): Submitted by CEI ENGINEERING for property located at 209 WEST MARTIN LUTHER KING BOULEVARD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS/ACRE and contains approximately 2.64 acres. The request is to rezone the subject property to UT, URBAN THOROUGHFARE.

Jesse Fulcher, Current Planner, gave the staff report.

Dennis Blind, application, stated that they were requesting the Urban Thoroughfare zoning district based on staff recommendation, and for the fact that the minimum buildable street frontage was less than required in the Community Services zoning district. We realize that we will need a variance, but want to request the smallest possible variance.

Commissioner Cabe asked staff to describe the two zoning districts.

Fulcher briefly described the differences in the two districts and directed commissioners to the zoning sheets in the staff report.

Commissioner Chess asked staff to discuss the difference in the street frontage requirements.

Fulcher described why the frontage requirements for the two districts were different.

Commissioner Honchell stated that a gas station was a auto-oriented development.

Kit Williams, City Attorney, asked the applicant why they didn't request a conventional zoning district, as they might have a difficult time asking for a variance from the Board of Adjustment.

Blind stated that staff pointed them to the form-based district.

Commissioner Kennedy asked staff what happened between the initial meetings with the applicant where Urban Thoroughfare was recommended and the current recommendation for Community Services.

Fulcher stated that he was not involved in the initial meetings, but that the Community Services district was the most appropriate for this location, and would still accommodate a gas station.

Commissioner Winston asked the applicant if there was something they could do to increase the building width, to decrease the variance. Maybe a different building design would work better for this particular property.

Blind stated that the circulation requirements for a gas station required the larger parking area and smaller building. Kum and Go doesn't typically include additional tenants on the property.

Commissioner Chess asked about the lot width requirements, and general discussion ensued about the amount of building width based on the lot frontage.

Commissioner Cabe stated that a different zoning district might work best for this development model.

General discussion about building frontage requirements and lot width ensued.

Williams advised the commissioner of what they can consider when reviewing a rezoning request.

Planning Commission
May 23, 2011
Page 7 of 8

Commissioner Cook stated that the most appropriate zoning for this property is Community Services, and asked the city attorney to clarify if the commission should consider the development concept presented by the applicant.

Williams stated that the commissioner should not consider the proposed development during the rezoning request.

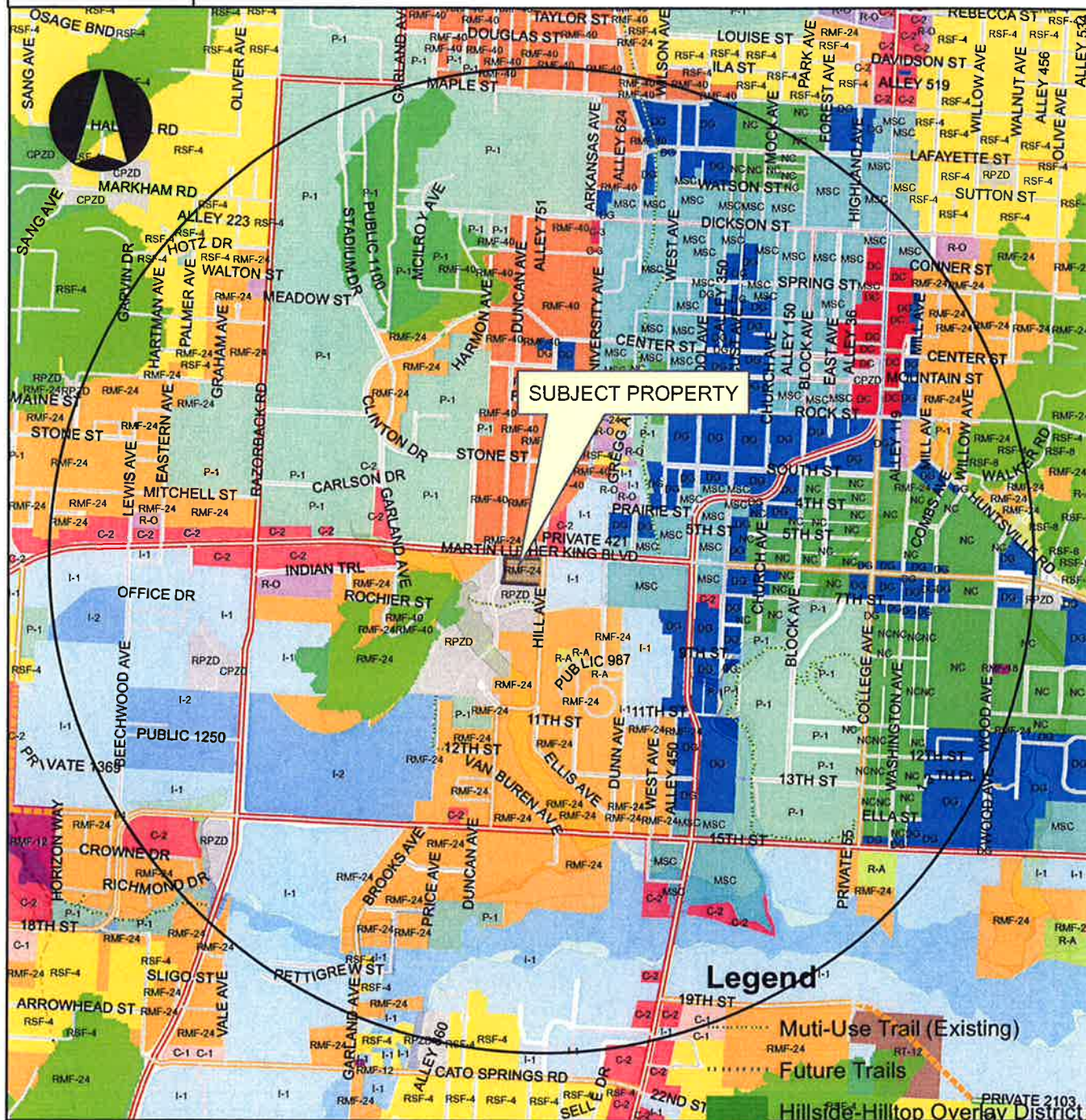
Motion:

Commissioner Cook made a motion to forward RZN 11-3831 to the City Council with a recommendation to approve a zoning district of CS, Community Services. **Commissioner Earnest** seconded the motion. **Upon roll call the motion passed with a vote of 7-2-0 (Commissioners Honchell and Hoskins voting 'No').**

RZN11-3831

KUM & GO

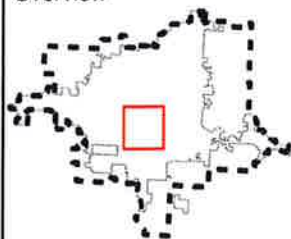
One Mile View



Legend

- Muti-Use Trail (Existing)
- Future Trails
- Hillside-Hilltop Overlay District

Overview



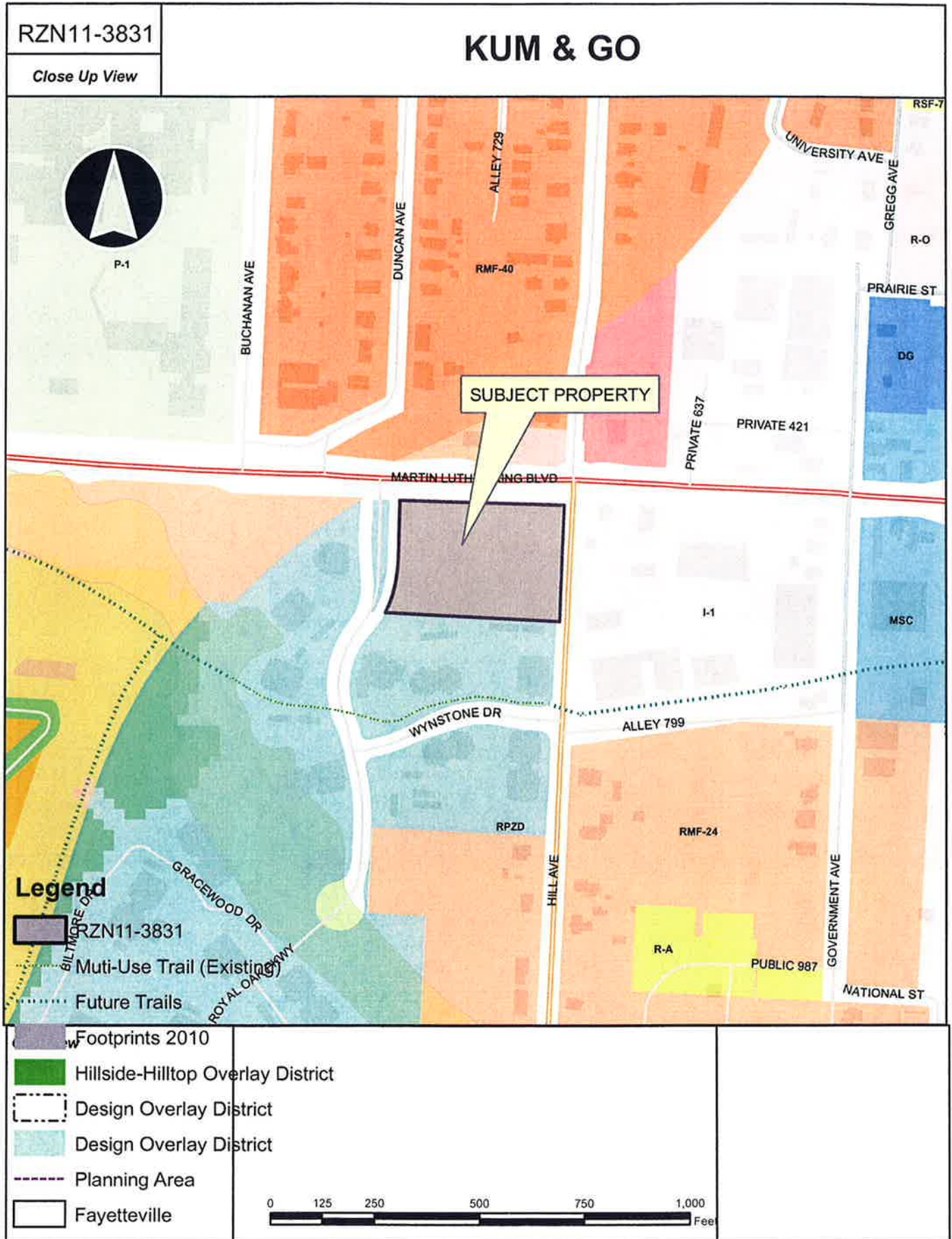
Legend

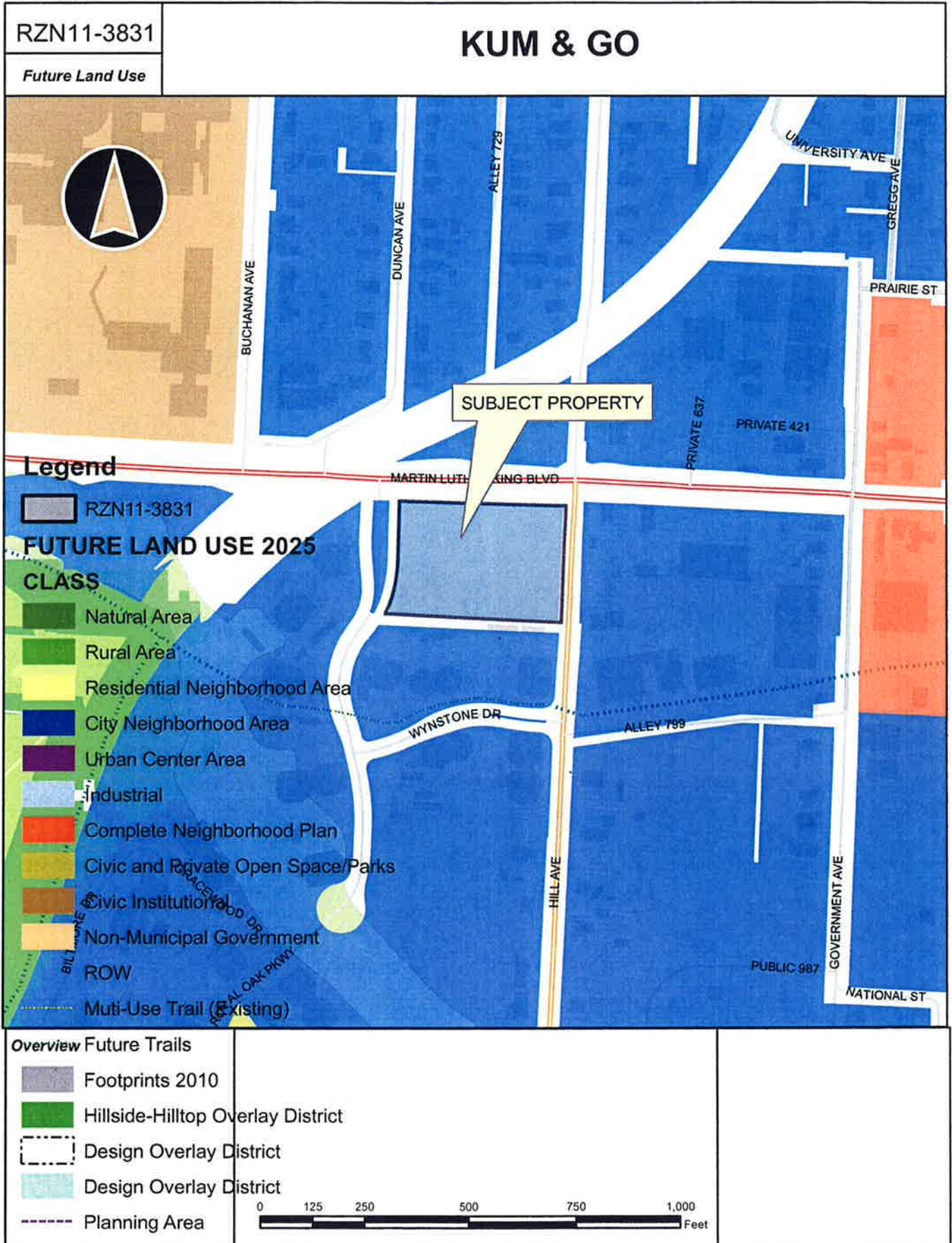
- Subject Property
- RZN11-3831

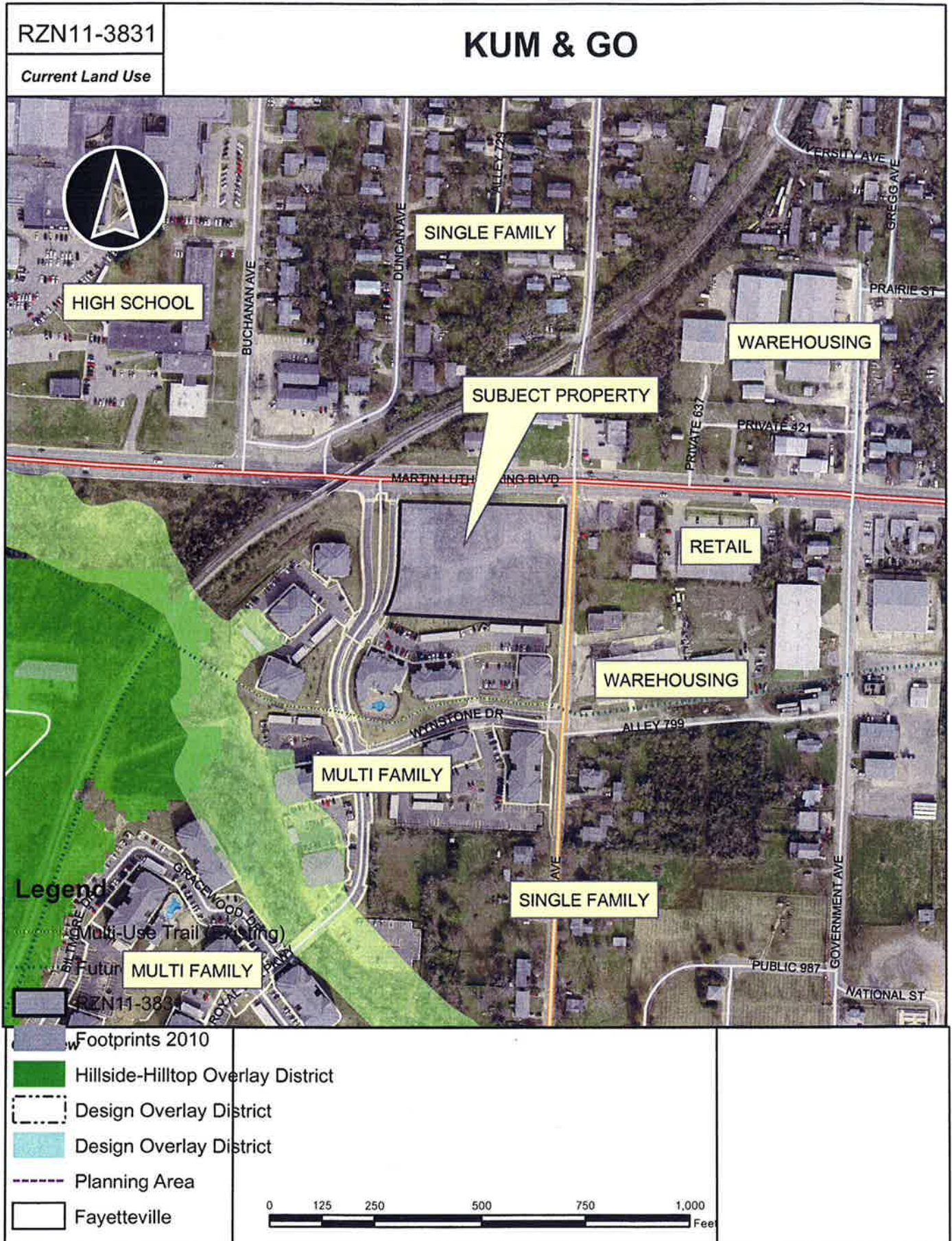
Boundary



- RZN11-3831
- Design Overlay District
- Planning Area
- Fayetteville







City of Fayetteville Staff Review Form

C. 1
RZN 11-3824 (East of Intersection
of College and Township/Summit Place)
Page 1 of 28

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

7/5/2011

City Council Meeting Date
Agenda Items Only

Andrew Garner

Submitted By

Planning

Division

Development Services

Department

Action Required:

RZN 11-3824: Rezone (EAST OF INTERSECTION OF COLLEGE AND TOWNSHIP/SUMMIT PLACE, 329):
Submitted by TMS DEVELOPEMENT for property located east of intersection of COLLEGE AND TOWNSHIP
AVENUE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS/ACRE and contains
approximately 30.13 acres. The request is to rezone the subject property to NC, NEIGHBORHOOD
CONSERVATION.

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

06-16-2011
Date

Previous Ordinance or Resolution # _____


City Attorney

6-20-2011
Date

Original Contract Date: _____

Original Contract Number: _____


Finance and Internal Services Director

6-20-2011
Date

 Received in City
Clerk's Office

06-17-11A10:33 RCVD



Chief of Staff

6-20-11
Date

 Received in
Mayor's Office


Mayor

6/21/11
Date

Comments:



www.accessfayetteville.org

C. 1

RZN 11-3824 (East of Intersection
of College and Township/Summit Place)

Page 2 of 28

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Andrew Garner, Senior Planner

Date: June 17, 2011

Subject: RZN 11-3824 (Summit Place)

RECOMMENDATION

Planning Commission and staff recommend approval of an ordinance to rezone the subject property from RSF-4, Residential Single Family Four Units Per Acre to NC, Neighborhood Conservation subject to a Bill of Assurance that would not permit duplexes or multi-family dwellings and would limit the total number of single family lots to 125, a gross density of four units per acre.

BACKGROUND

The property is zoned Residential Single-Family Four Units Per Acre (RSF-4), and contains 30.13 acres located approximately 500 feet east of College Avenue on the south side of Township Street. The site is within the Hillside Hilltop Overlay District (HHOD), is heavily wooded and contains significant topography change. The site transitions from 1,310 feet above mean sea level (AMSL) in the northwest corner to a hilltop located at 1,500 feet AMSL in the southeast corner of the site, an elevation change of approximately 200 feet. Slopes vary in percent gradient from 10% to greater than 20%. The final plat for the Summit Place Subdivision was filed of record on January 22, 2008. This final plat created 50 single family lots, a density much less than allowed under the current zoning. Access is only currently available from Township Street, though a street stub-out has been constructed to eventually connect further to the south. The request is to rezone the property from RSF- 4, Residential Single Family Four Units per Acre, to NC, Neighborhood Conservation. The applicant has offered a Bill of Assurance that would not permit duplexes or multi-family residences and a limit of 125 single family lots, a gross density of four units per acre. The applicant has stated that the intent is to re-plat the Summit Place subdivision for smaller single family lots than permitted by the underlying RSF-4 zoning district, but maintaining the same relative density as RSF-4 permits.

DISCUSSION

On June 13, 2011 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0. At the Planning Commission meeting four property owners in the vicinity objected to the proposed rezoning discussing concerns with traffic, erosion, and compatibility with surrounding neighborhoods.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 11-3824 (SUMMIT PLACE), FOR APPROXIMATELY 30.13 ACRES, LOCATED EAST OF THE INTERSECTION OF COLLEGE AND TOWNSHIP AVENUES FROM RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION SUBJECT TO A BILL OF ASSURANCE.

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 changes the zone classification of the following described property from RSF-4, Residential Single Family Four Units Per Acre to NC, Neighborhood Conservation, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

Section 3: That this property is subject to a Bill of Assurance offered by the property owner and runs with the land, which limits the use of the property to exclude duplexes and multi-family dwellings and the number of single family lots to 125 as shown in Exhibit "C" attached hereto and made a part thereof.

PASSED and APPROVED this day of , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

C. 1
RZN 11-3824 (East of Intersection
of College and Township/Summit Place)
Page 4 of 28

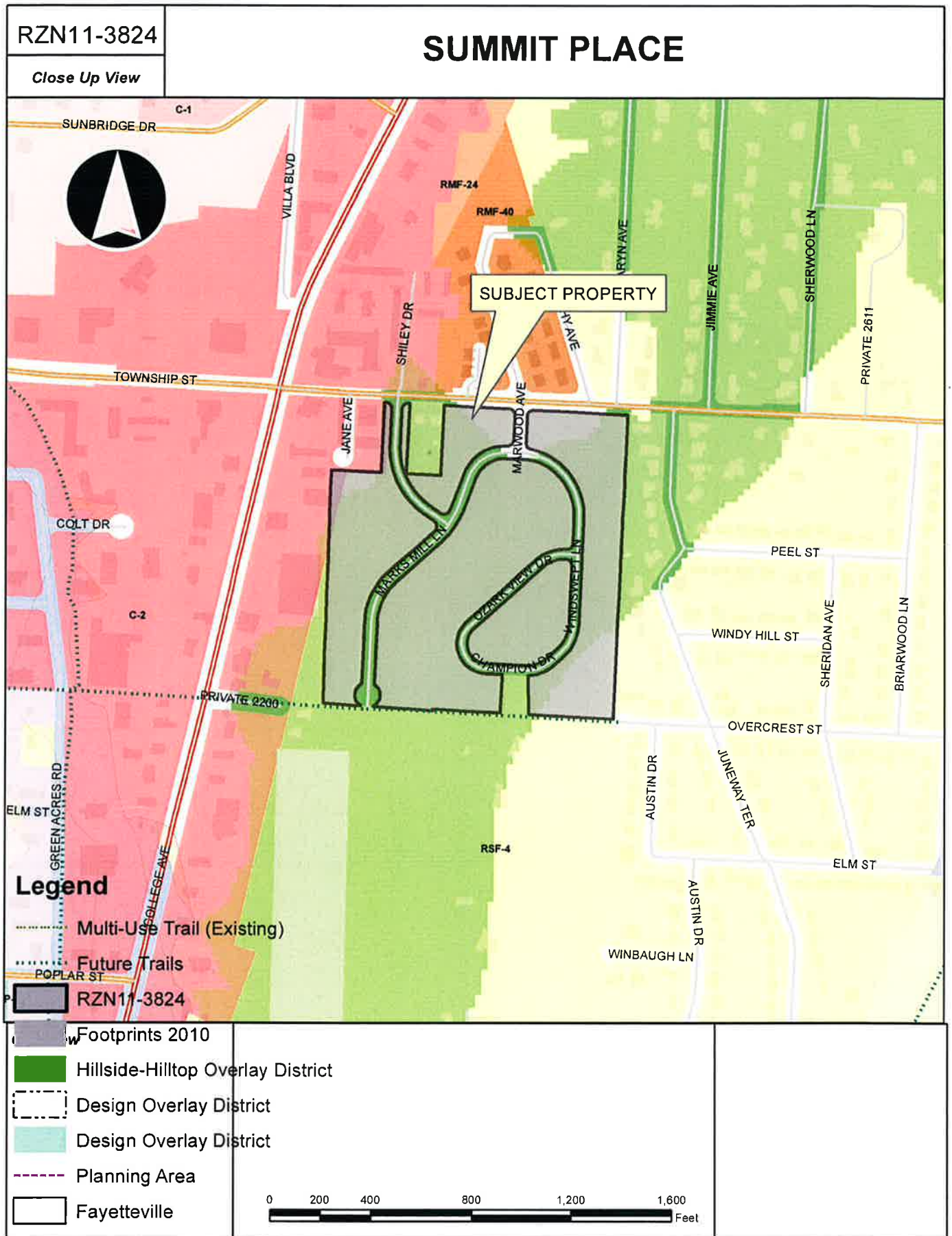


EXHIBIT "B"
RZN 11-3824

Lots 1 through 31 and Lots 33 through 54, Final Plat of Summit Place Subdivision, Fayetteville, Arkansas as per the final plat on file in plat book 23A at page 321 of the records of the Circuit Clerk and Ex-Officio of Washington County, Arkansas. Subject to covenants, easements, and right-of-ways of record.

EXHIBIT "C"

C. 1
RZN 11-3824 (East of Intersection
of College and Township/Summit Place)
Page 6 of 28

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

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

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

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

1. The use of Petitioner's property shall be limited to There will be no duplex or multi-family dwellings allowed in the Summit Place Subdivision.

2. Other restrictions including number and type of structures upon the property are limited to 125 lots for Single Family Homes

3. Specific activities will not be allowed upon petitioner's property include There will be no duplex or multi-family dwellings allowed in the Summit Place Subdivision.

4. (Any other terms or conditions) N/A

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

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Mark Courdin/TMS V.P., as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

5-9-11
Date

Mark Courdin
Printed Name

P.O. Box 1120
Address
Tontitown AR 72770

[Signature]
Signature

NOTARY OATH

STATE OF ARKANSAS }
 }
COUNTY OF WASHINGTON }
 }.ss

And now on this the 9 day of May, 2007, appeared before me, Kimberly Dunn, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Kimberly Dunn
NOTARY PUBLIC

My Commission Expires:

March 7, 2015



RZN 11-3824: Rezone (EAST OF INTERSECTION OF COLLEGE AND TOWNSHIP AVE./SUMMIT PLACE, 329): Submitted by TMS DEVELOPEMENT for property located east of intersection of COLLEGE AND TOWNSHIP AVENUE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS/ACRE and contains approximately 30.13 acres. The request is to rezone the subject property to NC, NEIGHBORHOOD CONSERVATION.

Andrew Garner, Senior Planner, gave the staff report.

Mark Courdin, applicant, gave the background of the Summit Place subdivision, the real estate market crash that led to the vacant subdivision, and their current intent to build smaller 1,600 – 2,000 square foot single family homes in this neighborhood.

Public Comment:

Marilyn Edwards, property owner in the vicinity, discussed concerns with the proposed density, traffic on Township, and concerns with ingress-egress into this neighborhood.

Gerald Sloan, property owner on Juneway Terrace, asked about how the 30% tree preservation in the HHOD can work on this site for each lot. He discussed concerns with stormwater, and stated that erosion on his property that is uphill from this subdivision has increased over the past four years after this subdivision has been built.

Michael Robason, property owner on Juneway Terrace, stated that he is in support of CityPlan 2025 but that the developer's new plan for this neighborhood does not reflect CityPlan. He discussed concerns with traffic on Township and traffic in general.

Commissioner Earnest left the meeting.

Candy Johnson, property owner in the area, discussed that she grew up in the area and was offended by the developer's plan because it was obtrusive. She also discussed runoff from this hill.

No more public comment was presented.

Commissioner Winston asked Mr. Sloan to come back up to the podium and explain his concerns with erosion.

Gerald Sloan, property owner on Juneway Terrace, discussed that he thinks erosion on his property has increased as a result of this subdivision.

Commissioner Winston stated that he was skeptical that Summit Place was causing erosion problems on Mr. Sloan's property because Summit Place is downhill from his house.

Commissioner Hoskins asked about the proposed development.

Garner discussed that development is not to be considered as this is a rezoning. A development would come through as a later submittal.

Commissioner Hoskins asked Mr. Robason to come back to the podium and discuss his concerns with the design of the neighborhood.

Michael Robason, property owner on Juneway Terrace, discussed concerns with seeing garage doors right at the

street under the proposed zoning.

Commissioner Hoskins discussed that he has experience developing smaller single family homes on narrow lots and thinks that this will not be a front garage entry type of development.

Commissioner Hoskins asked about the proposed zoning and surrounding density.

Garner responded that the adjacent single family neighborhoods to the south and east are zoned RSF-4 and the proposed density with the Bill of Assurance would be four units per acre.

Commissioner Chesser asked Mr. Robason about erosion issues.

Michael Robason stated that he has three new sinkholes on his property since 2008.

Commissioner Chesser asked about access and traffic into this site when this is re-platted.

Garner discussed that a westbound turn lane into this neighborhood may need to be provided if this neighborhood is re-platted with a higher density.

Commissioner Chesser discussed that this is an area of the City where infill is appropriate and he would be in favor of even higher density to support mass transit.

Commissioner Winston pointed out that Marks Mill Lane is a street stub-out and would provide potential future connection to the south.

Commissioner Hoskins discussed the intent of the NC zoning, allowing buildings close to the street, reduced grading on the uphill side, and more flexibility in clustering and design than under the RSF-4 zoning.

Commissioner Chesser asked about sidewalk and homes in NC zoning.

Garner discussed that homes are required to be built within the 0-25-foot build-to zone and that the intent is to encourage homes and front porches close to the sidewalk.

Motion:

Commissioner Chesser made a motion to forward RZN 11-3824 to the City Council with a recommendation for approval. **Commissioner Hoskins** seconded the motion. **Upon roll call the motion passed with a vote of 6-0-0.**

There being no further business, the meeting was adjourned at 6:35 PM.



PC Meeting of June 13, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~June 7, 2011~~ Updated June 15, 2011

RZN 11-3824: Rezone (EAST OF INTERSECTION OF COLLEGE AND TOWNSHIP AVE./SUMMIT PLACE, 329): Submitted by TMS DEVELOPEMENT for property located east of intersection of COLLEGE AND TOWNSHIP AVENUE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS/ACRE and contains approximately 30.13 acres. The request is to rezone the subject property to NC, NEIGHBORHOOD CONSERVATION.

Planner: Andrew Garner

BACKGROUND:

Property Description: The property is zoned Residential Single-Family Four Units Per Acre (RSF-4), and contains 30.13 acres located approximately 500 feet east of College Avenue on the south side of Township Street. The site is within the Hillside Hilltop Overlay District (HHOD), is heavily wooded and contains significant topography change. The site transitions from 1,310 feet above mean sea level (AMSL) in the northwest corner to a hilltop located at 1,500 feet AMSL in the southeast corner of the site, an elevation change of approximately 200 feet. Slopes vary in percent gradient from 10% to greater than 20%. The final plat for the Summit Place Subdivision was filed of record on January 22, 2008. This final plat created 50 single family lots. Access is only currently available from Township Street. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Multi- and single-family residential; Commercial	RMF-40, Residential Multi-Family Forty Units Per Acre/C-2, Thoroughfare Commercial
South	Undeveloped, scattered residences	RSF-4, Residential Single-Family Four Units Per Acre
East	Single family residential	RSF-4, Residential Single-Family Four Units Per Acre
West	Commercial (College Avenue commercial corridor)	C-2, Thoroughfare Commercial

Proposal: The request is to rezone the property from RSF- 4, Residential Single Family Four Units

per Acre, to NC, Neighborhood Conservation. The applicant has offered a Bill of Assurance that would not permit duplexes or multi-family residences and a limit of 125 single family lots, a gross density of four units per acre which includes the tree preservation area. The applicant has stated that the intent is to re-plot the Summit Place subdivision for smaller single family lots than permitted by the underlying RSF-4 zoning district.

Public Comment: Staff has received one call from a nearby property owner discussing concerns with traffic. Staff also had multiple conversations with one adjacent property owner that did not specifically object to the rezoning but had questions for staff.

RECOMMENDATION:

Staff recommends forwarding RZN 11-3824 to the City Council with a recommendation for approval based on findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>June 13, 2011</u>	☐ Tabled	☒ Forwarded	☐ Denied		
Motion: <u>Chesser</u>	Second: <u>Hoskins</u>	Vote: <u>6-0-0</u>			
CITY COUNCIL ACTION:		Required	<u>YES</u>		
		☐ Approved		☐ Denied	
Date:					

INFRASTRUCTURE:

Streets: The site has access to Township Street an improved two lane city street in this location. Street improvements will be evaluated at the time of development submittal.

Water: Public water is available to the property. There is 12" water main in Township Street adjacent to the site and an 8" water main throughout the subdivision.

Sewer: Sanitary sewer is available to the site. There is a 8" public main located throughout the subdivision. Public sewer improvements will be evaluated at the time of development submittal.

Drainage: Standard improvements and requirements for drainage will be evaluated at the time of development. The Summit Place subdivision was constructed with a detention pond in the northwest portion of the site. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.

Police: The Fayetteville Fire Department has not expressed concerns with this request.

Fire: The Fayetteville Fire Department has not expressed concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **Residential Neighborhood Area**.*

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 NC zoning with a Bill of Assurance for single-family residential use and a maximum density of four units per acre is compatible with adjacent and nearby commercial, multi-family, and single family residential land uses while promoting a variety of lot sizes and development patterns. Adjacent developments include residential subdivisions zoned RSF-4 (maximum four units per acre) to the east and south, and multi-family residential and commercial uses zoned C-2 and RMF-40 (maximum 40 units per acre) to the north and west of the property. The NC zoning will allow for a mix of residential housing types in this transitional area between the busy commercial corridor along College Avenue and older multi-family and single family neighborhoods to the north and east. The NC zoning is a form-based zoning that requires a more traditional design and the opportunity for narrow lots and houses closer to the street, consistent with land use planning policies, and common in other developed areas of the City.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The proposed zoning is justified in order to provide for a variety of lot sizes and variation in development pattern consistent with City land use objectives and policies. Additionally, this site is a very steep wooded site within the HHOD. The NC zoning provides the opportunity to minimize additional grading by requiring the homes to be placed within a build-to zone that is between 0-25 feet from the street. This provides additional buildable area on the front of the lots that have already been cleared near the streets, allowing more opportunity for preservation of trees and hillside behind the homes, than under the existing RSF-4 zoning.

3. A determination as to whether the proposed zoning would create or appreciably increase

traffic danger and congestion.

Finding: The proposed zoning will generate the potential for additional traffic on the surrounding street system over the existing RSF-4 zoning. As stated in the Bill of Assurance, this rezoning would yield a total of 125 single family lots (a density of four units per acre), subject to a new preliminary plat approval. The street improvements required as part of the Summit Place Subdivision along with the recent improvements completed by the City to Township Street should be adequate to account for these additional vehicle trips, but would be evaluated at the time of preliminary plat. A westbound left turn lane in front of this subdivision may be warranted and would be evaluated with the proposed preliminary plat.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed zoning would potentially increase population density. The proposed zoning would allow for a total of 75 additional single family lots in this subdivision. However, this increase in single-family residences is consistent with land use, zoning, and development patterns in the immediate vicinity, as well as the current underlying zoning district. This site is located within the core of the City with adequate surrounding infrastructure.

Increased load on public services was taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report. Significant adverse impacts to public services would not result with the incorporation of standard improvements as part of the development.

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

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family 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 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

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

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10)

G:\ETC\Development Services Review\2011\Development Review\11-3824 RZN Corner of College & Township (Summit Pl)\03 Planning Commission\06-13-2011\Comments and Redlines

161.26 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	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related 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	80 ft.
Three Family	90 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	5 ft.
Rear	5 ft.
Rear, from center line of an 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.

(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10)



www.accessfayetteville.org

C. 1

RZN 11-3824 (East of Intersection
of College and Township/Summit Place)
Page 16 of 28

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT

303 West Center Street

Fayetteville, AR 72701

P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Andrew Garner
From: Terry Lawson, Fire Marshal
Date: June 8, 2011

Re: RZN 11-3824: Rezone (EAST OF INTERSECTION OF COLLEGE AND TOWNSHIP AVE./SUMMIT PLACE, 329): Submitted by TMS DEVELOPEMENT for property located east of intersection of COLLEGE AND TOWNSHIP AVENUE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS/ACRE and contains approximately 30.13 acres. The request is to rezone the subject property to NC, NEIGHBORHOOD CONSERVATION.

Planner: Andrew Garner

This development will be protected by Engine 5 located at 2979 Crossover.
It is approximately 3 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.

The Fayetteville Fire Department does not feel this rezone will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Terry Lawson, Fire Marshal
Fayetteville Fire Department

**SUMMIT PLACE
Off Township & Business 71**

A. TMS Development, Mark Courdin, Steve Dearien, & Tom Pearson are the current owners, and there are no pending sales

B. Overall goal:

We are looking to make Summit Place a viable part of the community and we are asking for the City of Fayetteville's help. After meeting with the City staff regarding our revised proposal that falls in line with the existing neighborhood conservation district we hope to get your approval for this revised zoning.

As mentioned I hope we all realize that Summit Place Subdivision is hurting. Approved over 4 years ago and no houses are built. This hurts all involved, we the owners are paying interest and going broke while the City is not benefiting from an empty subdivision in the middle of town. With that said, we the owners still have good intentions to make this a proud part of Fayetteville.

The original plan was to sell large plush lots...build it they will come mentality, but the economy has taught us otherwise. Our new goal which is supported by our research data is to target the low 200,000 dollar home range with the property included. We used the current land to home ratio used by banking system of 20% of land to home cost. Therefore with the home price at 90-100 dollars a square foot on roughly 1700 sq ft plus the lot for the mid to high 30's we hit our desired target.

To make this viable, we need more density, which is why we submitted the revised layouts you've been looking at for the last few months. There are a few problems with the current submittal that we feel are obvious.

- It's tacking on another 2 million in construction costs on an existing subdivision.**
- It's another minimum of a year of construction.**
- It doesn't take advantage of the existing conditions.**
- To us it seems to have met resistance from the City**

Therefore we ask that you relook at our current concept that requires no additional public streets or alleys, only additional water and sewer taps. This new concept includes 1.37 acres of donated tree preservation to the City of Fayetteville, and over 5.2 acres of protected tree easement area and park, as well as a 30' walking trail through the center along an existing sewer easement, that we propose to leave earthen, but will listen to the City's advice on.

In closing, we know financial interests are not relevant, but hope the City understands we're way upside down on this existing project, but this revised proposal with the increased density (but less than what's being currently proposed will resolve this issue, as we still want this subdivision to be a great part of Fayetteville. With your approval we would like to continue this project being represented by Rob Sharp, but give your staff enough time to consider this revised Site Plan. On the attached sheet are our initial thoughts on various aspects of the project.

Tree preservation:

We would like to donate 1.37 acres to the City of Fayetteville for tree preservation area. Almost 50,000 dollars of land at parks current formula for park land dedication.

Also, we propose 5.2 additional acres as shown as tree easement area and park land, where no permanent structure can be built buy the homeowner without the city's approval

Storm:

Existing 50 lots at 3000 sq ft was equal to 150,000 sq ft of hard-scape area, as well as much larger driveways, etc.

Proposed 124 lots at 1130 sq ft (two story) is equal to 139,004 sq ft, including much smaller driveways as the houses are all front loaded, also the proposed 6 plus acres of tree preservation and protection proposed.

We feel these factors indicate that no increased detention is needed from the original submittal.

Grading:

No grading except wherethe proposed sewer extension is to occur

Existing lots:

**Existing lot 31 now lot 41 has already been sold and will be renumbered to lot 41
All original POA lots will remain with the new layout.**

C: We are located in the hub of Fayetteville, with Business 71 & Township adjacent to our property and Crossover and Gregg Street only 2 minutes away.

D: SEWER

Sewer is already available; the revised plat calls for proposed lots 36, 37, 61, 72-74, 105, 107 need a public sewer extension as shown.

All proposed sewer taps will be shown at the time of construction plans.

Water:

Water is already available, all proposed water taps will be shown at the time of construction plans.

E: The original Zoning was RSF-4, we are requesting Neighborhood Conservation which allows for 10 units per acre, but per approval we will not exceed 4.1 units per acre. As the City is aware there was an revised concept PZD that was higher of density than we the owners rejected due to the cost, time frame, and amount of disturbed existing tree preservation, that seemed to be apparent to the City as well.

F: We feel the revised zoning is very much needed as the subdivision has sat empty for over 4 years.

G: As mentioned above, we are located next to many collector streets.

H: Originally the density was RSF-4 our proposed density is NC-RSF4.1

I: Please refer to section B.

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

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

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

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

1. The use of Petitioner's property shall be limited to There will be no duplex or multi-family dwellings allowed in the Summit Place Subdivision.

2. Other restrictions including number and type of structures upon the property are limited to 125 lots for Single Family Homes

3. Specific activities will not be allowed upon petitioner's property include There will be no duplex or multi-family dwellings allowed in the Summit Place Subdivision.

4. (Any other terms or conditions) N/A

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

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, MARK COURDIN/TMS V.P., as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

5-9-11
Date

Mark Courdin
Printed Name

P.O. Box 1120
Address
Tontitown AR 72770

[Signature]
Signature

NOTARY OATH

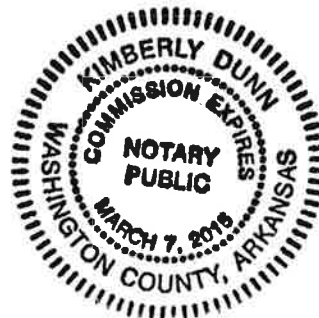
STATE OF ARKANSAS }
 }
COUNTY OF WASHINGTON } .ss

And now on this the 9 day of May, 2011, appeared before me, Kimberly Dunn, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

[Signature]
NOTARY PUBLIC

My Commission Expires:

March 7, 2015

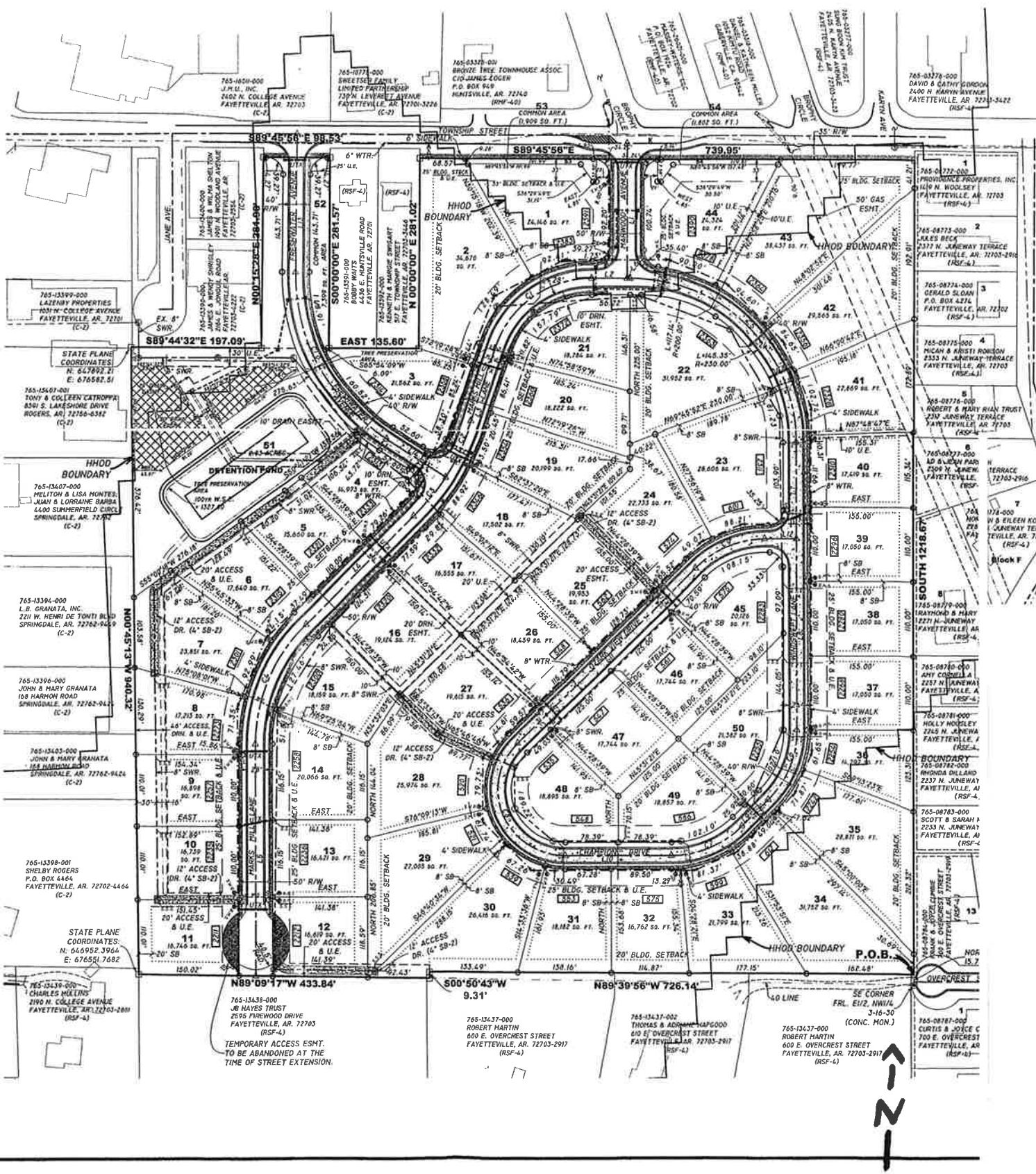


L7	145.81'	S00°00'00"E
L8	283.30'	S00°00'00"E
L9	56.55'	S45°00'00"W
L10	156.78'	N90°00'00"W
L11	369.62'	N45°31'21"E
L12	48.00'	S90°00'00"E
L13	203.71'	S00°14'04"W
L14	105.99'	S56°56'41"E

C5	392.70'	250.00'	250.00'	353.55'	S45°00'00"E	90°00'00"
C6	117.81'	150.00'	62.13'	114.81'	S22°30'00"W	45°00'00"
	117.81'	150.00'	62.13'	114.81'	S67°30'00"W	45°00'00"
	236.53'	100.00'	244.57'	185.12'	N22°14'20"W	135°31'21"
C9	116.44'	150.00'	61.33'	113.54'	N67°45'40"E	44°28'39"
C10	299.39'	300.00'	163.50'	287.12'	S28°21'18"E	57°10'45"

MARKS MILL LANE	50'	28'	4'
OZARK VIEW DRIVE	40'	24'	**4'
CHAMPION DRIVE	40'	24'	**4'
WINDSWEEP LANE	40'	24'	**4'
MARWOOD DRIVE	40'	24'	**4'

* DISTANCE TAKEN FROM CENTERLINE.
 ** SIDEWALK TO BE INSTALLED ON ONE SIDE OF STREET.

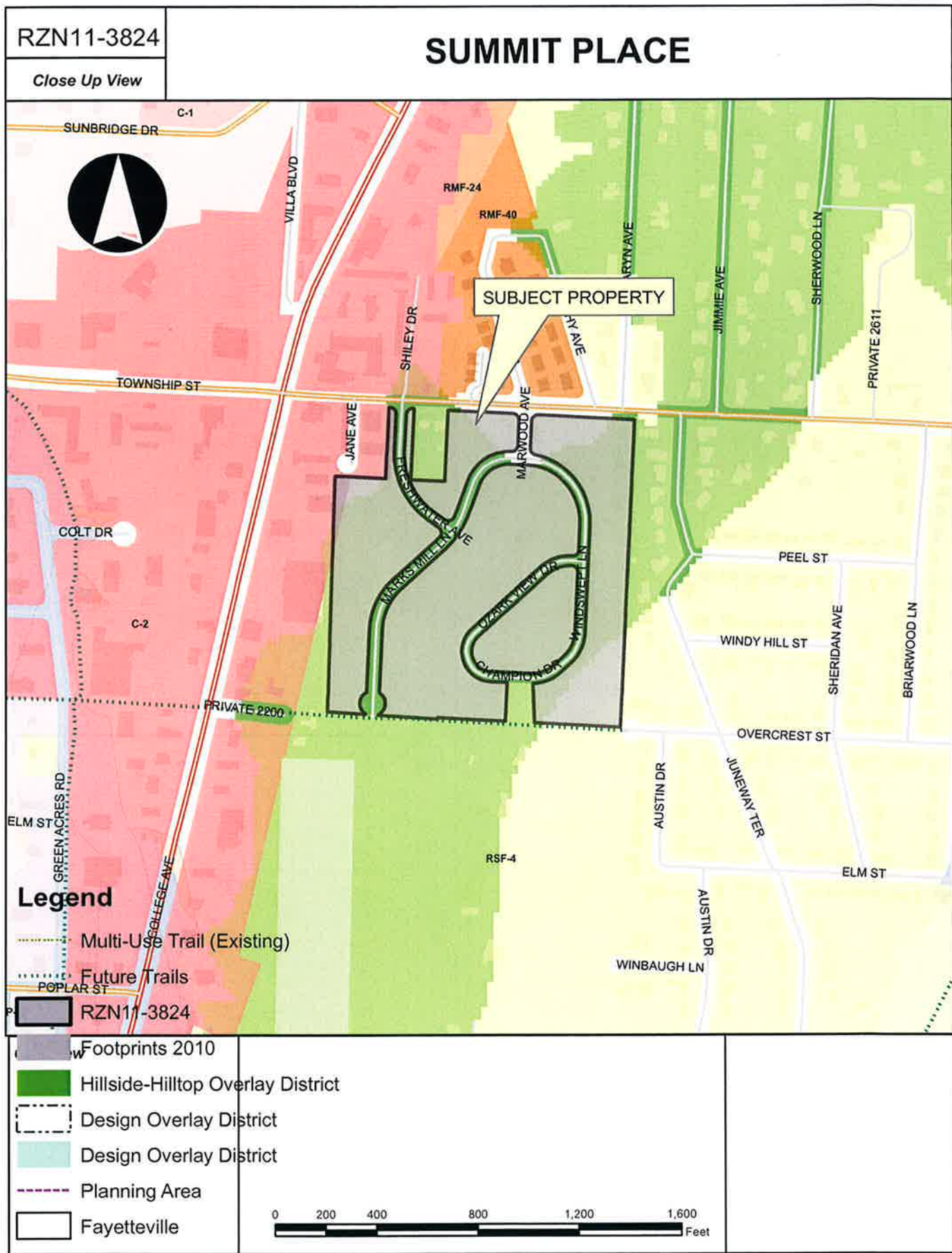


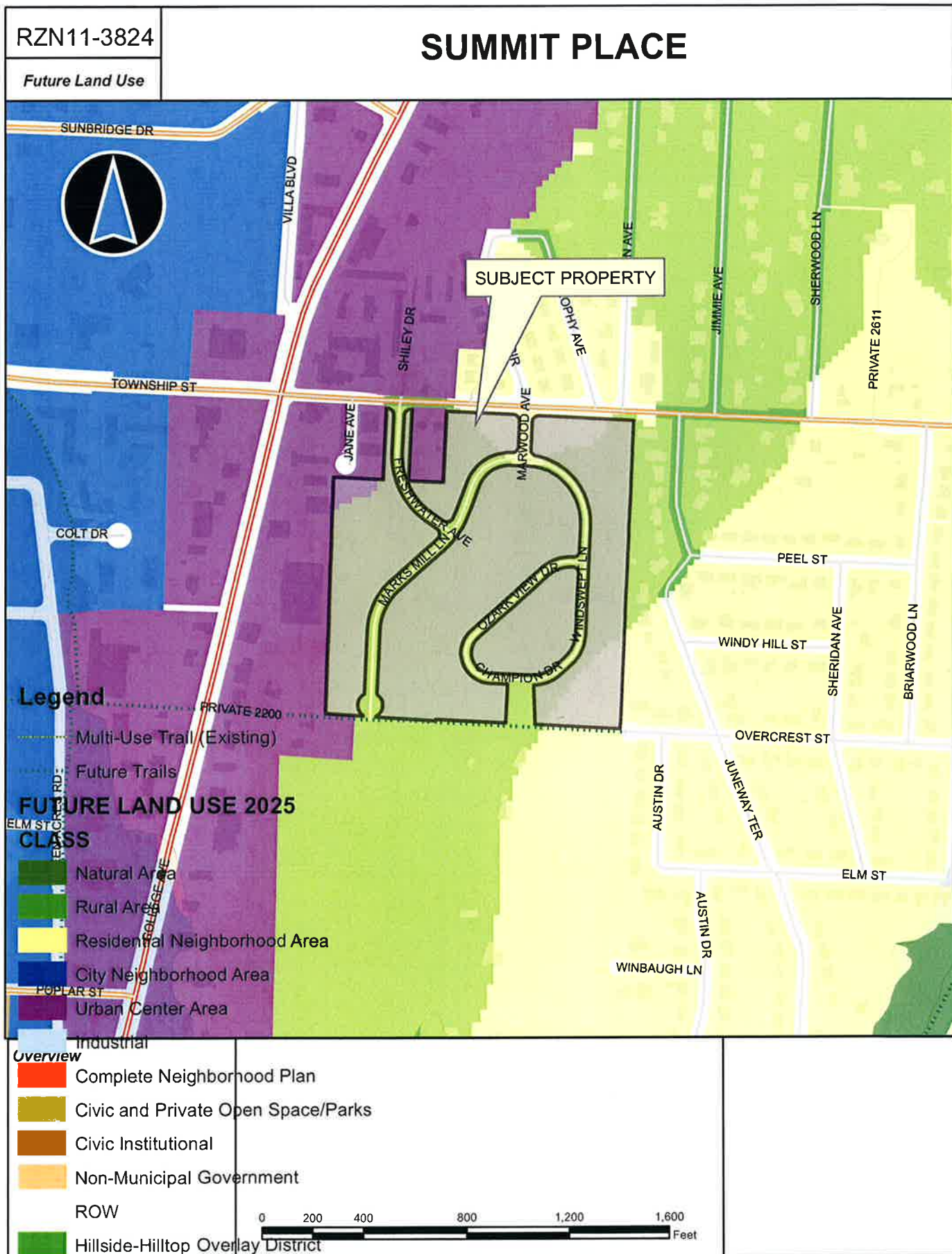


RZN 11-8824 (East) In the Office of
of College and Township Summit Place
Page 23 of 28

1 inch = 200 feet
02550 100 150 200 Feet







AGENDA REQUEST

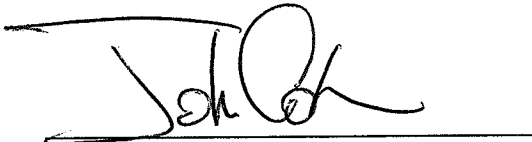
FOR: COUNCIL MEETING OF JULY 5, 2011

FROM: ALDERMAN MATTHEW PETTY and MAYOR LIONELD JORDAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Request That Mayor Jordan Have City Staff Examine City Building Codes And Recommend Amendments To Further Promote Sustainable Practices And Energy Conservation For City Council Consideration

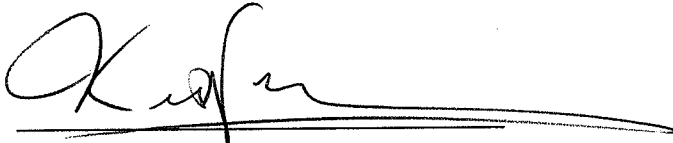
APPROVED FOR AGENDA:



John Coleman
Sustainability & Strategic Planning Director

6/15/11

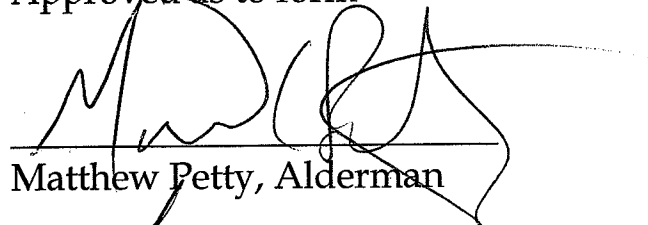
Date



Kit Williams, City Attorney
Approved as to form

June 15, 2011

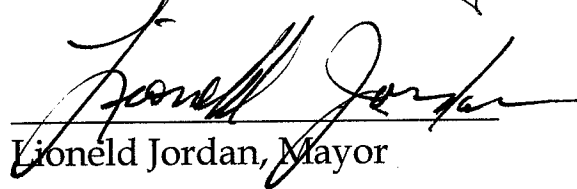
Date



Matthew Petty, Alderman

6-20-2011

Date



Lioneld Jordan, Mayor

6/15/11

Date

06-15-11A09:11 RCVD



Kim G.
BRP



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Kit Williams, City Attorney

CC: Mayor Lioneld Jordan
Alderman Matthew Petty
Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

From: John Coleman, Sustainability & Strategic Planning Director *JC*

Date: June 14, 2011

Subject: ADM 11-3655 Building Code

PURPOSE

Mayor Lioneld Jordan and Alderman Matthew Petty would like to co-sponsor a resolution to request that Mayor Jordan have city staff examine city building codes and recommend amendments to further promote sustainable practices and energy conservation for City Council consideration.

BACKGROUND

The City of Fayetteville has consistently followed the state of Arkansas' lead on building code adoption to regulate construction practices in the commercial and residential sectors. Currently, the state requires the 2003 International Energy Conservation Code (IECC), but there have been two iterations of the IECC (2006, 2009) since the last update with the 2012 IECC version to be released anytime now. Because of the rural nature of the state this makes sense for some communities, but it leaves Fayetteville and other urban areas lagging behind the rest of the country.

In December 2007, the Mayor's Ad-Hoc Committee on Energy Efficient Construction was assembled with the goal of improving energy efficiency and closing this gap. The Committee quickly narrowed its focus on new residential construction and created the voluntary Residential Energy Efficiency Program (REEP) and the Fayetteville Energy Scorecard. Unfortunately, the REEP program has not resulted in the widespread adoption of voluntary green building practices that the City had hoped for.

Given the development and familiarity of new energy efficient construction practices and technologies, City staff proposes to amend both the Residential and Commercial Building Codes currently in place with regulations that will generate higher energy efficiencies in new structures with economic and environmental benefits for consumers. Staff proposes that the Mayor appoint two separate study groups made up of local architects, builders and construction professionals to identify areas in the building codes to strengthen for higher energy efficiencies while balancing the initial and long term costs and benefits. Staff will draft amendments to the codes and present the final proposed changes to the building codes to the City Council for adoption.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION TO REQUEST THAT MAYOR JORDAN HAVE CITY STAFF EXAMINE CITY BUILDING CODES AND RECOMMEND AMENDMENTS TO FURTHER PROMOTE SUSTAINABLE PRACTICES AND ENERGY CONSERVATION FOR CITY COUNCIL CONSIDERATION

WHEREAS, Fayetteville customers spend over \$50 million annually for electrical and natural gas services; and

WHEREAS, over 80% of Fayetteville's electrical power is produced from coal imported from Colorado and Wyoming; and

WHEREAS, buildings in the United States consume over 40% of all energy and 70% of all electricity used in the United States; and

WHEREAS, more efficient buildings can conserve energy, reduce stress on our electric grid and natural gas supplies and save money as well as resources; and

WHEREAS, improved building codes emphasizing sustainability and energy conservation can favorably impact future energy consumption and all the costs associated with energy production.

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 requests that Mayor Jordan have his City staff examine Fayetteville's current building codes and recommend possible changes to encourage feasible improvements for increased energy conservation and overall sustainability for City Council consideration.

PASSED and APPROVED this 5th day of July, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

C. 3
Taylor Settlement Agreement
Page 1 of 10

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

7/5/2011

City Council Meeting Date
Agenda Items Only

David Jurgens

Submitted By

Utilities Capital Projects

Division

Utilities

Department

Action Required:

Resolution approving a settlement agreement with Murphy R. Taylor and Betty N. Taylor concerning condemnation litigation filed as part of the Highway 265 (Crossover Road) water and sewer relocation project in a total amount of \$27,000. This amount reflects a \$3,500 increase above the \$23,500.00 previously placed on deposit with the court.

\$ 3,500

Cost of this request

\$ 5,272,011

Category / Project Budget

W&S Relocations-2009 Bond Proceeds

Program Category / Project Name

5400.5640.5810.00

Account Number

\$ 5,237,260

Funds Used to Date

Water & Wastewater

Program / Project Category Name

08072-1

Project Number

\$ 34,751

Remaining Balance

Water & Sewer

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

David Jurgens
Department Director

22 Jun 11
Date

Previous Ordinance or Resolution # 193-10

David Bell
City Attorney

6-23-11
Date

Original Contract Date: 11/2/2010

Original Contract Number:

Paul A. Baker
Finance and Internal Services Director

6-23-2011
Date

Received in City Clerk's Office 06-23-11 A07:26 RCVD

Alan Man
Chief of Staff

6-23-11
Date

Received in
Mayor's Office

Donald J. ...
Mayor

6/23/11
Date

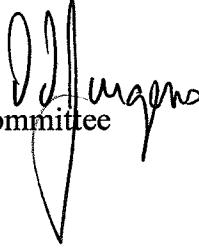


Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

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



Date: June 22, 2011

Subject: Approval of a settlement agreement with Murphy and Betty Taylor for an easement on Highway 265 (Crossover Road)

RECOMMENDATION

Staff recommends accepting a settlement agreement with Murphy R. Taylor and Betty N. Taylor concerning condemnation litigation filed as part of the Highway 265 (Crossover Road) water and sewer relocation project in a total amount of \$27,000. This amount reflects a \$3,500 increase above the \$23,500.00 previously placed on deposit with the court.

BACKGROUND

The Arkansas Highway and Transportation Department (AHTD) is executing improvements to Highway 265 (Crossover Road) from Mission Boulevard north to Joyce Boulevard. Due to AHTD's acquisition of additional right-of-way to widen the road, utility lines are being relocated outside of the expanded right-of-way. All proposed utility easements are adjacent to the new highway right-of-way and/or existing utility easements. On November 2, 2010, in order to not delay the project, the City Council approved condemnation proceedings against several properties, including Murphy and Betty Taylor. Negotiations with property owners continued; of the original nine that were submitted for condemnation, only two were filed in court, including the Taylors.

DISCUSSION

After continued negotiations, staff and the Taylors have reached the agreement reflected in the attached letter. The agreement reflects specific tree protection requirements, a reduction in the temporary construction easement, and a \$3,500 increase in the compensation. Both sides feel this negotiated settlement is fair and reasonable. Water and sewer construction is already underway, through a contract awarded to Garney Construction; the contractor has been notified of the changes reflected in this settlement agreement.

BUDGET IMPACT

This settlement for \$27,000 is \$3,500 above the \$23,500.00 previously placed on deposit with the court. The additional \$3,500 is available within the approved project budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT WITH MURPHY R. TAYLOR AND BETTY N. TAYLOR CONCERNING CONDEMNATION LITIGATION FILED AS PART OF THE CROSSOVER ROAD WATER AND SEWER IMPROVEMENT PROJECT IN A TOTAL AMOUNT OF \$27,000.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an agreement with Murphy R. Taylor and Betty N. Taylor in the total amount of \$27,000.00 as full and final settlement of condemnation litigation (City of Fayetteville, Arkansas v. Taylor, Washington County Circuit Court Case No. CV 2011-1267-2) filed as part of the Crossover Road Water and Sewer Improvement Project.

Section 2. That the City Council of the City of Fayetteville, Arkansas, in furtherance of the settlement, hereby approves payment of an additional \$3,500.00 over and above the \$23,500.00 previously placed on deposit with the court.

PASSED and APPROVED this 5th day of July, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY

C. 3
Taylor Settlement Agreement
Page 4 of 10

JASON B. KELLEY
Assistant City Attorney

Judy Housley
Office Manager

Phone (479) 575-8313
FAX (479) 575-8315
TDD (479) 521-1316



113 W. Mountain, Suite 302
Fayetteville, AR 72701-6083

For purposes of settlement negotiations only.

June 22, 2011

Timothy L. Brooks, Esq.
Taylor Law Partners LLP
P.O. Box 8310
Fayetteville, AR 72703

Re: City of Fayetteville v. Taylor, et ux., Wash. Co. Circuit Case No. CV 11-1267-2

Dear Tim:

Subject to the approval of the Fayetteville City Council, the City accepts your clients' counter-offer of settlement in the above-referenced case. Your offer to accept our previous proposal, so long as we could agree to an additional \$3,500.00 monetary compensation instead of our offered \$1,140.00, is acceptable to city staff. The total compensation to be paid to your clients for the takings will be \$27,000.00.

The previous conditions stated in my June 2, 2011, letter are included in our agreement. I am enclosing a copy of that communication so that all of the terms may be reflected in one group of documents.

I have prepared a draft resolution for the consideration of our City Council at its July 5, 2011, meeting. If the resolution is approved, I will forward a dismissal precedent along with a check for the additional \$3,500.00. Simultaneously, I would request your clients forward to us the fully-executed Water/Sewer Easement deed with exhibit.

Should there be any questions or need to discuss this matter, please do not hesitate to contact me.

Sincerely,

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

Jason B. Kelley
Assistant City Attorney

cc: D. Jurgens, K. Wimberly
Enclosures

KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY

C. 3
Taylor Settlement Agreement
Page 5 of 10

JASON B. KELLEY
Assistant City Attorney

Judy Housley
Office Manager

Phone (479) 575-8313
FAX (479) 575-8315
TDD (479) 521-1316



113 W. Mountain, Suite 302
Fayetteville, AR 72701-6083

For purposes of settlement negotiations only

June 2, 2011

Timothy L. Brooks, Esq.
Taylor Law Partners LLP
303 E. Millsap Road
Fayetteville, AR 72703

VIA FACSIMILE & U.S. MAIL

Re: Murphy and Betty Taylor

Dear Tim:

The City of Fayetteville has received your letter dated May 20, 2011, regarding the above-mentioned property. After careful review, we have concluded that we can eliminate that portion of the temporary construction and grading easement which lies directly in front of the Taylor's residence. The twenty foot temporary construction and grading easement will remain to the south and north of the residence. The City of Fayetteville will require its contractor to install construction fencing along the east perimeter of the permanent utility easement in front of the Taylor's residence and along all perimeters of the temporary construction and grading easement to the north and south of the Taylor's residence. This will create a "no-work" zone directly in front of their residence, therefore eliminating the possibility of equipment operating near the foundation of the structure. This will also eliminate any possible damage to the flower beds which are adjacent to the walkway and front porch along the west side of the residence.

By reducing the temporary construction and grading easement there will be a number of trees which will no longer be affected by construction, specifically the 22" Willow Oak, 8 1/2" Red bud and the 13" Red Maple. The City of Fayetteville will also require tree protection fencing around these three specific trees. If any of these three specific trees happen to suffer from damage due to the construction of the water line and perish within twelve months after completion of the project, the City of Fayetteville will properly remove the tree(s) and stump(s) at its expense. The City of Fayetteville realizes that the 27" and 21 1/2" Pin Oaks may sustain some damage to the root systems during construction. We will compensate you for these two trees. The City of Fayetteville will not remove these trees during the construction of the project in hopes that they will survive, however if they do not survive it will be the responsibility of the Taylors to remove the trees. The City anticipates the 16 1/2" and 10 1/2" red maple trees will sustain damage during construction, and the Taylors should be compensated for them. The 5"

Page 2
Letter to T. Brooks
June 2, 2011

and 5 ½" red maple trees will be removed during construction and the Taylors will be compensated for them.

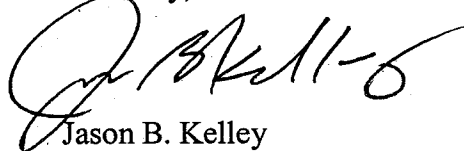
Due to the reduction in the size of the temporary construction and grading easement the City of Fayetteville will place a reduced value on the area of \$500.00. We will agree that the market value of the permanent utility easement is \$12,500.00, as determined by Reed & Associates in an appraisal report dated January 26, 2011 [\$23,500 (total estimated damage to market value) less \$1,500 (temporary construction easement value) less \$9,500 (approximate damage to trees)]. This will total an amount of **\$13,000.00** for the permanent utility easement and the temporary construction and grading easement.

The City of Fayetteville acknowledges that this project will cause significant damage to some of the trees on the property within the permanent utility easement area. The City of Fayetteville would agree to the amount of **\$9,140.00** for damages to the trees. The value of the trees were provided by the appraisal report by Alfred Einert dated June 13, 2010; 16 ½" red maple \$2,300, 5" red maple \$330, 5" red maple \$0, 10 ½" red maple \$1,330, 27" pin oak \$3,000, 21 ½" pin oak \$2,180. However, the two large pin oaks should survive this construction project with proper root trimming and care. The willow oak, red bud and 13" red maple will not be affected and the possible loss of buffer from the elements and roadway noise will not be as great as once anticipated, therefore the City of Fayetteville would acknowledge a residual loss value of **\$2,500.00**.

In light of the reduced taking and accompanying reduced impact on the trees, the City of Fayetteville hereby offers a total just compensation of **\$24,640.00** for the permanent utility easement, temporary construction and grading easement, damages to trees and residual loss of buffer. This amount represents an increase of \$1,140.00 over the compensation placed on deposit in the registry of the court for what will end up being a lesser taking than sought in the condemnation proceeding. A draft deed with exhibit drawing is enclosed for your review.

If you have any questions or concerns regarding this information, please do not hesitate to contact me. This offer expires June 15, 2011, at the close of business.

Sincerely,



Jason B. Kelley
Assistant City Attorney

JK/kew
cc: D. Jurgens, K. Wimberly
Enclosures

WATER/SEWER EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT **Murphy R. Taylor and Betty N. Taylor, husband and wife**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement and a temporary construction and grading easement to construct, lay, remove, relay, inspect, enlarge and/or operate a water and/or sanitary sewer pipe line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed Ref. 93-35488)

A strip of land approximately thirty-two (32) feet in width that joins the south end of the real property described herein below and the north boundary line of a strip of land conveyed by the Grantors to the City of Fayetteville, Arkansas, in 1978 for street purposes, which land conveyed to Grantees is described as follows: Part of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-one (31), Township Seventeen (17) North of Range Twenty-Nine (29) West, beginning at a point on the East right-of-way line of State Highway #265, said point being 555.02 feet East and 32.3 feet North of the Southwest corner of said 40 acre tract, running thence North 1 degree 57 minutes East 225.0 feet along the East right of way line of State Highway #265, thence East 324.56 feet; thence along an existing fence line South 1 degree 10 minutes 43 seconds East 230.41 feet; thence North 89 degrees 04 minutes West 337.0 feet to the point of beginning, containing 1.73 acres.

PERMANENT EASEMENT DESCRIPTION:

Part of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 31, T-17-N, R-29-W, Washington County, Arkansas, being more particularly defined as follows: A thirty (30) foot permanent utility easement of equal and uniform width located within property described in Deed Record 93-35488, said easement being adjacent to the East line of the new proposed right-of-way of Highway 265. This permanent utility easement is shown and dimensioned in detail on the attached Exhibit "A" Map and contains 6,980 square feet (0.16 acres), more or less.

TEMPORARY CONSTRUCTION AND GRADING EASEMENT DESCRIPTION:

A twenty (20) foot temporary construction and grading easement of equal and uniform width located along a portion of the East side of the above permanent water/sewer easement as shown on the attached Exhibit "A" Map. To be noted is that no temporary construction and grading easement is required for any of the area lying West of the front of the existing residence located on this property. This temporary construction and grading easement contains 1,915 square feet (0.08 acres), more or less.

The bases of bearings on the attached Exhibit "A" Map are referenced from AHTD Job 040517.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

This temporary construction and grading easement as conditioned above, shall terminate when the hereinabove referenced project has been completed by the contractor and accepted by the City of Fayetteville, Arkansas.

It is expressly understood that the above temporary construction and grading easement shall exclude any permanent structure presently located within said temporary construction and grading easement area.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the _____ day of _____, 2011.

Murphy R. Taylor

Betty N. Taylor

ACKNOWLEDGMENT

STATE OF ARKANSAS

}
}
}

ss.

COUNTY OF WASHINGTON

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Murphy R. Taylor and Betty N. Taylor, husband and wife**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2011.

Notary Public

MY COMMISSION EXPIRES:

UTILITY EASEMENT PLAT
TRACT MAP NO. 8
EXHIBIT "A"

PUE - 6,980 SQ. FT. (0.16 AC.)
TCE - 1,915 SQ. FT. (0.04 AC.)

SCALE: 1" = 100'

Basis of Bearings:
Based on the AHTD
Job 040517
Coordinate System

St. John's
Lutheran
Church

TRACT
(30)

SW CORNER
SW1/4, SW1/4
SECTION 31
T-17-N, R-29-W

ARK HWY 265

TOWNSHIP ROAD
Section Line

EAST OAKS SUBD.
PHASE I

LYNNWOOD ESTATES
SUBDIVISION

LOT
2

LOT 1
TRACT
(9)

SWSW
31-17-29

TRACT
(8)

N85°47'13"W - 10.00'

S87°33'25"E - 719.56'

S87°48'04"E

LOT
3

LOT
4

REPLAT OF LOTS 1 & 2
OF BLOCK 1 OF
CROSSROADS EAST
SUBDIVISION

NW CORNER
FRL NW1/4
SECTION 1
T-16-N, R-30-W

LEGEND



Permanent Utility Easement



Temporary Construction Easement

● — Corner of Permanent Utility Easement

--- Existing Utility Easement Line

765-13305-000 — Tax Parcel Number

PUE — Permanent Utility Easement

2008-11669 — Deed Record

TCE — Temporary Construction Easement

**CITY OF
FAYETTEVILLE**

Water & Sewer Department

Property Owner : Murphy & Betty Taylor

Drawn by : McClelland Consulting Engineers

Date: May 2011

Scale : 1" = 100'

Project No. 082146

Tract No. 8

Project Name :
Ar Hwy 265 W/S Line Relocation

No.	Revisions	Date

AHTD Tract No. 18

City of Fayetteville Staff Review Form

C. 4
Thomas Condemnation
and Possession
Page 1 of 18

City Council Agenda Items
and
Contracts, Leases or Agreements

July 5th, 2011

City Council Meeting Date
Agenda Items Only

Matt Mihalevich

Submitted By

Engineering

Division

Development Services

Department

Action Required:

Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands owned by Zara L. Thomas Trust that are necessary for the U of A Farm Trail Project.

\$ 17,300.00
Cost of this request

\$ 776,574.00
Category / Project Budget

Transportation Bond Trail Improvements
U of A Farm Trail (Scul Creek / Agri Park)
Program Category / Project Name

4520.9550.5810.00
Account Number

\$ 64,612.38
Funds Used to Date

Trail Improvements
Program / Project Category Name

06036 / 1002
Project Number

\$ 711,961.62
Remaining Balance

Sales Tax Construction Bond
Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

[Signature]
Department Director

06-16-2011
Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

6-20-11
Date

Original Contract Date:

Original Contract Number:

[Signature]
Finance and Internal Services Director

6-21-2011
Date

Received in City Clerk's Office 06-16-11 P03:43 RCVD

[Signature]
Chief of Staff

6-21-11
Date

Received in
Mayor's Office

[Signature]
Mayor

6/21/11
Date



Comments:

CITY COUNCIL AGENDA MEMO

City Council Meeting of July 5th, 2011

To: Mayor Jordan and City Council

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

From: Matt Mihalevich, Trails Coordinator MM

Date: June 16, 2011

Subject: Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands owned by Zara L. Thomas Trust that are necessary for the U of A Farm Trail Project.

PROPOSAL:

The U of A Farm Trail is a 2.3 mile trail connecting the new bike lanes on Mt. Comfort Road east under I-540 across the U of A Farm to connect to Scull Creek Trail (see attached site plan). This highly requested trail will provide a safe alternative transportation route for the numerous residents and businesses west of I-540. The City's in-house trails construction crew is currently finishing the first $\frac{3}{4}$ mile section of the trail at the west end of the project and will soon be working their way east toward Scull Creek Trail.

South of Agri Park, the trail leaves the University of Arkansas property and primarily utilizes existing rights of way on Ernie Jacks Blvd. to extend east to Scull Creek Trail. Staff originally explored locating the trail along the southern edge of the University of Arkansas farm property; however, the trail would require modification of a series of research plots and years of research would be affected. The University was against this location and the City does not have the authority to obtain University property without their approval. The trail alignment along the Ernie Jacks Blvd. right of way is a very good alternative, however the two sections of right of way are split by the Thomas property and a multi-use trail easement is necessary to make this connection. Staff has thoroughly explored other options for the trail alignment including the possibility of utilizing the right of way of Elm Street. After careful review, it was determined that utilizing the Elm Street option would have more impact on the Thomas property and create a less desirable trail alignment. The proposed trail alignment along the north edge of the Thomas property creates the most direct trail alignment with the least amount impact on the property while utilizing a significant amount of existing right of way to the east and west.

Over the past several months, staff has been working with Zara Thomas, his family and their attorney Lance Cox to discuss concerns and minimize the impact of the trail on their property. Parrish Appraisals Inc was hired to perform an independent appraisal on the property and a value of \$17,300.00 was established for the 14,305 square foot multi-use trail easement. During our negotiations, the Thomas attorney indicated that their concerns are related to security and effect on the use of their property. In response, staff has proposed a 6' tall chain link

fence along the southern edge of the multi-use trail easement. Staff has also reduced the easement size to the smallest possible width to construct the trail and located the trail along the extreme north edge of the Thomas property to reduce the impact of the trail. There will be approximately 500 feet between the proposed trail and the Thomas's house. In addition, based on past experience from other properties with a trail, the trail will actually have a positive impact to the property value and attractiveness especially if the property develops in the future.

On April 29th, 2011 the City offered \$17,300 in compensation and the fencing in exchange for the multi-use trail easement, however the owners have not agreed to this value and have requested through their attorney that we proceed with the condemnation process so they can express their concerns to the City Council. Staff will continue to negotiate with the property owner to avoid condemnation whenever possible. However, since construction is underway, it is imperative that the multi-use trail easement be acquired in a timely manner so as not to delay the project.

RECOMMENDATION:

Staff recommends approval of a Resolution authorizing the City Attorney to seek possession by condemnation of a portion of property owned by Zara L. Thomas Trust that are necessary for the U of A Farm Trail.

BUDGET IMPACT:

The payment for land acquisition will be made from the project budget allocated for the U of A Farm Trail Project, which is funded by the Transportation Bond Trail Improvements Fund. The agenda item staff review form indicates \$17,300.00 as the cost of this request. It should be noted that this is an estimate, based on the appraised values of the property, and that the final cost is subject to negotiation with the property owner or by court order. The appraised value will be deposited into the Registry of the Circuit Court as just compensation when the condemnation complaint is filed. A filing fee of \$165.00 to the Washington County Circuit Clerk will also be necessary.

Attachments: U of A Farm Trail Site Plan, Case History, and property exhibits.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY ZARA L. THOMAS, TRUSTEE OF THE ZARA L. THOMAS REVOCABLE TRUST U/D/T NOVEMBER 20, 1998, NEEDED FOR THE UNIVERSITY OF ARKANSAS FARM TRAIL PROJECT

WHEREAS, the City of Fayetteville has been unable to agree on a fair price for the portion of property owned by Zara L. Thomas, Trustee of the Zara L. Thomas Revocable Trust u/d/t November 20, 1998, which is needed for construction of the University of Arkansas Farm Trail Project; and

WHEREAS, the City of Fayetteville needs to gain possession of this property promptly to begin work on the 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 City Attorney to file suit to seek court-ordered possession of property located on Parcel No. 765-05140-000 and owned by Zara L. Thomas, Trustee of the Zara L. Thomas Revocable Trust u/d/t November 20, 1998, that is needed for the construction of the University of Arkansas Farm Trail Project, and to pay into the registry of the Circuit Court just compensation therefor.

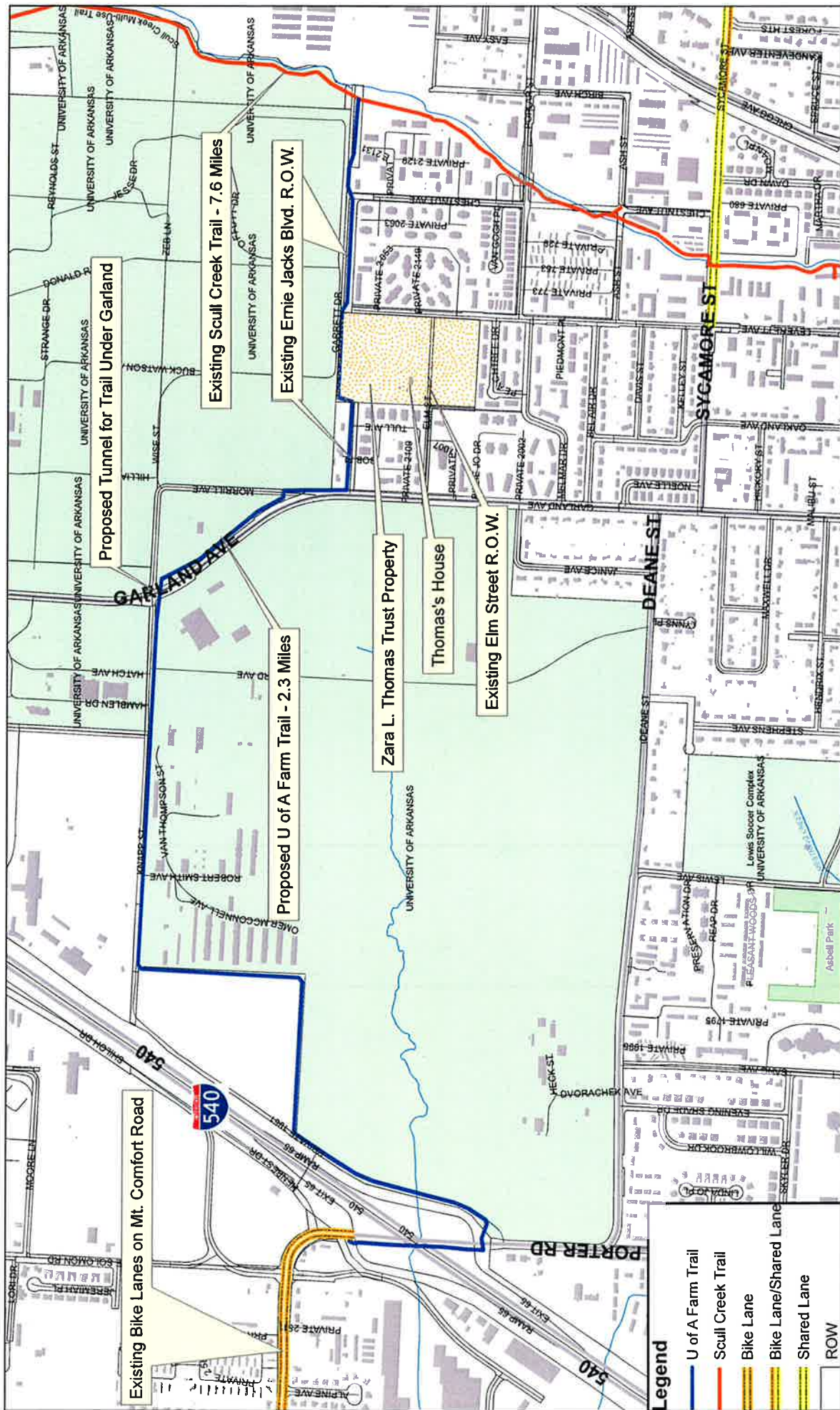
PASSED and APPROVED this 5th day of July, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



U of A Farm Trail
2.3 Miles



LAND AGENT'S CASE HISTORY

Zara L. Thomas, Trustee
920 W. Elm Street
765-05140-000
U of A Farm/Shiloh Trail

- 1-21-2011 KW mailed out original offer package.
- 2-8-2011 KW called Mr. Thomas & spoke with him regarding trail – he does not want to do it but is leaving it up to his children.
- 2-14-2011 KW spoke with Carolyn Thomas Moulton (daughter of Zara L. Thomas) she asked that we mail her the original offer package. KW mailed out original offer package to Carolyn Thomas Moulton at 2239 W. Hatfield St. in Fayetteville.
- 2-18-2011 KW called Carolyn and she asked that we call her back on Monday 2-28-2011 to schedule on-site meeting.
- 2-28-2011 KW called Carolyn and left voicemail in the morning and called again at 4:30 & left voicemail with her personal cell phone number in case Carolyn needed to reach her after 5pm.
- 3-1-2011 Carolyn returned KW's call at 7:30 pm and discussed trying to meet next week. They requested another copy of original offer package to take to their lawyer. They told KW that they do keep horses in the field and that fencing is a major concern. They still don't understand why the trail can't go on the U of A property – KW has explained to them twice about how the experimental field size can't change due to years of data being compromised.
- 3-2-2011 KW mailed out two copies of original offer package to Carolyn for their lawyer & her brother.
- 3-10-2011 KW left msg for Carolyn at her home.
- 3-14-2011 KW left msg for Carolyn at her home.
- 3-17-2011 Mr. Thomas's attorney called Chris Brown today – per MM they think offer should be closer to \$30,000.00.
- 3-18-2011 KW spoke with Mr. Thomas's attorney, Lance Cox, in regards to land swap – existing ROW for the trail easement – interested in discussing he will contact his clients and get back with date & time.

KW scheduled an on site meeting for 3-31-2011 with Lance Cox and the Thomas family.

3-31-2011 KW & MM met on-site with Thomas Family (Zara Lee, Carolyn – daughter, Mike – son) and their attorney, Lance Cox. We reviewed proposed route and discussed alternate route of existing ROW of Elm Street. They don't want the trail on their property at all. They also don't want to pay taxes on property they can't use so a sale may be preferred over an easement. Our figures were way off compared to theirs – we increased our offer to \$11,480.00 (\$35,000.00/Acre) but Lance said he got an estimated market value from Parrish Appraisals of approximately \$4.50/SF or \$60,000.00/Acre. We agreed that an appraisal would be helpful in this case to try to close the gap. KW will request appraisal quotes.

KW requested quotes for appraisal (before & after) from Tom Reed, Brett Billings, Mark Risk and Parrish Appraisals.

KW emailed Lance Cox to let him know that she requested quotes from four local appraisal firms and informed that Parrish was included.

4-7-2011 KW received quotes for appraisal: Tom Reed \$1,250.00 time frame 3-4 weeks, Brett Billings \$850.00 time frame 3 weeks, Mark Risk \$1,800.00 with time frame 3 weeks, Parrish Appraisal (submitted by Stuart Sanders) \$1,000.00 time frame 5-7 days.

4-11-2011 KW emailed Stuart Sanders awarding him the project if he includes a statement of no conflict of interest and no work prior to our request for quotes.

4-13-2011 Stuart Sanders accepted work for appraisal and will include requested statement in history section.

KW emailed Lance Cox to inform him that Parrish Appraisals was awarded the project & that Stuart Sanders said it should take 5-7 business days.

4-15-2011 KW received appraisal via email from Stuart. The appraisal concluded a just compensation amount of \$17,300.00 for the multi-use trail easement. CB & MM approved value and agree to construct a 6' chain link fence for live stock.

4-15-2011 KW called Lance Cox & left msg.

- 4-19-2011 KW called Lance Cox & left msg – he is in a trial, followed up with an email regarding revised offer letter for \$17,300.00 and the construction of a 6' chain link fence.
- 4-25-2011 Stephanie Baker requested a copy of the appraisal for Lance Cox. KW emailed a PDF format of the appraisal.
- 4-29-2011 KW mailed out revised offer letter package to Lance Cox & Mr. Thomas.
- 5-16-2011 KW emailed Lance Cox to see if had met with the Thomas family in regards to the revised offer letter.
- 5-23-2011 KW called Lance Cox and he is going to try to get a hold of the Thomas family and see where they stand. He will call or email KW in a day or so. KW informed him that she would hold off on condemnation prep for a day or two to hear back from him.
- 5-26-2011 KW mailed condemnation notification letter to Lance Cox and Zara Lee Thomas.
- 5-27-2011 KW received a copy of the letter (via inter-office mail) from Jason Kelley, Assistant City Attorney, to Lance Cox regarding Eminent Domain Usage and City Trails.
- 6-14-2011 CB spoke with Lance Cox in regards to the condemnation notification letter. Lance Cox stated that his clients want the opportunity to speak in front of the City Council members.
- KW communicated with Stephanie Baker via email in regards to the date & time of the City Council meeting so they can inform their clients when & where to be. KW will email Stephanie a copy of the agenda for the July 5, 2011 City Council meeting after the agenda session on June 25, 2011.

Project: U of A Farm Trail
Parcel No. 765-05140-000

MULTI-USE TRAIL EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT WE, Zara L. Thomas, Trustee of the Zara L. Thomas Revocable Trust U/D November 20, 1998, an undivided one half interest and the Mary C. Thomas, Trustee of the Mary C. Thomas Revocable Trust, U/D November 20, 1998, an undivided one half interest, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to construct, maintain, repair and/or replace a multi-use trail for public access, together with all appurtenances thereto including lighting, on, over, across, and through the following described land situated in the County of Washington, State of Arkansas, to-wit:

Property Description:

The North one-half of Block Three (3) containing five (5) acres, in Section Four (4), Township Sixteen (16) North, Range Thirty (30) West, reserving all streets and alleys as designated and shown by the plat on file at the Circuit Clerk's Office at Fayetteville, Arkansas; the said lands being also described as the North Half of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Four (4), Township Sixteen (16), Range Thirty (30) West of the 5th Principal Meridian,

ALSO, the Southwest Quarter of Block Three (3) containing two and one-half (2 1/2) acres, in Section Four (4), Township Sixteen (16) North, range Thirty (30) West, reserving all streets and alleys as designated and shown by the plat on file at the Circuit Clerk's Office at Fayetteville, Arkansas; the said lands being also described as the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Four (4), Township Sixteen (16) North, Range Thirty (30) West of the 5th Principal Meridian.

Trail Easement Description:

A part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Fractional Section Four (4), Township Sixteen (16) North, Range Thirty (30) West, being a part of the North One-Half (N 1/2) of Block Three (3), of Evin's Farm, a subdivision to the City of Fayetteville, Washington County, Arkansas, being more particularly described as follows:

A 20 foot wide strip of land lying 10 feet on each side of a centerline; said strip being across a property described in Instrument Number 98-103467 as filed with the Circuit Clerk of said county; the sidelines of said easement to be extended or shortened to terminate at the Easterly and Westerly boundaries of said property described in Instrument Number 98-103467; the centerline of said strip described as follows:

Commencing at the Northeast corner of said Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Fractional Section Four (4); thence along the Northerly line of said forty (40) acre tract North 86°57'17" West 20.00 feet to the Northeast corner of said property described in said Instrument Number 98-103467; thence along the Easterly line of said property South 02°43'41" West 10.00 feet to the Point of Beginning; thence leaving said Easterly line the following courses: North 86°57'17" West 594.77 feet; South 58°35'50" West 22.42 feet; South 35°30'17" West 27.97 feet; South 03°02'43" West 60.10 feet; North 86°57'17" West 10.00 feet to the Westerly line of said property described in Instrument Number 98-103467, being the terminus, containing 14,305 square feet, more or less.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, until the use of said permanent easement

is relinquished, abandoned or vacated and so long as such multi-use trail and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first herein above described for the uses and purposes herein above set forth.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this _____ day of _____, 2011.

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF

)
)
)

ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Zara L. Thomas, Trustee of the Zara L. Thomas Revocable Trust, U/D November 20, 1998, and Mary C. Thomas, Trustee of the Mary C. Thomas Revocable Trust, U/D November 20, 1998 to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2011.

MY COMMISSION EXPIRES:

Notary Public

P.O.C.
NE Corner
NW 1/4, SW 1/4
Fractional Sec. 4
T-16-N, R-30-W

N86°57'17"W
20.00'

S02°43'41"W
10.00'

P.O.B.

R/W

LEVERETT AVE.

40-ACRE

CENTERLINE OF
20' MULTI-TRAIL
EASEMENT

765-13553-000-000
UNIVERSITY OF ARKANSAS
BOARD OF TRUSTEES
Bk. 182, Pg. 502 & 505

765-05140-000
ZARA L. THOMAS, TRUSTEE of the
ZARA L. THOMAS REVOCABLE TRUST, U/D
INSTRUMENT No. 98-103467
Block 3, Evin's Farm

SW 1/4, NW 1/4
Fractional Sec. 4
T-16-N, R-30-W

NW 1/4, SW 1/4
Fractional Sec. 4
T-16-N, R-30-W

* 20' ALLEY VACATED PER ORDINANCE
No. 3700 FILED WITH WASHINGTON
COUNTY, ARKANSAS CIRCUIT CLERK AS
INSTRUMENT No. 93-25195.
A UTILITY EASEMENT WAS RESERVED
WITHIN SAID VACATED ALLEY PER SAID
ORDINANCE.

S58°35'50"W
22.42'

S35°30'17"W
27.97'

S03°02'43"W
60.10'

N86°57'17"W
10.00'

20' VACATED ALLEY*

765-05141-000
BOBBY J. MAYES;
JOHN M. MAYES
Inst. No. 99-93414
Bk. 1059, Pg. 954
Part Block 4, Evin's Farm

ERNIE JACKS BLVD.

EXHIBIT
MAR. 2011

MULTI-USE TRAIL EASEMENT
PROPERTY OWNERS:
ZARA L. THOMAS, TRUSTEE of the
ZARA L. THOMAS REVOCABLE TRUST, U/D



www.accessfayetteville.org

January 20, 2010

Zara L. Thomas, Trustee
Mary C. Thomas, Trustee
920 W Elm Street
Fayetteville, AR 72704-2109

RE: Multi-Use Trail Easement
Parcel No. 765-05140-000
Offer Letter

Dear Mr. & Mrs. Thomas,

As you may be aware, the City of Fayetteville is in the process of acquiring Multi-Use Trail Easements for the U of A Farm Trail. A portion of this multi-use trail is planned to be constructed across the northern edge of property owned by the Zara L. Thomas Revocable Trust and the Mary C. Thomas Revocable Trust. This multi-use trail will be 12 feet in width and paved.

This important trail link will connect the prominent Scull Creek Trail west along parts of the U of A Farm and will continue west under the I-540/Porter Road overpass. This highly required trail connection will allow residents west of I-540 to access Scull Creek Trail and the popular destinations which it leads to. When the U of A Farm Trail is completed the residents and visitors of Fayetteville will have a continuous west/east route of alternate transportation from I-540 to Old Missouri Road with this link, Scull Creek Trail and Mud Creek Trail.

The City of Fayetteville is requesting to purchase a permanent multi-use trail easement as shown on the attached easement plat. The City of Fayetteville hereby offers the Zara L. Revocable Trust and the Mary C. Thomas Revocable Trust **\$3,300.00** for the permanent multi-use trail easement (14,305 square feet).

Two copies of the Multi-Use Trail Easement and plat thereof are enclosed. Should you elect to accept this offer a copy of the Multi-Use Trail Easement contained herein should be executed by all parties with a current ownership interest in the particular property. This document should be notarized and returned to the City of Fayetteville. A City Land Agent will be pleased to witness and notarize the execution of the document if you advise our office accordingly.

The second copy is included for your records. Also enclosed is a vendor form to provide us with a Social Security Number or a Tax Identification Number (Corporation) so that a check can be processed.

Kem Wimberly, Land Agent, will be happy to meet with you at your convenience to discuss this project and the associated easements and acquisitions. You may contact her at (479) 444-3415.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Brown", with a stylized flourish at the end.

Chris Brown, P.E.
City Engineer

CB/kew
Enclosures



www.accessfayetteville.org

April 29, 2011

Zara L. Thomas, Trustee
920 W Elm Street
Fayetteville, AR 72704-2109

RE: Multi-Use Trail Easement
Parcel No. 765-05140-000
Revised Offer Letter

Dear Mr. Thomas,

The City of Fayetteville hired Parrish Appraisal's Inc. to perform an appraisal on your property for a just compensation amount in association with the proposed multi-use trail easement along the northern edge of your property. The report indicates a just compensation amount of \$17,300.00 for the multi-use trail easement.

The City of Fayetteville hereby offers the Zara L. Revocable Trust and the Mary C. Thomas Revocable Trust **\$17,300.00** for the permanent multi-use trail easement (14,305 square feet). The City of Fayetteville will also construct a chain link fence six (6) feet in height along the south edge of the multi-use trail easement for the containment and safety of any livestock on the property.

Two copies of the Multi-Use Trail Easement and plat thereof are enclosed. Should you elect to accept this offer a copy of the Multi-Use Trail Easement contained herein should be executed by all parties with a current ownership interest in the particular property. This document should be notarized and returned to the City of Fayetteville. A City Land Agent will be pleased to witness and notarize the execution of the document if you advise our office accordingly.

The second copy is included for your records. Also enclosed is a vendor form to provide us with a Social Security Number or a Tax Identification Number (Corporation) so that a check can be processed.

Kem Wimberly, Land Agent, will be happy to meet with you at your convenience to discuss this project and the associated easements and acquisitions. You may contact her at (479) 444-3415.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Brown", with a stylized flourish at the end.

Chris Brown, P.E.
City Engineer

CB/kew
Enclosures



www.accessfayetteville.org

May 26, 2011

S. Lance Cox
Cox, Cox & Estes, PLLC
Arvest Bank Plaza
75 N East Ave. Ste. 400
Fayetteville, AR 72701

RE: U of A Farm Trail
Multi-Use Trail Easement
Parcel Number 765-05140-000
Notification

Dear Mr. Cox:

Subsequent to numerous discussions with you and/or your clients, the Thomas Family, and various correspondence since the original mailing of January 21, 2011, as of the date of this letter the City of Fayetteville has not received signed documents for the multi-use trail easement across the Thomas property. Time is running out for negotiations on this project, since construction has started on another segment of this project.

As per your recent telephone conversation with Kem Wimberly, Land Agent, Staff will be placing this parcel on the City Council Agenda to request condemnation proceedings at the June 21, 2011 Fayetteville City Council Meeting. June 3, 2011 is the deadline for submittal of paperwork to be placed on the June 21, 2011 Council Agenda; therefore if we do not have the signed documents by this date we will proceed with the City Council request.

The City Council meeting will be held on June 21, 2011 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas. You or your representative are welcomed to attend.

Upon approval by the City Council, procedures will be started by the City Attorney's office to obtain a writ of possession through the courts. However, please keep in mind that condemnation proceedings can be stopped at any time if an agreement is reached before the court date.

If you have any questions or concerns about the information sent to you, please do not hesitate to call. Kem Wimberly, Land Agent, will be happy to meet with you at your convenience and discuss all phases of this project and associated easements and acquisitions. Her direct line is (479) 444-3415. If you do not have any questions or concerns and elect to accept our offer, please coordinate with your clients to execute the accompanying documents and vendor form and return them to the City of Fayetteville. The documents must be executed by all parties with current ownership interests in the particular property and notarized.

Sincerely,

Chris Brown, P.E.
City Engineer

CB/kew
Copy: Zara L. Thomas, Trustee

C. 4
Thomas Condemnation
and Possession
Page 12 of 16

Manual Check ☐

Mail Yes ☐ No ☒

Return Check to: Peggy Bell followed by Matt Mihalevich

Send Copy to:

Send Copy to:

Separate Check Code B

Bank Number 452

Amount of Check \$ 17300.00

1

Additional
Approval: ☐ Does Not Meet Purchasing Policy
☐ Contract Payment
☒ Other

Approved: _____

Accounting Use - Receipting

Key Code

C. 4
Thomas Condemnation
and Possession
Page 18 of 18

12470

Washington County Circuit Clerk

Washington County Courthouse

280 N. College Ave. Suite 302

Fayetteville, AR 72701

Filing fees for the condemnation and possession of parcel number 765-05140-000 for a permanent multi-use trail easement

Separate Check Code

Bank Number 452

Payable From:	Fund Name	Sales Tax Construction
---------------	-----------	------------------------

Amount of Check \$ 165.00

Charged as follows:

Additional
Approval:

☐ Does Not
Meet
Purchasing
Policy

☐ Contract
Payment

☒ Other

Approved: _____

Prepared by: Ginny Gundlach

Approved by

Entered:

G/L Account Number

Accounting Use - Receipting

Key Code

Pre Agenda Meeting 6/22/11

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah F. Lewis

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
July 5, 2011**

A meeting of the Fayetteville City Council will be held on July 5, 2011 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

City Council Agenda Session Presentations:

- 1.) Sales Tax Report - *Marsha* & *Don Marr*
2.) Rock Quarry Presentation, City Attorney, *Kit Williams*
Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

Historic District Appointment – Mayor appointment

- Vacancies on the Commission shall be filled by appointment from the Mayor with the approval of the City Council.

Walton Arts Center Foundation Appointment – Mayor and Chancellor of the University of Arkansas appointment

- Three directors shall be jointly appointed by the Mayor of the City of Fayetteville, and the Chancellor of the University of Arkansas, Fayetteville. Subject to the approval of the City Council and the Board of Trustees of the University of Arkansas.

Comment: Lisa we need to check with Don or the Mayor before the agenda goes out. He told me these needed to be added to the next agenda. SES

Agenda Additions:

A. Consent:

113 West Mountain Fayetteville, AR 72701 (479) 575-8323 accessfayetteville.org
Telecommunications Device for the Deaf TDD/TTY (479) 521-1316

✓ 1. Approval of the June 21, 2011 City Council meeting minutes.

✓ 2. **Fayetteville Police Department Donations:** A resolution to thank several donors to the Fayetteville Police Department and to approve a budget adjustment in the amount of \$4,880.00 recognizing the donations.

✓ 3. **Wal-Mart Foundation and Facility #5737:** A resolution to thank the Wal-Mart Foundation and Facility #5737 and accept its \$1,000.00 donation to the Fayetteville Police Department for CPR training and certification.

✓ 4. **Bid #11-40 Fochtman Enterprises, Inc.:** A resolution awarding Bid #11-40 and authorizing a contract with Fochtman Enterprises, Inc. in the amount of \$92,377.40 for construction of a parking lot at Bryce Davis Park, and approving a fifteen percent (15%) project contingency.

✓ 5. **Youth Bridge, Inc.:** A resolution approving a lease with Youth Bridge, Inc. for property located at 1932 South Garland pursuant to the Community Development Block Grant Public Facility Lease Program.

WTS
last 6. **Thomas Condemnation and Possession:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Zara L. Thomas, trustee of the Zara L. Thomas Revocable Trust U/D/T November 20, 1998, needed for the University of Arkansas Farm Trail Project.

✓ 7. **Government Channel Budget Adjustment:** A resolution approving a budget adjustment in the amount of \$750.00 representing revenue from public access television fees collected by the public access television contractor.

✓ 8. **Amend Resolution No. 160-10:** A resolution amending Resolution No. 160-10 approving an amendment to the Access Management Plan Agreement, as prepared by the Arkansas Highway and Transportation Department, for State highway 365.

WTS
2 9. **ADM 11-3655 Building Code:** A resolution to request that Mayor Jordan have city staff examine city building codes and recommend amendments to further promote sustainable practices and energy conservation for City Council consideration.

B. Unfinished Business:

✓ 1. **City Plan 2030:** A resolution approving and adopting City Plan 2030 and the future land use map as the comprehensive land use plan. *This resolution was tabled at the June 21, 2011 City Council meeting to the July 5, 2011 City Council meeting.*

✓ 2. **Revised Master Street Plan:** A resolution approving and adopting a revised Master Street Plan and street cross-sections. *This resolution was tabled at the June 21, 2011 City Council meeting to the July 5, 2011 City Council meeting.*

3. **RZN 11-3806 (South of Zion Road and East of Taliesin Lane/Woodbury):** An ordinance revoking R-PZD 06-2190 (Woodbury) rezoning that property described in rezoning petition RZN 11-3806, for approximately 9.26 acres, located south of Zion Road and east of Taliesin Lane, from R-PZD, Residential Planned Zoning District 06-2190, to NC, Neighborhood Conservation. *This ordinance was left on the Second Reading at the June 21, 2011 City Council meeting.*

Left on the Second Reading

4. **RZN 11-3807 (Southwest Corner of Razorback Road and 15th Street/Champion Club Condos):** An ordinance revoking R-PZD 07-2551 (Champions Club Condos) and rezoning that property described in rezoning petition RZN 11-3807, for approximately 4.42 acres, located at the southwest corner of Razorback Road and 15th Street, east of the Crowne Apartments, from R-PZD, Residential Planned Zoning District 07-2551, to UT, Urban Thoroughfare. *This ordinance was left on the Second Reading at the June 21, 2011 City Council meeting.*

Left on the Second Reading

5. **RZN 11-3835 (3710 West Martin Luther King Boulevard/Zaifi):** An ordinance rezoning that property described in rezoning petition RZN 11-3835, for approximately 1.20 acres, located at 3710 West Martin Luther King Boulevard from C-1, Neighborhood Commercial to CS, Community Services. *This ordinance was left on the Second Reading at the June 21, 2011 City Council meeting.*

Left on the Second Reading

6. **Appeal RZN 11-3831 (209 W. Martin Luther King Blvd.):** An ordinance rezoning that property described in rezoning petition RZN 11-3831, for approximately 2.64 acres located at 209 West Martin Luther King Boulevard from RMF-24, Residential Multi-Family, 24 units per acre to C-1, Neighborhood Commercial. *This ordinance was left on the First Reading at the June 21, 2011 City Council meeting.*

Left on the First Reading

~~This ordinance was left on the First Reading.~~

C. New Business:

7. **RZN 11-3824 (East of Intersection of College and Township/Summit Place):** An ordinance rezoning that property described in rezoning petition RZN 11-3824 (Summit Place), for approximately 30.13 acres, located east of the intersection of College and Township Avenues from RSF-4, Residential Single Family four units per acre to NC, Neighborhood Conservation subject to a Bill of Assurance.

Announcements:

3. David's new item

Adjournment:

4. Thomas Codemnation

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
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**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
July 5, 2011**

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Call to Order

Roll Call

Pledge of Allegiance

City Council Agenda Session Presentations:

1. **Sales Tax Report** – Accounting Director, Marsha Hertweck, and Chief of Staff, Don Marr
2. **Rock Quarry Presentation** – City Attorney Kit Williams

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. **Walton Arts Center Foundation Appointment – Mayor and Chancellor of the University of Arkansas appointment** – Three directors shall be jointly appointed by the Mayor of the City of Fayetteville, and the Chancellor of the University of Arkansas, Fayetteville. Subject to the approval of the City Council and the Board of Trustees of the University of Arkansas.

Agenda Additions:

A. Consent:

1. ✓ **Approval of the June 21, 2011 City Council meeting minutes.**
2. ✓ **Fayetteville Police Department Donations:** A resolution to thank several donors to the Fayetteville Police Department and to approve a budget adjustment in the amount of \$4,880.00 recognizing the donations.
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1. ✓ **City Plan 2030:** A resolution approving and adopting City Plan 2030 and the future land use map as the comprehensive land use plan. *This resolution was tabled at the June 21, 2011 City Council meeting to the July 5, 2011 City Council meeting.*
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3. ✓ **RZN 11-3806 (South of Zion Road and East of Taliesin Lane/Woodbury):** An ordinance revoking R-PZD 06-2190 (Woodbury) rezoning that property described in rezoning petition RZN 11-3806, for approximately 9.26 acres, located south of Zion Road and east of Taliesin Lane, from R-PZD, Residential Planned Zoning District 06-2190, to NC, Neighborhood Conservation. *This ordinance was left on the Second Reading at the June 21, 2011 City Council meeting.*

Left on the Second Reading

4. ✓ **RZN 11-3807 (Southwest Corner of Razorback Road and 15th Street/Champion Club Condos):** An ordinance revoking R-PZD 07-2551 (Champions Club Condos) and

rezoning that property described in rezoning petition RZN 11-3807, for approximately 4.42 acres, located at the southwest corner of Razorback Road and 15th Street, east of the Crowne Apartments, from R-PZD, Residential Planned Zoning District 07-2551, to UT, Urban Thoroughfare. *This ordinance was left on the Second Reading at the June 21, 2011 City Council meeting.*

Left on the Second Reading

5. **RZN 11-3835 (3710 West Martin Luther King Boulevard/Zaifi):** An ordinance rezoning that property described in rezoning petition RZN 11-3835, for approximately 1.20 acres, located at 3710 West Martin Luther King Boulevard from C-1, Neighborhood Commercial to CS, Community Services. *This ordinance was left on the Second Reading at the June 21, 2011 City Council meeting.*

Left on the Second Reading

6. **Appeal RZN 11-3831 (209 W. Martin Luther King Blvd.):** An ordinance rezoning that property described in rezoning petition RZN 11-3831, for approximately 2.64 acres located at 209 West Martin Luther King Boulevard from RMF-24, Residential Multi-Family, 24 units per acre to C-1, Neighborhood Commercial. *This ordinance was left on the First Reading at the June 21, 2011 City Council meeting.*

Left on the First Reading

C. New Business:

1. ✓ **RZN 11-3824 (East of Intersection of College and Township/Summit Place):** An ordinance rezoning that property described in rezoning petition RZN 11-3824 (Summit Place), for approximately 30.13 acres, located east of the intersection of College and Township Avenues from RSF-4, Residential Single Family four units per acre to NC, Neighborhood Conservation subject to a Bill of Assurance.
2. ✓ **ADM 11-3655 Building Code:** A resolution to request that Mayor Jordan have city staff examine city building codes and recommend amendments to further promote sustainable practices and energy conservation for City Council consideration.

- Move to Consens*
3. (3) **Taylor Settlement Agreement:** A resolution approving a settlement agreement with Murphy R. Taylor and Betty N. Taylor concerning condemnation litigation filed as part of the Crossover Road Water and Sewer Improvement Project in a total amount of \$27,000.00.

4. **Thomas Condemnation and Possession:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Zara L. Thomas, trustee of the Zara L. Thomas Revocable Trust U/D/T November 20, 1998, needed for the University of Arkansas Farm Trail Project.

Rock Quarry Appeal (Get with Kit)
Additions: Consent; Edward Byrne Memorial Justice Grant

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

Added at the City Council
Meeting
7-05-11

AGENDA REQUEST

Resolution Passed

FOR: COUNCIL MEETING OF JULY 5, 2011

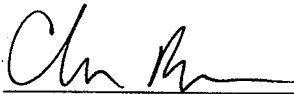
FROM:

CHRIS BROWN, CITY ENGINEER

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution Approving A Settlement Agreement With Earl R. Webb and Murlene Webb Concerning Condemnation Litigation Filed As Part Of The Cato Springs Road Improvement Project In A Total Amount of \$34,000.00

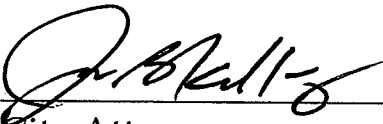
APPROVED FOR AGENDA:



City Engineer

7/5/11

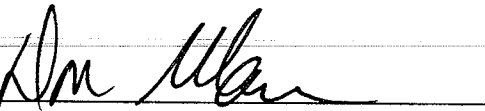
Date



City Attorney
(as to form)

7/5/11

Date

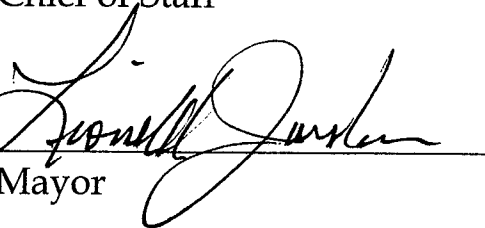


Chief of Staff

7/5/11

Date

07-05-11P12:41 RCVD



Mayor

7/5/11
Date

Kim J.





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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

City Council Meeting of July 5, 2011

To: Mayor Jordan and City Council

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

From: Chris Brown *CB*

Date: July 5, 2011

Subject: Approval of a Settlement with Earl F. and Murlene G. Webb for Purchase of Right of Way along Cato Springs Road

PROPOSAL:

Cato Springs Road is planned for improvement from South School to Razorback Road as a part of the Transportation Improvement Bond Program. Right of way acquisition was required from many of the property owners along the route. In order to move forward with the project to bidding and construction, condemnation action on some of the properties was approved by the City Council. The City Attorney filed condemnation suits for these properties, and received Orders of Possession from the Circuit Court so that the project could move forward.

In the case of the Webb's property, \$27,000, representing the City's appraised value for the right of way, was deposited with the Court at the time of the filing. Since that time, staff has negotiated with Mr. and Mrs. Webb's attorney, and a settlement proposal has been developed for review by the City Council. This settlement consists of the following:

- 1) Payment of an additional \$7,000 to Mr. and Mrs. Webb, representing the mean value of the City's appraisal and an appraisal commissioned by the Webb's, plus \$500 for additional costs incurred.
- 2) The City will provide a curb cut on Cato Springs Road during construction. No additional cost to the City is anticipated with this item.
- 3) Staff will prepare and present a rezoning proposal for the property to the Planning Commission and City Council, to rezone the property from C-2, Thoroughfare Commercial to UT-Urban Thoroughfare. No additional cost other than staff time is anticipated with this item.

RECOMMENDATION:

Staff recommends approval of a Resolution authorizing the settlement of the Webb Condemnation Case, and approving an additional \$7,000 payment to Earl F. and Murlene G. Webb.

BUDGET IMPACT:

The payment for land acquisition will be made from the project budget allocated for the Cato Springs Road Improvements Project, which is funded by the Transportation Bond Fund.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A SETTLEMENT AGREEMENT WITH
EARL F. WEBB AND MURLENE WEBB CONCERNING CONDEMNATION
LITIGATION FILED AS PART OF THE CATO SPRINGS ROAD
IMPROVEMENT PROJECT IN A TOTAL AMOUNT OF \$34,000.00**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an agreement with Earl F. Webb and Murlene Webb in the total amount of \$34,000.00 as full and final settlement of condemnation litigation (City of Fayetteville, Arkansas v. Webb, Washington County Circuit Court Case No. CV 2010-3908-6) filed as part of the Cato Springs Road Improvement Project.

Section 2. That the City Council of the City of Fayetteville, Arkansas, in furtherance of the settlement, hereby approves payment of an additional \$7,000.00 over and above the \$27,000.00 previously placed on deposit with the court.

PASSED and APPROVED this 5th day of July, 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Lisa Branson - Fwd: To aldermen

From: City Clerk
To: Aldermen
Date: 6/28/2011 8:37 AM
Subject: Fwd: To aldermen

>>> Nancy Varvil <nvarvil@yahoo.com> 6/28/2011 7:51 AM >>>
Dear Fayetteville Aldermen,

I read that you will consider having staff research the effects of updating our building codes to standardize greater energy efficiency. I urge you to do this. I bought three new rent houses about ten years ago that advertised themselves as energy efficient and have since learned that they were poorly insulated and the doors aren't properly sealed. My tenants would have been more comfortable and would pay lower energy bills (and use less fossil fuel) if the buildings had been more energy efficient. It would have been cheaper to build them this way then to retrofit them now.

Also, I think our daily weather is telling us that we are swinging into an era of wider weather patterns - higher highs and lower lows. We will be needing homes that are able to protect us from these changes and we need to use less fossil fuel to slow the rate of change. Setting codes that require higher energy efficiency would accomplish both goals. This is a time when following traditional patterns (like following state codes from a few years ago) won't do. Fayetteville needs to be a model for others in this effort as it is in many other areas.

Please ask the city staff to help prepare us to update our building codes.

Nancy Varvil
479 871 7023

Revised Master Street
Plan

Handed out at the City Council
Meeting 7-05-11

Master Street Plan: Howard Nickell Rd. 7/5/11 Presentation

Bob Costrell
3683 Howard Nickell Rd.
Fayetteville, AR 72704
Estates at Salem Hills

Core Issues

- Neighborhood Preservation
- Safety
- Distributed Traffic Flow

“Two 2-lane roads are better than one 4-lane road”

Fayetteville Council of Neighborhoods (FCON)

- May 26: heard presentations by city staff & our POA on this issue.
- June 30: voted to recommend **revised** MSP, as recommended by the Planning Commission
- **Reason:** Neighborhood Preservation

City Staff's Presentation, 6/21/11

City staff response to “neighborhood” & “safety” is:

- **“Context Sensitive Design”**
 - Purports to address “aesthetics” & safety
 - Examples: Little Rock, Sacramento, Portland

“Context-Sensitive Design”

The facts will show:

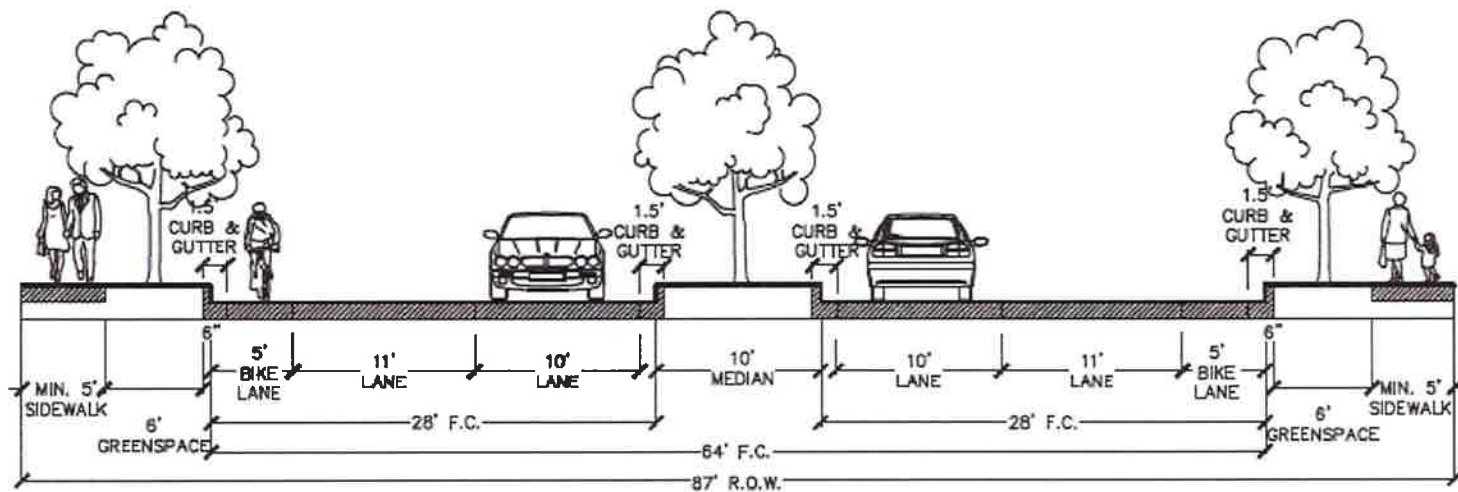
- The “boulevards” presented look nothing at all like the City’s X-section

City staff’s claim for safety is unsupported:

- Median does nothing for safety – may hurt it
 - Planning Commissioner: danger of U-turns into speeding traffic

“Context Sensitive Design”

- 87' Cross-Section
- 10' Median Strip
- 54' Pavement

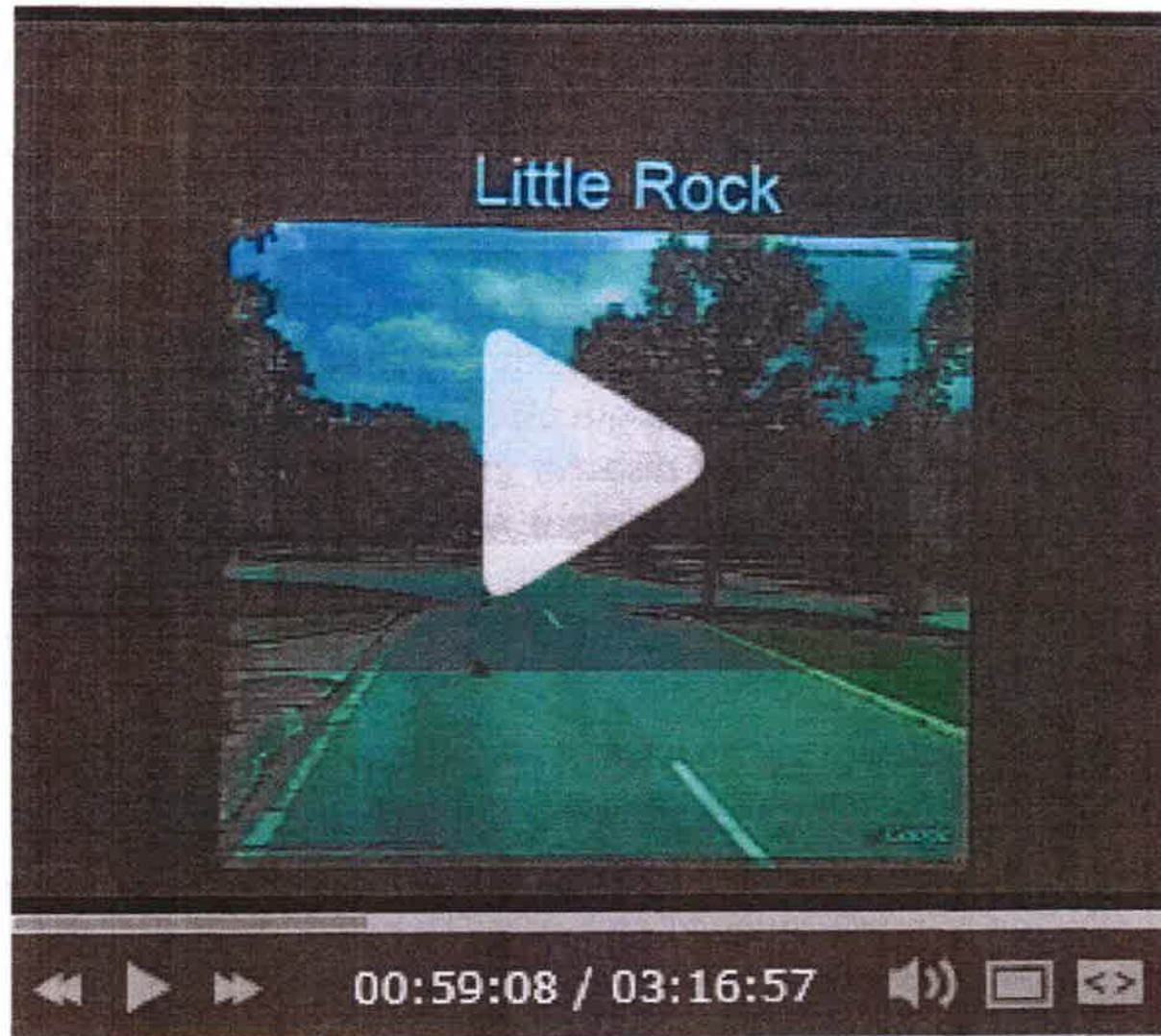


Note: 28' F.C. seems mistaken. Should be 27'.

Examples Given

- Pleasant Valley Drive, Little Rock
- T Street, Sacramento
- unnamed street, Portland

City Presentation: Little Rock



City Council Meeting

Google Earth. The spot depicted is:
Pleasant Valley Drive & Shenandoah Valley Drive



Measuring Cross-Section

Google map provides direct overhead, with scale, so accurate measurements can be made, with ruler. Scale does not reproduce on printout, unfortunately. However, scale was accurately measured on-screen. Thus, measurements shown below are accurate. Viewer can roughly verify using road lane widths.

Cross-Section: Pleasant Valley Dr. @ Shenandoah



Cross-Section: Pleasant Valley v. Fayetteville

Cross-section (sidewalk-to-sidewalk):

150' vs. 87'

Cross-section is not “about the same.”

Does not fit in Fay ROW.

Curb-to-curb:

87' vs. 64'

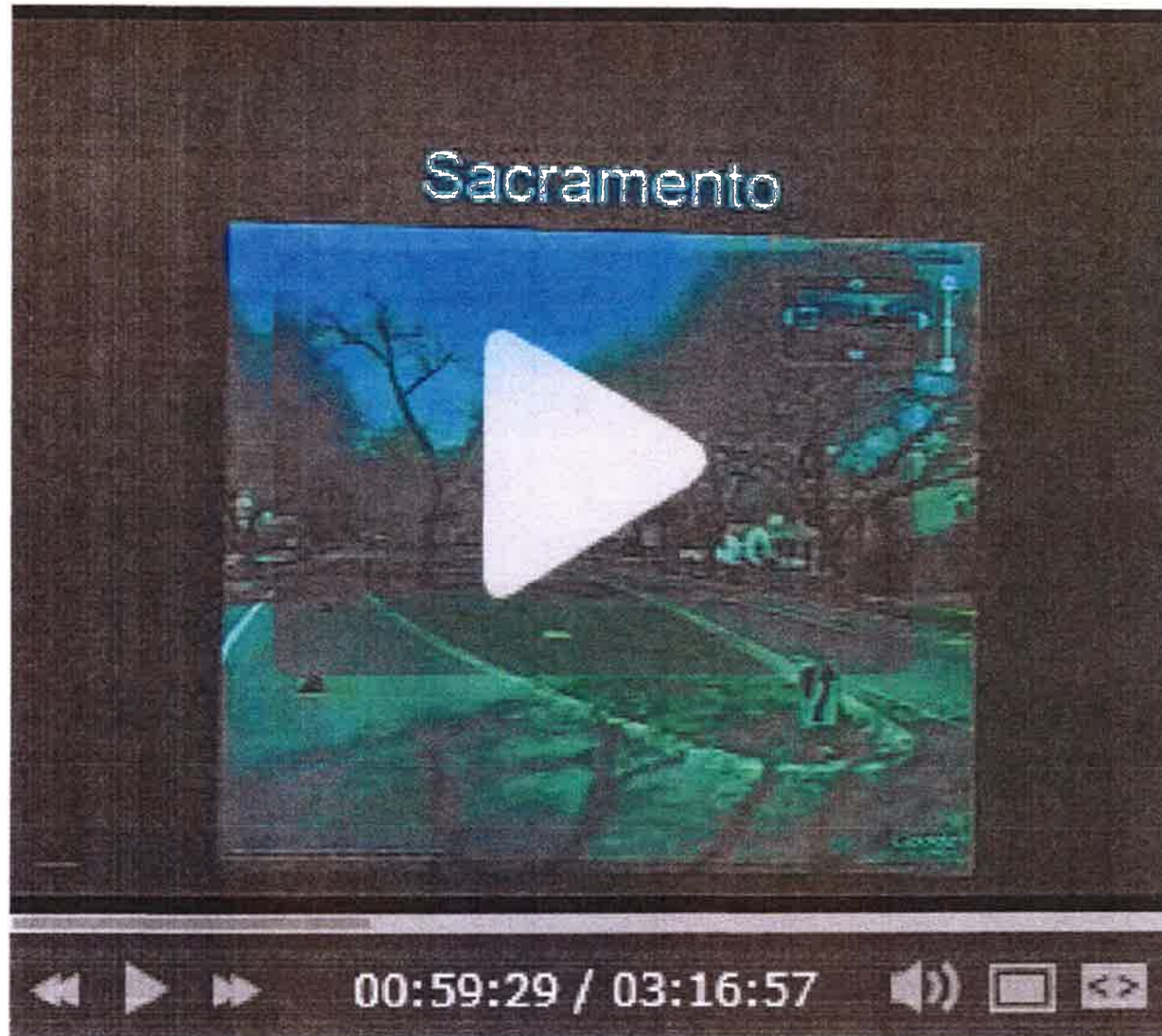
Does not fit in Fay plan

Median strip:

39' vs. 10'

Pleasant Valley is much greener

City Presentation: Sacramento



City Council Meeting

Google Earth. The spot depicted is:
T Street at 44th Street



Street Type

T street is a city street with 2 parks in the middle.

Spot depicted is entering Sunset Park from the east.

T Street: A City Street with 2 Parks in the Middle



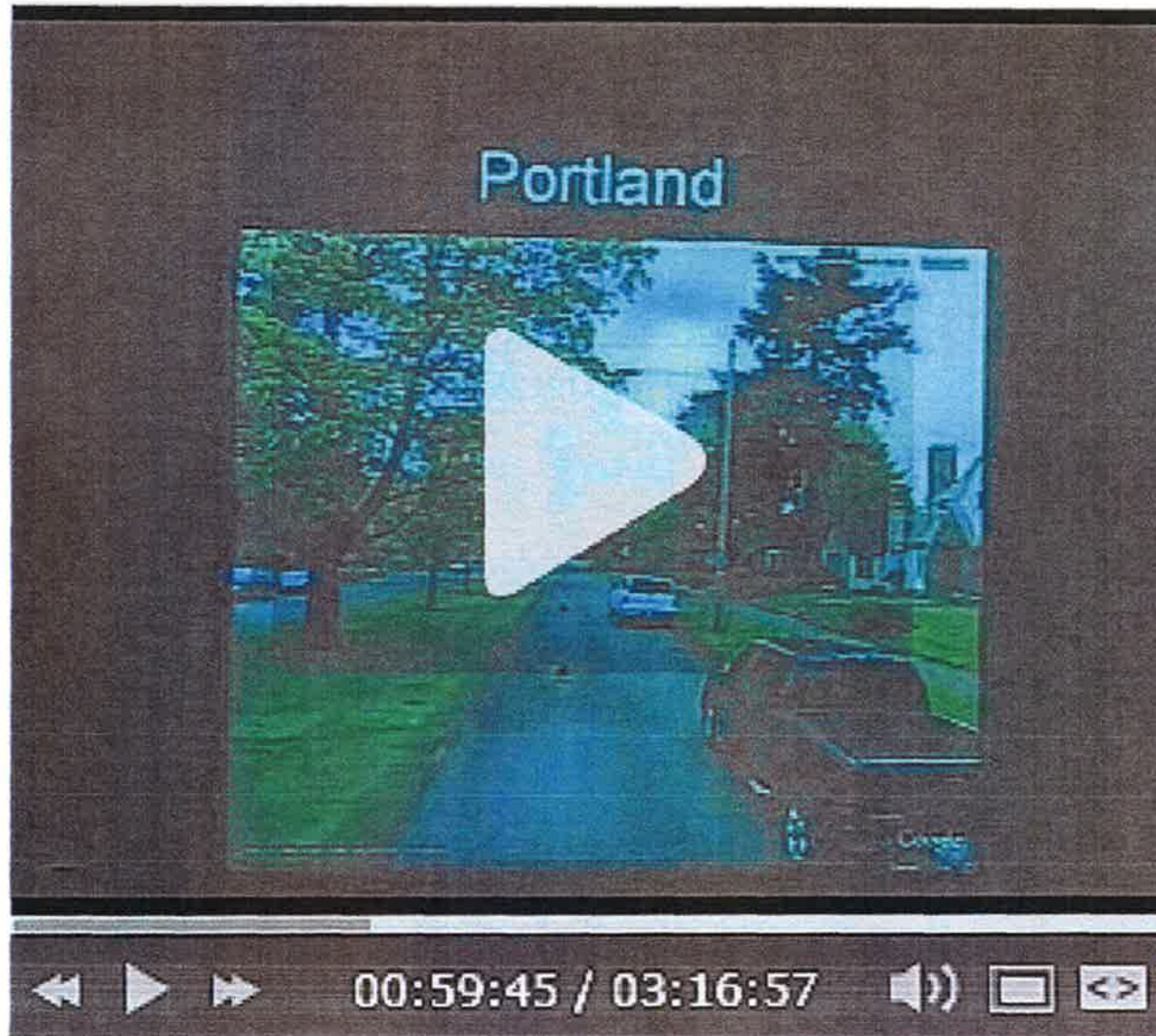
Cross-Section

There is no similarity between Fay's cross-section for a principal artery and that of a city road with a park in the middle.

Sunset Park on T Street: 57' median vs. 10' for Fay



City Presentation: Portland



City Council Meeting

Cross-Section

Street was not identified, so unable to google cross-section.

However, the median appears wider than 10' and the pavement appears narrower than 27'.

X-Section with 10' Median on Ruppel Rd

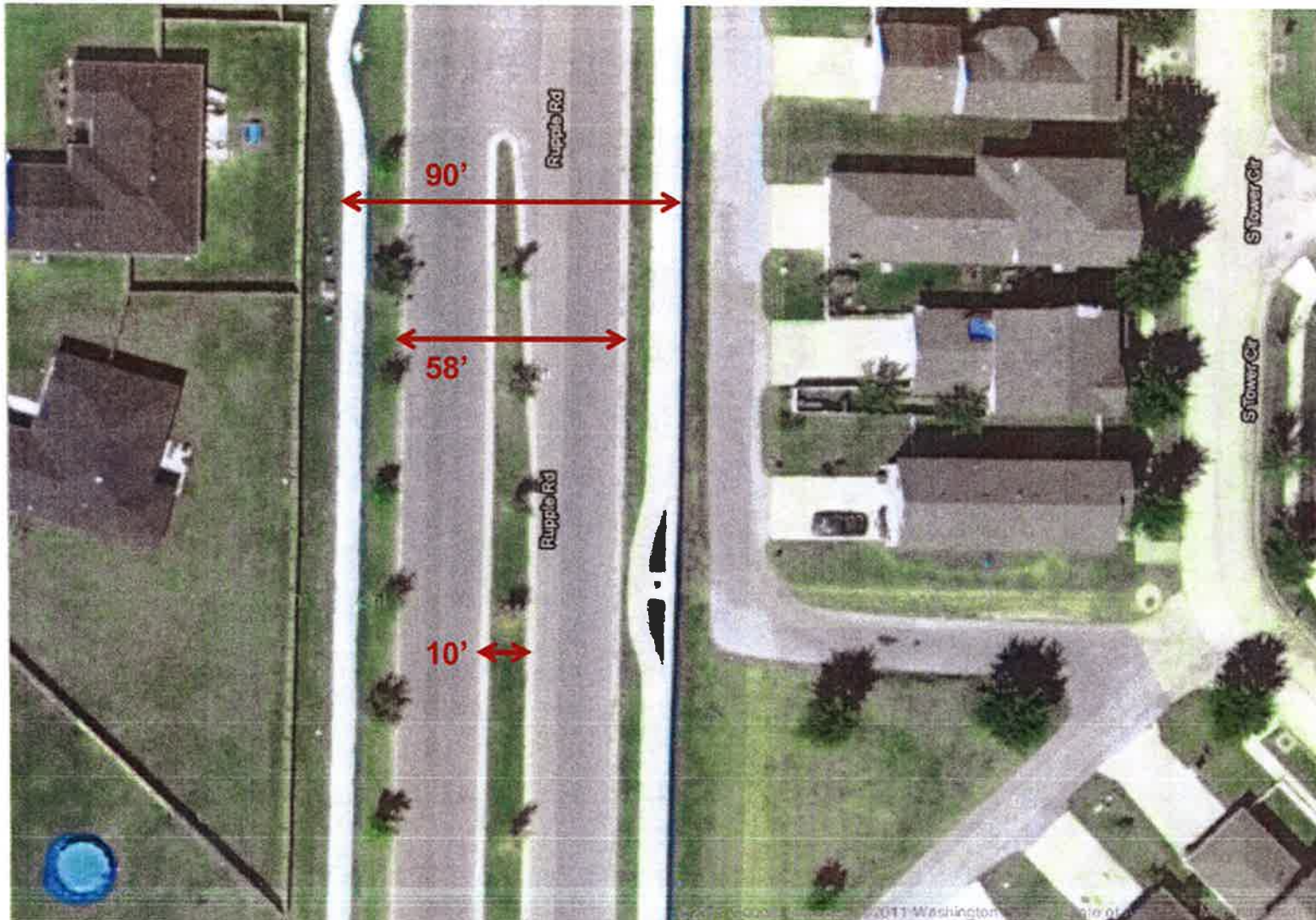
- City has laid out part of Ruppel with similar X-sec
- Section below the dead end, by Clabber Creek
- Prototype for our neighborhood
- But houses back onto it
- Road through HN will run at considerably higher speed than it does on dead end portion of Ruppel

Cross-Section: Ruppel Road at Clabber Creek



Note: all houses **back** onto the road
Looks nothing like the examples presented.

Cross-Section: Ruppel Road at Clabber Creek



HN proposal has even more pavement: 64' vs. 58' curb-to-curb

Cross-Section: Ruppel Road at Clabber Creek



Note: dead-end at top.

“Boulevard”: window dressing for high speed road to-be

What Would Median Strip do for Safety?

- Imagine Crossover through our neighborhood
- Now imagine Crossover with a 10' median strip
- Why would this be safer?

Crossover: what difference with a median?



Cross-Section: Crossover near Deerpath



Middle lane is 11'. Median of 10' would fit.

Cross-Section: Crossover with 10' Median (amateur "photo-shopping")



HN proposal has even more pavement: 64' vs. 58' curb-to-curb

Would median strip make Crossover safe?



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THE CITY OF FAYETTEVILLE, ARKANSAS



POLICE DEPARTMENT

100-A West Rock Street

Fayetteville, AR 72701

P (479) 587-3555 F (479) 587-3522

NEWS RELEASE

FOR IMMEDIATE RELEASE: May 11, 2011

**Contact: Craig Stout
(479) 587-3580**

***RE: POLICE ANNOUNCE STEPPED UP ENFORCEMENT TO REDUCE INJURIES
AND CRASHES***

The Fayetteville Police Department announced today they would begin directed traffic enforcement in an effort to reduce vehicle accidents on Crossover Road (Hwy 265).

Summary: Neighborhoods & Safety

- “Context-sensitive design” is a fig leaf to pretend this will not hurt our neighborhood.
- **This would be destructive of our neighborhood**
 - The old map puts Crossover with 10' median (+ 6' more pavement) through our neighborhood
- **This would impair safety in our neighborhood**

City Staff's Presentation, 6/21/11

- \$ Millions spent or committed on corridor
 - Projects cited: van Asch & Rupple South to MLK
- Argument seems to be that these expenditures are predicated on 4-lane artery through our neighborhood, i.e. money was wasted otherwise

Response to Staff on Expenditures

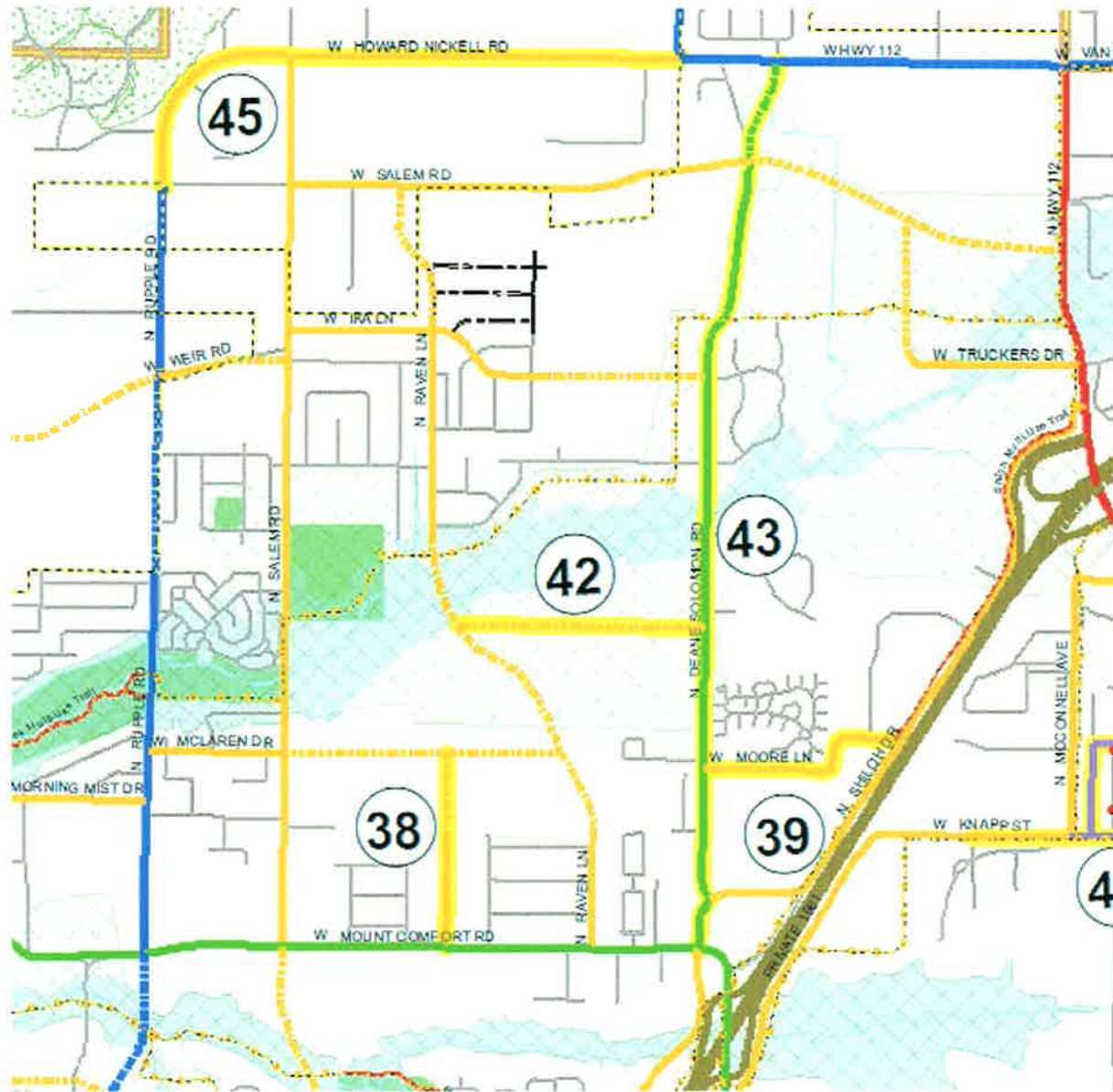
Value of projects **not** contingent on 4-lane thru HN

- City's stated view of prospects for 4-lane through HN:
 - "distant future, if ever"
 - "no plans to seek funding"
 - "no plans to annex"
- **Not credible to claim millions spent on such speculative basis**
- Van Asch to 112: a good thing on its own merits
- Ruppel north from MLK: feeds multiple routes east
 - Including multiple routes in northwest, shown on MSP
- Map for "Transportation Improvement Program"
on city website does not even show our neighborhood

“What if two 2-lanes is not enough?”

- **Question presumes grid will be tried first**
- **Planning for a 4-lane through HN will discourage development of proposed 2-lanes**
 - Yellow dotted lines will be less likely to become solid
- Proposed MSP has more than two 2-lanes.
It also has 4-lane on Deane Solomon
- Planning for “what if” can become
Planning “what is to be”

Revised Map Has Rich Grid



Thank you, City Council

For the time and effort you have spent on this issue, listening, speaking, and working with us, not only in recent weeks, but over the 4 years we have been coming to you.

**Please keep the new map,
as recommended by the Planning
Commission and the Fayetteville
Council of Neighborhoods**