

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

**Final Agenda
City of Fayetteville, Arkansas
City Council Meeting
December 1, 2009**

A meeting of the Fayetteville City Council will be held on December 1, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Third Quarter 2009 Report of Financial Condition of the City – City Clerk

A. Consent:

1. Approval of the November 17, 2009 City Council meeting minutes. **APPROVED**
2. **2009 Series Bond Issue – Streets & Trails:** A resolution adjusting the 2009 city budget to appropriate the proceeds of the 2009 Sales Tax Bond Issue for streets and trails.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 234-09

3. **Bid # 09-67 Royal Overhead Door Inc.:** A resolution awarding Bid 09-67 and approving purchase of three overhead rolling service doors from Royal Overhead Door, Inc. in the amount of \$36,507.00 for use at the Noland Wastewater Treatment Plant; approving a \$2,500.00 contingency; and approving a budget adjustment of \$3,007.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 235-09

Agenda Additions:

B. Unfinished Business:

- 1. Old Wire Annexation Appeal:** An ordinance annexing that property described in annexation petition ANX 09-3409 (CC2009-4), for property located at 3231 North Old Wire Road, the northwest corner of Old Wire Road and Rom Orchard Road, containing approximately 39 acres. *This ordinance was left on the First Reading at the October 6, 2009 City Council meeting. This ordinance was left on the Second Reading at the October 20, 2009 City Council meeting. This ordinance was left on the Third Reading at the November 3, 2009 City Council meeting and Tabled to the November 17, 2009 City Council meeting. This ordinance was left on the Third Reading at the November 17, 2009 City Council meeting and Tabled to the December 1, 2009 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5287

C. New Business:

- 1. Fayetteville Animal Shelter Donation:** A resolution accepting a donation of \$25,000.00 to the Fayetteville Animal Shelter from the estate of Kathryn B. Stout, and approving a budget adjustment recognizing the donation.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 236-09

- 2. RZN 09-3442 (Kimbrough):** An ordinance rezoning that property described in rezoning petition RZN 09-3442, for approximately 0.3 acres, located at 805 West Bel Air Drive from RSF-4, Residential Single-Family, 4 units per acre, to RSF-8, Residential Single-Family, 8 units per acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5288

- 3. Illinois River Watershed Partnership:** An ordinance waiving the requirements of §34.23, of the Fayetteville Code of Ordinances and approving a contract with the Illinois River Watershed Partnership in the amount of \$10,000.00 for Watershed Education and Planning Services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5289

- 4. ADM 09-3467 Park Centre C-PZD Amendment No. 1:** An ordinance amending a commercial planned zoning district entitled C-PZD 08-2894 Park Centre to allow modification to the approved building elevations, as described herein.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5290

5. **Private Parking Lot Agreements:** A resolution to express the City Council's support for the City Parking Division to seek leases and agreements to manage private parking lots.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 237-09

6. **Dickson Street Parking:** A resolution to recommend that City staff prepare plans to make all City parking lots in the Dickson Street entertainment area paid parking.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 238-09

7. **Residential Parking Permits – Dickson Street Area:** A resolution expressing the City Council's support for residential parking permits in the Dickson Street area and requesting the administration to present such a system for City Council approval.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 239-09

Announcements:

1. **City Council Tour:** None

Adjournment: 7:55 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

City Council Meeting:

December 1, 2009

Adjourn: 7:55 PM.

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

9-0

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

Subject:	Consent				
Motion To:					
Motion By:		Approve			
Seconded:		Jernell			
Minutes approved passed 234-09- 235-09		Petty			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Mayor Jordan				

8-0

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

Subject:	Old Wire Annexation Appeal				
Motion To:		Approve			
Motion By:		Appeal &	Annexation Ordinance		
Seconded:		Ferrell			
B. 1 Unfinished Business <u>passed</u> 5287	Ferrell	✓			
	Lucas	✓			
	Lewis	N			
	Gray	✓			
	Thiel	✓			
	Cook	N			
	Petty	✓			
	Rhoads	✓			
	Mayor Jordan				

6-2

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

Subject:	Fayetteville Animal Shelter Donation				
Motion To:		<i>Approve</i>			
Motion By:		<i>Thiel</i>			
Seconded:		<i>Ferrell</i>			
C. 1 New Business <i>passed</i> <i>236-09</i>	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Mayor Jordan				

8-0

Subject:	RZN 09-3442 (Kimbrough)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Thiel</i>	<i>Petty</i>		
Seconded:		<i>Ferrell</i>	<i>Ferrell</i>		
C. 2 New Business <i>passed</i> <i>5288</i>	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

6-2

Subject:		Illinois River Watershed Partnership			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Thiel	Gray	
Seconded:			Lucas	Ferrell	
C. 3 New Business <u>passed</u> 5289	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Lewis	Recuse	Recuse	Recuse	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

Subject:		ADM 09-3467 Park Centre C-PZD Amendment No. 1			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Ferrell	Ferrell	
Seconded:			Lucas	Lucas	
C. 4 New Business <u>passed</u> 5290	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:		Private Parking Lot Agreements			
Motion To:					
Motion By:			Approve		
Motion By:			Thiel		
Seconded:			Gray		
C. 5 New Business <u>passed</u> 237-09	Ferrell		✓		
	Lucas		✓		
	Lewis		✓		
	Gray		✓		
	Thiel		✓		
	Cook		✓		
	Petty		✓		
	Rhoads		✓		
	Mayor Jordan				

8-0

Subject:		Dickson Street Parking			
Motion To:					
Motion By:			Approve		
Motion By:			Thiel		
Seconded:			Petty		
C. 6 New Business <u>passed</u> 238-09	Ferrell		✓		
	Lucas		✓		
	Lewis		✓		
	Gray		✓		
	Thiel		✓		
	Cook		✓		
	Petty		✓		
	Rhoads		Absent during the vote		
	Mayor Jordan				

7-0

Subject:		Residential Parking Permits – Dickson Street Area			
Motion To:					
Motion By:					
Seconded:					
C. 7 New Business <u>Passed</u> 239-09	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	absent during the vote, 0			
	Mayor Jordan				

7-0

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

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: **December 2, 2009**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of December 1, 2009**

1. **2009 Series Bond Issue – Streets & Trails:** A resolution adjusting the 2009 City Budget to appropriate the proceeds of the 2009 Sales Tax Bond Issue for Streets and Trails;
2. **Bid #09-67 – Royal Overhead Door Inc.:** A resolution awarding Bid #09-67 and approving purchase of three overhead rolling service doors from Royal Overhead Door, Inc. in the amount of \$36,507.00 for use at the Noland Wastewater Treatment Plant; approving a \$2,500.00 contingency and approving a budget adjustment of \$3,007.00;
3. **Fayetteville Animal Shelter Donation:** A resolution accepting a donation of \$25,000.00 to the Fayetteville Animal Shelter from the Estate of Kathryn B. Stout, and approving a budget adjustment recognizing the donation;
4. **Illinois River Watershed Partnership:** An ordinance waiving the requirements of §34.23 of the Fayetteville Code of Ordinances and approving a contract with the Illinois River Watershed Partnership in the amount of \$10,000.00 for Watershed Education and planning services;
5. **Private Parking Lot Agreements:** A resolution to express the City Council's support for the City Parking Division to seek leases and agreements to manage private parking lots;

6. Dickson Street Parking: A resolution to recommend that City Staff prepare plans to make all city parking lots in the Dickson Street Entertainment area paid parking;

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Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



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City Council Meeting
December 1, 2009**

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Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Third Quarter 2009 Report of Financial Condition of the City – City Clerk

A. Consent:

1. Approval of the November 17, 2009 City Council meeting minutes.
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3. **Bid # 09-67 Royal Overhead Door Inc.:** A resolution awarding Bid 09-67 and approving purchase of three overhead rolling service doors from Royal Overhead Door, Inc. in the amount of \$36,507.00 for use at the Noland Wastewater Treatment Plant; approving a \$2,500.00 contingency; and approving a budget adjustment of \$3,007.00.

Agenda Additions:

B. Unfinished Business:

- 1. Old Wire Annexation Appeal:** An ordinance annexing that property described in annexation petition ANX 09-3409 (CC2009-4), for property located at 3231 North Old Wire Road, the northwest corner of Old Wire Road and Rom Orchard Road, containing approximately 39 acres. *This ordinance was left on the First Reading at the October 6, 2009 City Council meeting. This ordinance was left on the Second Reading at the October 20, 2009 City Council meeting. This ordinance was left on the Third Reading at the November 3, 2009 City Council meeting and Tabled to the November 17, 2009 City Council meeting. This ordinance was left on the Third Reading at the November 17, 2009 City Council meeting and Tabled to the December 1, 2009 City Council meeting.*

Left on the Third Reading

C. New Business:

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- 4. ADM 09-3467 Park Centre C-PZD Amendment No. 1:** An ordinance amending a commercial planned zoning district entitled C-PZD 08-2894 Park Centre to allow modification to the approved building elevations, as described herein.
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Announcements:

- 1. City Council Tour: None**

Adjournment:

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RESOLUTION NO. _____

**A RESOLUTION ADJUSTING THE 2009 CITY BUDGET TO
APPROPRIATE THE PROCEEDS OF THE 2009 SALES TAX BOND
ISSUE FOR STREETS AND TRAILS**

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

Section 1. The City Council of the City of Fayetteville, Arkansas amends the 2009 city budget by approving the attached budget adjustment which appropriates proceeds of the 2009 sales tax bond issue for streets and trails by adding \$9,633,445.00 to the street improvements account, \$1,258,624.00 to the trails account and \$357,931.00 in various bond costs accounts, with a corresponding reduction of \$11,250,000.00 in the bond proceeds account.

PASSED and APPROVED this 1st day of December, 2009.

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

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**City of Fayetteville Arkansas
City Council Meeting Minutes
November 17, 2009**

A meeting of the Fayetteville City Council was held on November 17, 2009 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, Thiel, Cook, Petty, Rhoads, Lucas, 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: None

Presentations, Reports and Discussion Items: None

Consent:

Approval of the November 3, 2009 City Council meeting minutes.

Approved

Bid # 09-63 Landers Ford Lincoln Mercury of Benton: A resolution to approve the lowest bid from Landers Ford, Lincoln, Mercury of Benton, Arkansas in the amount of \$29,128.00 for a heavy duty, regular cab, 4x4 pickup truck for use by the Parks Division.

Resolution 226-09 as recorded in the office of the City Clerk.

Bid # 09-64 Sweetser Construction, Inc.: A resolution to approve an agreement between the City of Fayetteville and Sweetser Construction, Inc. for the construction of Doc Mashburn Park in the amount of \$64,199.00 plus a 15% contingency of \$9,630.00.

Resolution 227-09 as recorded in the office of the City Clerk.

Ferrara Fire Apparatus: A resolution awarding bid and approving purchase of a fire pumper apparatus and related equipment from Ferrara Fire Apparatus in the amount of \$410,200.00 for use by the Fayetteville Fire Department; and approving a 12% contingency.

Resolution 228-09 as recorded in the office of the City Clerk.

Evans Construction and Remodeling, LLC: A resolution approving a contract in the amount of \$24,895.00 with Evans Construction and Remodeling, LLC for rehabilitation of a CDBG eligible residence.

Resolution 229-09 as recorded in the office of the City Clerk.

2009-2010 (ICAC) Task Force Program Continuation Grant: A resolution authorizing the Mayor to accept a non-matching 2009-2010 Internet Crimes Against Children (ICAC) Task Force Program Continuation Grant in the amount of \$30,000.00 from the Arkansas State Police; and approving a budget adjustment recognizing the grant revenue.

Resolution 230-09 as recorded in the office of the City Clerk.

AOS: A resolution to approve the purchase of a fully redundant modular chassis switch for the Police Department from AOS pursuant to the state contract price of \$70,227.00 and to approve the attached budget adjustment.

Resolution 231-09 as recorded in the office of the City Clerk.

Municipal Parking Lot # 55: A resolution to approve the attached budget adjustment recognizing \$6,500.00 in Parking Facility/Fees which will be used to replace deteriorated curb and gutter in Municipal Parking Lot # 55

Resolution 232-09 as recorded in the office of the City Clerk.

Alderman Petty moved to approve the Consent Agenda as read. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell was absent.

Agenda Additions: None

Unfinished Business:

Old Wire Annexation Appeal: An ordinance annexing that property described in annexation petition ANX 09-3409 (CC2009-4), for property located at 3231 North Old Wire Road, the northwest corner of Old Wire Road and Rom Orchard Road, containing approximately 39 acres. *This ordinance was left on the First Reading at the October 6, 2009 City Council meeting. This ordinance was left on the Second Reading at the October 20, 2009 City Council meeting. This ordinance was left on the Third Reading at the November 3, 2009 City Council meeting and Tabled to the November 17, 2009 City Council meeting.*

Jeremy Pate, Development Services Director: I believe Sondra received an email from the applicant asking to table this again for two weeks.

Colleen Gaston, resident of 3270 Rom Orchard Rd.: It is my recollection that this is the third time that the petitioner has requested tabling this. I am not sure why they could not be here all of these times but in my experience as a lawyer if you don't show up when you are making an appeal that is too bad. I think the City has provided ample opportunity for them to present their position on this matter. I think at this time it is time to make a decision. She presented letters from city residents who are opposed to this annexation.

Alderman Rhoads: I realize that you have been inconvenienced but the City Council does not quite work like a court room in the fact that it is not abnormal to ask for things to be tabled for various reasons. I would like to publicly suggest to the petitioners that if they want this tabled again to give advance notice so people do not have to show up. I would also like it to be tabled because Bobby is not here and I think he has some view points on it and it is in our Ward.

Alderman Lewis: Is there something that can be stated saying we will table it but we are voting on it next time so be here?

City Attorney Kit Williams: You could certainly say that, but the City Council can table again anyway. You can say for the record that you would not as an Alderman vote to table again if you wanted to.

Alderman Thiel moved to table the ordinance to the December 1, 2009 City Council meeting. Alderman Rhoads seconded the motion. Upon roll call the motion to table passed 5-2. Alderman Cook and Petty voting no. Alderman Ferrell was absent.

A discussion followed with Colleen Gaston on the information she had for the Council and whether or not the public would be able to speak on the issue or not.

The Council agreed to wait to hear the public's comments until the item was brought back in two weeks.

2010 Annual Budget & Work Program: A resolution adopting the 2010 Annual Budget and Work Program. *This resolution was Tabled at the November 3, 2009 City Council meeting to the November 17, 2009 City Council meeting.*

Paul Becker, Finance Director gave a brief explanation and touched on the highlights of the proposed budget.

Alderman Cook: I am ready to vote on this tonight and I think everyone else is from what we discussed at Agenda Session. There is no wiggle room left. I appreciate staff and administration getting to this point without cutting any services and I know if it gets worse we will have to get to that point, hopefully it won't. I appreciate the fact that we did not have to and that we can pass this right now and we do have a little money left in reserves that we can use. I pray that the economy will turn and things will get better for us. I don't think we can get any better than what we have.

Alderman Lewis: I appreciate all the updates. I am impressed with the former council decisions on setting aside reserves so that in times like this there is an opportunity to have that available. I had spoken with Paul about the concrete pad and the location of it. I wanted to bring that up as a discussion point in that I think it is good but in that particular situation I would like there to be an exploration of a better location for that so that it might be cheaper.

Paul Becker explained the item Alderman Lewis was referring to. He explained the concrete pad was to set a burn trailer on which is used in firefighter training. He stated the site that was suggested was Station #6 which would take some site preparation. We felt that was the best site available. We also discussed with Sarah and the Mayor has committed that if we do this project we will first analyze and see if there are any other locations that would be more suited.

Kyle Curry with the Fayetteville Fire Department stated this site located at Station 6 is an adjacent lot that we have to the station. We won't have to purchase any land. We were going to use the resources we had. He explained efforts made in the past to get a training facility. This would be a way to facilitate a live burn for our firefighters.

Alderman Rhoads: Don't surrounding towns use buildings?

Kyle Curry: Yes sir, some do. This is what our Fire Administration has chosen. You have to go through asbestos checks and we do not really have anyone on our department that can do that.

Alderman Rhoads: If need be could you train with another Fire Department?

Kyle Curry: We could but you would have to take on duty companies out of service and out of the city or you would have to pay firefighters overtime to actually participate in that.

Alderman Lewis: My comment was that if at all possible, if the structure is sound and we do get the training center, to explore existing concrete slabs because we have quite a few empty concrete slabs in Fayetteville.

Kyle Curry: That would be fine and that would save a lot of time for us.

Mayor Jordan: I am not opposed to that.

Paul Becker: There is \$80,000 there. If we do not get the grant, we will not spend it and it will be reprogrammed next year through the budget process. If we do get the grant we are going to examine to see if there is a better location.

Mayor Jordan: If we can save \$80,000 we will.

Paul Becker: That is on page 174 of the budget document if you want to read a little bit more about it.

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

Resolution 233-09 as recorded in the office of the City Clerk.

New Business:

VAC 09-3444 (Ute Wilson): An ordinance approving VAC 09-3444 submitted by Sawyer's Outdoor Solutions for property located at 2021 Ball Avenue to vacate a portion of a utility easement containing approximately 124 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated staff is recommending approval as did the Planning Commission.

Ute Wilson, owner of the property asked the Council to approve this tonight.

Alderman Lucas 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 Thiel moved to suspend the rules and go to the third and final 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.

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

Ordinance 5284 as Recorded in the office of the City Clerk.

Amend Chapter 97: An ordinance amending Title IX: General Regulations of the Code of the City of Fayetteville, to amend sections of Chapter 97: Parks and Recreation in order to permit special events at Lake Fayetteville that include a swimming component.

City Attorney Kit Williams read the ordinance.

Karen Minkel, Director of Strategic Planning and Internal Consulting gave a brief description of the ordinance. She stated the Parks and Recreation Advisory Board forwarded this unanimously and the Ordinance Review Committee reviewed the ordinance and it was forwarded to the City Council with a unanimous vote of 3-0 recommending approval.

Alderman Thiel: I think it is a positive thing for the lake because it will give us a reason to try to do more testing out there. Since it is just a special event sort of thing and I think it's something that might be positive for our economic development aspect I certainly support it.

Alderman Lewis: I have a question about your data collection. So the Health Department requires an organization to test two weeks prior to their event.

Karen Minkel: They require that the event organizer have them come out and take the test and they test it in their labs. It would be in addition to the tests that the City was doing.

Alderman Lewis: I appreciate the long range data of the lake. How are you going to use that? What will help you to decide whether or not to allow the event at that time?

Karen Minkel: We have had tests in the past but it has been sporadic. They have all been positive but from what we can tell we have moving water and it is a safe lake to use for a swimming event. We are not as sure if it is stagnant. I think after a five or ten year period then you will be able to note what trends are taking place. If you know at a certain month every year you are seeing your levels go up to areas that may not be unsafe but are worrisome then event organizers will know that. It would also tell us something about the watershed itself. I would not be the person analyzing those tests but I think with that data it will tell us something about the health of that lake as well.

Don Marr: The other part of what this will do is potentially let the event organizer know that it is not a guarantee and that it is based on the results of the test. It would be used as screening criteria for the event to occur.

Bruce Dunn, Event Organizer explained the events that he was interested in bringing to this area. He also spoke on the precautions that would be used for each event.

Alderman Petty: How many people do you anticipate competing?

Bruce Dunn: If it was just that event only I would think it would be 150 people for a first year event. With a festival you triple the numbers from 350 to 400 people. He gave examples of other events. I envision this event being 250 people at first and long term 500 to 600 people.

Alderman Petty: Is it too early for you to make a prediction on how many of those competitors would come from out of town?

Bruce Dunn: Generally speaking the events for Northwest Arkansas about 80% would be from out of town. He gave examples of other events.

Alderman Petty: Did you request any money from the Advertising and Promotion Commission?

Bruce Dunn: I did not because I wanted to make sure that we got the approval. I will be asking for money for that.

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

City Attorney Kit Williams read the ordinance.

Alderman Thiel moved to suspend the rules and go to the third and final reading. Alderman Gray 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 5285 as Recorded in the office of the City Clerk.

CUP 09-3389 Barking Bed & Breakfast Appeal: An appeal of the Planning Commission's decision to deny CUP 09-3389 Barking Bed and Breakfast located in the I-540 Design Overlay District (DOD) west of I-540 and Shiloh Drive on the north side of Old Farmington Road.

Jeremy Pate gave a brief description of the item. He stated staff recommended approval of this request. He passed out conditions of approval with a few clarifications. He went on to read the conditions of approval.

Alderman Petty: I was looking at maps from similar facilities in Fayetteville. How far away is the proposed facility from the nearest hotel for a comparison?

Jeremy Pate: I will have to get back to you. I can measure that on our site plan.

Alderman Petty: In your experience and training how effective are noise barriers like this?

Jeremy Pate explained research they had conducted. He stated a good buffer can reduce sound by 5 to 10 decibels. He described the different variances and stated I will try to find out that measurement.

Alderman Lewis asked the applicant what is the business model for allowing the dogs to be outside.

Melanie Chambers, the applicant stated the hours they would actually be outside is weather permitting. The play times will be between 10 a.m. and 6 p.m.

Alderman Lewis: Do you have a limit on the number of dogs at a time or is there generally a limit on the number of dogs that are allowed to be out?

Melanie Chambers: We are putting a limit and letting them out in groups of 25.

Alderman Thiel: Have you done a market study and feel that there is a need for this at this time.

Melanie Chambers: What we are proposing is for me to have a maximum of 80. That does not mean I will have 80 dogs everyday. The facilities that I visit normally have around 30-40 dogs per day. The maximum they reach is during holidays and spring break. I have done research.

Alderman Gray: Is it normal to have that many dogs out at once? That seems like a lot to be barking all at once.

Melanie Chambers: They are not going to be barking all at once. Normally at any of the facilities I have been at they have not all been barking at once. She referenced their research which was included in the agenda packet. She stated it gives the distance of the hotels from the fence.

Ms. Chambers gave a presentation to the Council on her research and the proposed business.

Marilyn Heifner, Executive Director of the Fayetteville Advertising and Promotion Commission: The Advertising & Promotion Commission spends hundreds of thousands of dollars encouraging people to come to Fayetteville and spend the night. We represent the interests of hotels, motels, and restaurants. We would like to keep that business in Fayetteville. The hotels have had a pretty challenging year keeping customers in town. We feel this would be detrimental to the four adjacent hotels. There are probably other letters besides the Regional Manager from the Hampton Inn that say they do not favor this being placed near them. One of the reasons we are opposed to this is because it is a conditional use and is in a residential area. No screening will dissipate the noise.

She stated she lives south of a facility that has 40 dogs and they requested to go to 80 dogs which was denied because of the concerns of the neighbors. She urged the Council to uphold the decision of the Planning Commission because of the noise and because of the odor.

Alderman Petty: Does the daycare center that you live near have a noise barrier?

Marilyn Heifner: It has several trees but not a screen of trees.

Alderman Petty: Approximately how many feet is that from your house?

Marilyn Heifner: About 600 feet.

Jeff Hawkins, resident of 2824 Old Farmington Road stated my property is separated from the subject property by 357 feet from property line to property line. He referenced the City Code and stated I agree with the Planning Commission's decision. He went on to speak against the proposed business. He stated it is not an appropriate location for this facility. He voiced his concerns about the noise that will be created by the barking dogs. He stated I urge you to uphold the Planning Commission's decision to deny this application.

Kal Gandhi, General Manager of Travelodge Inn and Suites of Fayetteville spoke in opposition to the proposed business. He stated it will cause an intolerable nuisance to the guests staying at his hotel. He stated this will cause a loss in revenue and he recommended that the Council deny this request.

Alderman Petty: The applicant stated that you allow pets at your motel.

Kal Gandhi: Yes sir we do. We have only four rooms which are designated for pets. It is for the guest's convenience.

Alderman Petty: Jeremy, did you find out how far away the proposed facility is from the nearest hotel?

Jeremy Pate stated all those distances are located on page 18 of 50 so the Value Place Hotel is the closest from the outdoor fence area and that is about 125 feet. He went on to list the distances from the other listed hotels.

Alderman Petty: I don't really buy the idea that this is going to adversely affect hotels. I think we should make our decisions based on data and not on fear of how bad it could be. Hearing from Bentonville hotels that are just as close is pretty telling especially with all the conditional uses that we have in front of us. Based on what the Bentonville hotels have said I am going to listen to the data and support this.

Alderman Lewis: Jeremy can you clarify the coordination with the Solid Waste Department is that once a week or twice a week?

Jeremy Pate: It is not specified how often. It will be coordinated with the Solid Waste Division. I think that refers more to the size of dumpster that will be required for this particular site. That's usually done through the large scale development process.

Alderman Lewis: I would like to suggest we add a condition of approval by limiting the number of dogs that would be outside at any one time to they can only have 15 dogs out at any one time from 10:00 to 6:00.

Alderman Lewis moved to amend the appeal to limit the number of dogs outside at any one time to 15. Alderman Thiel seconded the motion.

Aubrey Shepherd spoke in favor of the amendment.

Jeff Hawkins stated with regard to the amendment I don't know who's going to be out counting whether it is 25 or 15. That's a requirement that's virtually impossible to enforce in any city. I don't know how much of a staff Fayetteville has that can possibly enforce the number.

Melanie Chambers: The reason why we limited it to 25 dogs the first time is because the other facilities were letting their dogs out all at once. I stated earlier people were letting out 30 to 50 dogs at their facilities. I don't want to be paranoid and be limited so much that I have to be out there with a list of things that I can and can't do and be paranoid that I'm going to have my conditional use taken away from me. There's not any research of 25 dogs sitting outside all at once barking. When you start limiting me it makes me paranoid to even operate period.

Mayor Jordan: Are you saying to the Council that if this amendment passes you would not be interested in doing it?

Melanie Chambers: I think I have bent over backwards so I guess if that is another restriction then that's something else that is taken away.

Alderman Lewis: It's an effort to try to find a way to balance between these.

Alderman Petty: With the more restrictive noise ordinance that control is already in place. That's her demonstrating that she is going to be very aware of how loud her dogs are being. That's really all we are talking about if we are restricting the number of dogs that can be out at once. I would like to stick to what's already there with the restrictive noise ordinance.

Alderman Lucas: I think it's a nuisance whether it's 15 dogs. You get dogs to barking your noise ordinance is not going to help at all I don't think. I don't know what to say about limiting it to 15, it's not really going to make a difference.

Alderman Thiel: I agree I don't think it makes that much difference if it's 15 or 25. That's not to say that I don't necessarily support this.

Alderman Gray: It sounds like we have folks in our community who feel like the noise ordinance is not sufficient or is not being followed because they're being greatly affected in their

homes by what's going on. All of us have had several emails and communications from residents in our city who are not for this because their home atmosphere is being disturbed by the nuisance of barking dogs. Jeremy, can you tell me a little bit about our noise ordinance?

Jeremy Pate: The Police Department administers and enforces our noise ordinance and it is based upon decibel readings taken at certain times of day. Day time readings are allowed to be higher than night time. It also depends upon the zone in which the reading is taken. In regard to nuisance noises however it is a little different.

Kit Williams: Casey Jones our City Prosecutor informed me this is one of the most difficult cases to prosecute. It is not really the decibel meter when it's barking dogs because that is usually used for a constant noise like outdoor music. We must show that the barking dog is incessant and goes on for a considerable period of time. It doesn't say in condition number three that there must be any convictions it says if more than three dog barking complaints relative to this use have been verified by the Planning Department. This is a difficult issue and there are some dangers no matter what you do one way or the other.

Alderman Gray: This does cause me great concern. I feel like this is pretty nebulous. Jeremy how comfortable do you feel about that?

Jeremy Pate: In terms of the process either the Police Department or Planning Division would get a call and we would go listen or we could take tape recordings. The burden on us simply is to prove first of all that it's from that facility and secondly if there are three within a year then we would take it back to the Planning Commission who then could add additional conditions. There are a number of conditions that the Planning Commission could take or impose without having to entirely shut the business down although the applicant has been informed that that certainly is a possibility. The Chair of the Planning Commission, Commissioner Trumbo stated he was very uncomfortable voting for the application because of the investment in the property and the fact that it could be brought back to that person and that business could be shut down.

Jeremy stated we are trying to be extremely open to the applicant understanding the risks in this process. That is the reason it is in black and white on these conditions of approval that this could be revoked. It will be her decision if this is granted whether to go forward with the conditions. She is concerned about some of these conditions already so it will be her decision ultimately if it does go forward.

Don Marr: We are in a situation with limitations on staff time. The more items we add because our city ordinances are based on complaint driven ordinances we don't have time. In the budget, that you've so graciously approved tonight, there are thirteen open positions that we have not filled. We need to be understanding that as you pass these things the response times for those types of complaints are based on the staff we have to respond. Not saying that we wouldn't or maybe we wouldn't be able to but it may not be as quickly as someone might like.

Upon roll call the motion failed 1-6. Alderman Lewis voting yes. Alderman Rhoads, Lucas, Gray, Thiel, Cook, and Petty voting no. Alderman Ferrell was absent.

City Attorney Kit Williams explained the voting requirements for appeals.

Alderman Lucas: Our concern is for business and this is a new business but I feel like it is important that we consider the businesses and neighbors that we have. One or two dogs barking are a nuisance. I heard from constituents, before this went to the Planning Commission, that were against it. The people are concerned and I can respect that. I don't think we should have this conditional use in this area.

Alderman Thiel: There is so much opposition to this that I don't think this applicant stands a chance. I'm concerned about what the City Attorney said that it would be a shame for them to make this kind of investment and then because of complaints they would have to shut down. I would really like to support this because I think it is something that is needed and in some way it's a very good location for it. It's got a natural buffer around it. I don't guess I'll support it.

Alderman Lewis: It's a difficult decision to make. I looked at the business model and it has a really good design. There is plenty of space for the dogs, the buffering is essential and it's on a mixed use area where you have businesses and residential which makes it a pretty good spot for this kind of place where you can drop off your dogs. The two things that make this extra hard for me is there will be so much green space there and there is a house on that property that is historically very significant and this property owner is going to preserve that. Jeremy this is a conditional use, it is C-2. What can go into a C-2 outside of a conditional use?

Jeremy Pate: Thoroughfare commercial allows most any other commercial uses. Any of the uses you see along Martin Luther King or Shiloh. Hotel, motel, restaurant, office buildings, an office complex, almost anything commercial you can imagine. College Avenue is zoned C-2 along the boundary there.

Alderman Lewis: This seems like a softer use of that property than what could go there. The barking dog is a difficult thing. It seems like the business model is such that there is going to be responsibility on watching the dogs and they are going to limit the number of dogs some what. The hours are limited and the other hotels in Bentonville stated this does not affect them. We do have a hotel here that is saying that it could. I'm leaning towards being supportive of it because of the design of the spot as far as the way it is designed and the buffering.

Alderman Petty: The applicant might be taking on a lot of risk but I don't think that is our decision to make as an elected official for a business owner.

Alderman Petty moved to approve the appeal including the conditions of approval that was passed out. Alderman Cook seconded the motion. Upon roll call the appeal failed 3-4. Alderman Lewis, Cook and Petty voting yes. Alderman Rhoads, Lucas, Gray, and Thiel voting no. Alderman Ferrell was absent.

The appeal Failed.

Amend Chapter 117: An ordinance to amend Chapter 117 of the Fayetteville Code to authorize the Fayetteville Town Center to manage the interior parking spaces of the Fayetteville Square during and for the Lights of the Ozarks and to pass an emergency clause.

City Attorney Kit Williams read the ordinance.

Sharon Crosson, Fayetteville Parking Manager stated this ordinance is going to solidify the A & P's authority to manage the vendors that come to join in on that venue for Lights of the Ozarks, to make sure those vendors are abiding by the rules of the event, that they don't impede pedestrian traffic on the sidewalks, and that they clean up after themselves each night. Once this is passed it will give the A & P Commission the authority to govern that venue for the event.

Alderman Lucas: Do we get any sales tax from this?

City Attorney Kit Williams: One of the things we would look at is their HMR tax application and the sales tax there. This will help us ensure that they are in fact doing that and working with the Town Center staff. The Town Center staff will now have an ordinance that will be able to ensure even better compliance.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Cook 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 5286 as Recorded in the office of the City Clerk.

Alderman Petty moved to approve an Emergency Clause. Alderman Cook seconded the motion. Upon roll call the Emergency Clause passed 7-0. Alderman Ferrell was absent.

Announcements:

Meeting adjourned at 7:55 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Handed out at The City Council Meeting
12/01/09. B.I. Old Wire Annexation Appeal

November 17, 2009

Councilmen Rhoads and Ferrell
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

Re: Annexation at 3231 N. Old Wire Road, ANX 09-3409 (CC2009-4)

Dear Councilmen Rhoads and Ferrell:

I am a resident of the City of Fayetteville, Ward 3. My family and I live in Brookbury Subdivision off of Skillern Road and less than one mile from the approximately 39 acres on Old Wire Road petitioned for annexation to the City of Fayetteville. I oppose the annexation for the reasons given by the Planning Division when it recommended denial of the annexation, and I believe that the City Council should uphold the decision of the Planning Commission to deny the annexation.

The roads in the area are not adequate to handle traffic from a large, dense residential development. Traffic congestion already is a problem at the intersections of Old Wire Road with Skillern Road and with Crossover Road.

Furthermore, there is no need for another subdivision (as is intended by the developer) in this area. There already are several nearby subdivisions on Crossover Road and another on Skillern Road that have completed infrastructure but that remain all or mostly vacant lots. It would be better for my neighborhood and other nearby neighborhoods if these incomplete developments, which often are not well-maintained, were built out before new developments were permitted. Although we live in a traditional subdivision, we enjoy and benefit from having the nearby greenspace and rural neighborhoods just north of Skillern Road. The large, dense subdivision intended for the 39 acres proposed for annexation would destroy the rural character of that area. The citizens of Fayetteville benefit from having areas of greenspace and rural neighborhoods adjacent to the City.

I urge you as my City Council members to vote to deny the annexation so that the City can take advantage of having these nearby rural areas, work to preserve them, and fill-in where there already is urban and suburban residential development.

Thank you.

Sincerely,



Lauri Cavell
3234 Idlewood Way
Fayetteville, AR 72703

Cc: Mayor Lioneld Jordan and Ward 1, 2, and 4 Members of the Fayetteville City Council

Handed out at the City Council Meeting
12/01/09, B.I. Old Wire Annexation Appeal

December 1, 2009

Mayor Lioneld Jordan and
Members of the Fayetteville City Council
125 West Mountain Street
Fayetteville, AR 72701

Re: Annexation at 3231 N. Old Wire Road
ANX 09-3409 (CC2009-4)

Dear Mayor Jordan and Members of the City Council:

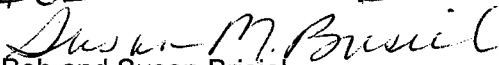
We live at 3150 N Rom Orchard Rd, very close to the property in question. Changes to that property would certainly affect us along all the other homes on Rom Orchard Rd. For that reason we strongly urge the council to deny the annexation of the approximately 39 acres off of Old Wire Rd. The Planning Commission voted to deny the annexation following the recommendation of the City Planning Division and we feel the council should not reverse that decision.

Considering that our neighborhood consists of lots with a minimum of 3 acres, the intended higher density acres proposed for annexation would certainly destroy the rural character of the area. People who live in this area do so because they appreciate the wide open spaces, lack of traffic and elbow room. We would have plenty of options to choose from if we desired a more populated area.

A large, dense subdivision is not needed in this area. There are several nearby subdivisions on Crossover Road and another on Skillern Road that have completed infrastructure but that remain all or mostly vacant lots. There are plenty vacant lots located on Mission Blvd where great plans were made for hillside development. It would be best for the city if these developments were built out before new developments were permitted.

Please consider this matter carefully and vote to deny the annexation of the 39 acres.
We appreciate your consideration.

Sincerely,

Bob and Susan Brisel
3150 N Rom Orchard Rd
Fayetteville, AR 72703
479-587-9307

Handed out at the City Council meeting
12-01-09 B.I. Old Wire Annexation Appeal

December 1, 2009

Mayor Lioneld Jordan and
Members of the Fayetteville City Council
125 West Mountain Street
Fayetteville, AR 72701

Re: Annexation at 3231 N. Old Wire Road
ANX 09-3409 (CC2009-4)

Dear Mayor Jordan and Members of the City Council:

I am not a resident of the City of Fayetteville. I live about ½ a mile past the sign. I reside at 3119 Rom Orchard Rd.

I support the decision of the Fayetteville Planning Commission to deny the annexation of the approximately 39 acres off of Old Wire Road.

The proposed annexation would create a peninsula of land in the City that juts out into the County. This land is surrounded by very low density development. The intended higher density development of the 39 acres proposed for annexation would destroy the rural character of the area. The citizens of Fayetteville benefit from having areas of greenspace and rural neighborhoods adjacent to the City. The City should take advantage of having these nearby rural areas, work to preserve them, and fill-in where there already is urban and suburban residential development. We purchased our home because of it being quiet and more laid back, and we do not look forward to increases in traffic and the noise.

A large, dense subdivision is not needed in this area. There are several nearby subdivisions on Crossover Road and another on Skillern Road that have completed infrastructure but that remain all or mostly vacant lots. It would be best for the City if these developments were built out before new developments were permitted.

I have already in the last two weeks almost had head on contact with speeding school buses and huge gravel trucks who don't move over at all on the small curving road we live on and Old Wire that leads directly on to Rom Orchard. Drivers take short cuts on Rom Orchard and drive as fast as they can. It is rather difficult backing out of our driveway at times. We turned down two nice homes well within the City limits so we could have the peace and quiet we have thus far enjoyed very much. We would like it to stay that way as long as possible. Please consider staying with the long term plans for Fayetteville.

Sincerely,



Lyle & Charlene Smith

3119 Rom Orchard Rd.
72703

Comment to Fayetteville Planning Commission

Re: Rezoning and Annexation Request for 3231 N. Old Wire Road

September 9, 2009

Page 2

Councilmen Rhoads and Ferrell
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

Re: Annexation at 3231 N. Old Wire Road, ANX 09-3409 (CC2009-4)

Dear Councilmen Rhoads and Ferrell:

I am a resident of the City of Fayetteville, Ward 3. My family and I live in Savanna Estates Subdivision off of Skillern Road and approximately one mile from the approximately 39 acres on Old Wire Road petitioned for annexation to the City of Fayetteville. I oppose the annexation for the reasons given by the Planning Division when it recommended denial of the annexation, and I believe that the City Council should uphold the decision of the Planning Commission to deny the annexation.

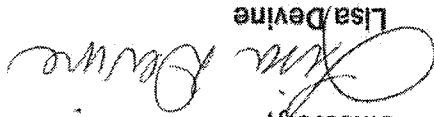
The roads in the area are not adequate to handle traffic from a large, dense residential development. Traffic congestion already is a problem at the intersections of Old Wire Road with Skillern Road and with Crossover Road.

Furthermore, there is no need for another subdivision (as is intended by the developer) in this area. There already are several nearby subdivisions on Crossover Road and another on Skillern Road that have completed infrastructure but that remain all or mostly vacant lots. It would be better for my neighborhood and other nearby neighborhoods if these incomplete developments, which often are not well-maintained, were built out before new developments were permitted. Although we live in a traditional subdivision, we enjoy and benefit from having the nearby greenspace and rural neighborhoods just north of Skillern Road. The large, dense subdivision intended for the 39 acres proposed for annexation would destroy the rural character of that area. The citizens of Fayetteville benefit from having areas of greenspace and rural neighborhoods adjacent to the City.

I implore you as my City Council members to vote to deny the annexation so that the City can take advantage of having these nearby rural areas, work to preserve them, and fill-in where there already is urban and suburban residential development.

Thank you.

Sincerely,



Lisa Devine

3789 Natchez Trace
Fayetteville, AR 72703

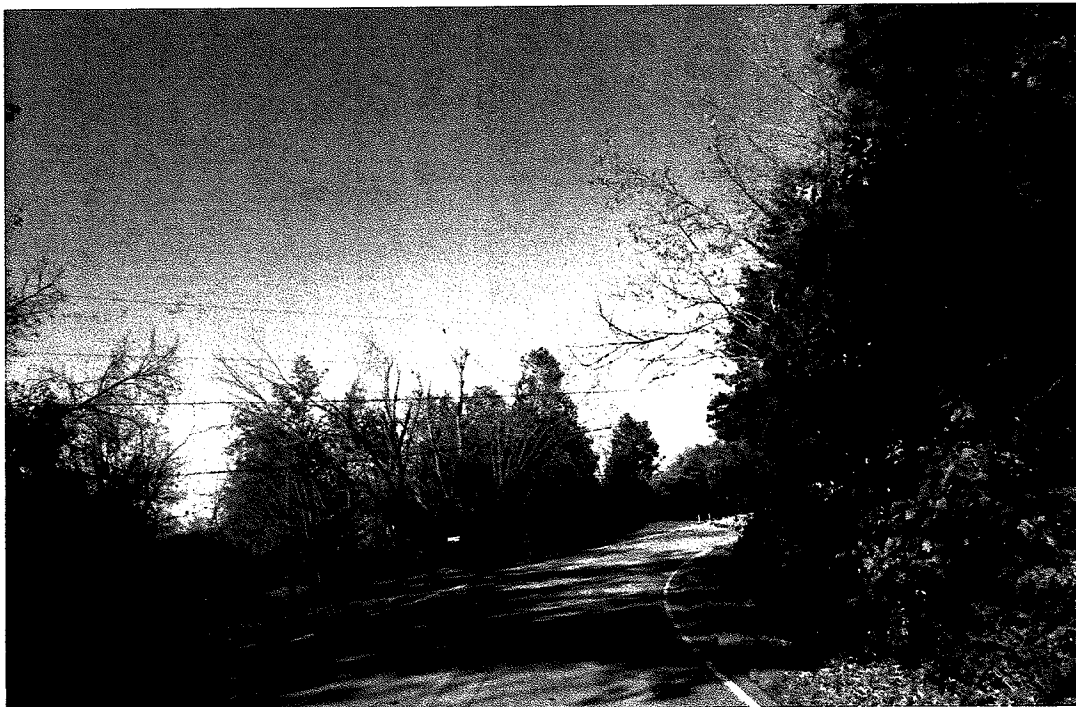
Cc: Mayor Lioneld Jordan and Ward 1, 2, and 4 Members of the Fayetteville City Council

November 17, 2009

B.I. Old Wire Annexation
Handled out at the City Council Meeting 12/01/09

Handed out at the City Council
Meeting 12/01/09. B.I. Old Wire
Annexation Appeal

**Blind curve heading north east on Old Wire Road just before property proposed for
annexation (ANX09-3409, CC2009-4). Photo taken November 17, 2009.**



Mostly vacant subdivisions in the vicinity of the Old Wire Road property proposed for annexation (ANX09-3409, CC2009-4). Photos taken November 17, 2009.



Hickory Park Subdivision on Crossover Road between Old Wire and Township Roads

Mostly vacant subdivisions in the vicinity of the Old Wire Road property proposed for annexation (ANX09-3409, CC2009-4). Photos taken November 17, 2009.



Subdivision on Crossover Road between Old Wire and Township Roads

Mostly vacant subdivisions in the vicinity of the Old Wire Road property proposed for annexation (ANX09-3409, CC2009-4). Photos taken November 17, 2009.



Lynwood Estates Subdivision on Crossover Road between Old Wire and Township Roads

Mostly vacant subdivisions in the vicinity of the Old Wire Road property proposed for annexation (ANX09-3409, CC2009-4). Photos taken November 17, 2009.



Crestmont Subdivision on Skillern Road

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

**Tentative Agenda
City of Fayetteville, Arkansas
City Council Meeting
December 1, 2009**

A meeting of the Fayetteville City Council will be held on December 1, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Third Quarter 2009 Report of Financial Condition of the City – City Clerk

A. Consent:

1. Approval of the November 17, 2009 City Council meeting minutes.
2. **2009 Series Bond Issue – Streets & Trails:** A resolution adjusting the 2009 city budget to appropriate the proceeds of the 2009 Sales Tax Bond Issue for streets and trails.
3. **Fayetteville Animal Shelter Donation:** A resolution accepting a donation of \$25,000.00 to the Fayetteville Animal Shelter from the estate of Kathryn B. Stout, and approving a budget adjustment recognizing the donation.

4. **Bid # 09-67 Royal Overhead Door Inc.:** A resolution awarding Bid 09-67 and approving purchase of three overhead rolling service doors from Royal Overhead Door, Inc. in the amount of \$36,507.00 for use at the Noland Wastewater Treatment Plant; approving a \$2,500.00 contingency; and approving a budget adjustment of \$3,007.00.

Agenda Additions:

B. Unfinished Business:

1. **Old Wire Annexation Appeal:** An ordinance annexing that property described in annexation petition ANX 09-3409 (CC2009-4), for property located at 3231 North Old Wire Road, the northwest corner of Old Wire Road and Rom Orchard Road, containing approximately 39 acres. *This ordinance was left on the First Reading at the October 6, 2009 City Council meeting. This ordinance was left on the Second Reading at the October 20, 2009 City Council meeting. This ordinance was left on the Third Reading at the November 3, 2009 City Council meeting and Tabled to the November 17, 2009 City Council meeting. This ordinance was left on the Third Reading at the November 17, 2009 City Council meeting and Tabled to the December 1, 2009 City Council meeting.*

Left on the Third Reading

C. New Business:

1. **RZN 09-3442 (Kimbrough):** An ordinance rezoning that property described in rezoning petition RZN 09-3442, for approximately 0.3 acres, located at 805 West Bel Air Drive from RSF-4, Residential Single-Family, 4 units per acre, to RSF-8, Residential Single-Family, 8 units per acre.
2. **Illinois River Watershed Partnership:** An ordinance waiving the requirements of §34.23, of the Fayetteville Code of Ordinances and approving a contract with the Illinois River Watershed Partnership in the amount of \$10,000.00 for Watershed Education and Planning Services.
3. **ADM 09-3467 Park Centre C-PZD Amendment No. 1:** An ordinance amending a commercial planned zoning district entitled C-PZD 08-2894 Park Centre to allow modification to the approved building elevations, as described herein.
4. **Private Parking Lot Agreements:** A resolution to express the City Council's support for the City Parking Division to seek leases and agreements to manage private parking lots.
5. **Dickson Street Parking:** A resolution to recommend that City staff prepare plans to make all City parking lots in the Dickson Street entertainment area paid parking.
6. **Residential Parking Permits – Dickson Street Area:** A resolution expressing the City Council's support for residential parking permits in the Dickson Street area and requesting the administration to present such a system for City Council approval.

Announcements:

- 1. City Council Tour: November 30, 2009**

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
2009 Series Bond Issue
Page 1 of 4

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

12/1/2009

City Council Meeting Date
Agenda Items Only

Paul A. Becker

Finance

Finance and Internal Services

Submitted By**Division****Department****Action Required:**

This request is for the City Council to appropriate the proceeds of the 2009 Sales Tax Bond Issue for Streets and Trails. This will authorize the use of the proceeds of the second phase of bond funding for the Streets and Trails programs.

\$ 11,250,000.00

0

Transportation Bond Street Imp.
Transportation Bond Trail Imp.

Cost of this request

Category / Project Budget

Program Category / Project Name

4520-9540-5809-00

Street Improvements

4520-9550-5814-05

0

Trail Improvements

Account Number

Funds Used to Date

Program / Project Category Name

06035

0

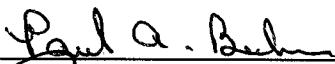
Sales Tax Construction

06036

Project Number

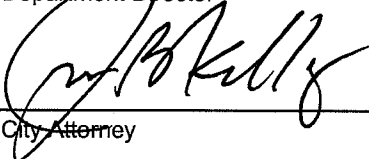
Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒

Department Director

Date

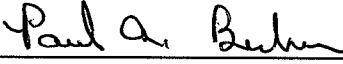
Previous Ordinance or Resolution #


City Attorney

Date

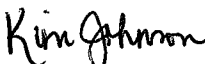
Original Contract Date:

Original Contract Number:


Finance and Internal Services Director

Date

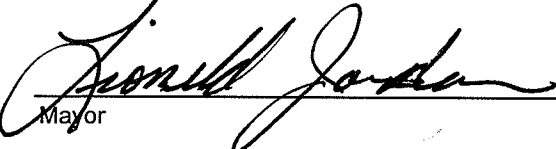
Received in City
Clerk's Office

Chief of Staff

Date

Received in
Mayor's Office



Mayor

Date

Comments:

TO: Mayor Lioneld Jordan and Fayetteville City Council

FROM: Paul A. Becker, Finance Director

DATE: November 10, 2009

SUBJECT: Appropriation Authority for 2009 Series Bond Issue Proceeds

Background:

Pursuant to the passage of Ordinance 5277 October 6, 2009 the series 2009 Bonds have been sold. To proceed with the identified projects it is necessary to create new programs in the Sales Tax Construction Fund and appropriate the proceeds in accordance with the attached budget amendment.

Recommendation:

It is recommended that the attached budget amendment be approved so that planned work can commence in fiscal year 2009.

Budget Impact:

The attached budget amendment will fund Sales Tax Construction Project Improvements. The funds allocated for trail projects are \$1,258,623 and the amount allocated to street projects is \$9,633,446.

RESOLUTION NO. _____

**A RESOLUTION ADJUSTING THE 2009 CITY BUDGET TO
APPOPRIATE THE PROCEEDS OF THE 2009 SALES TAX BOND
ISSUE FOR STREETS AND TRAILS**

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

Section 1. The City Council of the City of Fayetteville, Arkansas adjusts the 2009 city budget to appropriate proceeds of the 2009 sales tax bond issue for streets and trails by adding \$9,633,445.00 to the Street Improvements account, \$1,258,624.00 to the Trails account and \$357,931.00 in various bond costs accounts, with a corresponding reduction of \$11,250,000.00 in the bond proceeds account.

PASSED and APPROVED this 1st day of December, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 2
2009 Series Bond Issue
Adjustment Number

Budget Year 2009	Department: Citywide Division: Citywide Program: 2009 Sales Tax Construction Expense	Date Requested 11/2/2009	
--------------------------------	--	--	--

Project or Item Added/Increased: \$9,633,445 is requested in the Street Improvements account, \$1,258,624 in the Trails account and \$357,931 in various bond costs accounts.	Project or Item Deleted/Reduced: \$11,250,000 from the bond proceeds account.
--	--

Justification of this Increase: To recognize the proceeds from the 2009 Sales and Use Tax Bond Issue and the corresponding expenditures for the street and trail programs.	Justification of this Decrease: To record the issuance of the bonds for the street and trail programs.
---	---

Increase Budget

Account Name	Account Number				Amount	Project Number	
Street Improvements	4520	9540	5809	00	9,633,446	06035	1
Bond Issuance Cost	4520	9540	7506	00	266,586	06035	1
Bond Discount	4520	9540	7507	00	49,968	06035	1
Trails	4520	9550	5814	05	1,258,623	06036	1
Bond Issuance Cost	4520	9550	7506	00	34,845	06036	1
Bond Discount	4520	9550	7507	00	6,532	06036	1

Decrease Budget

Account Name	Account Number				Amount	Project Number	
Proceeds from Bond Sales	4520	0952	6884	00	9,950,000	06035	1
Proceeds from Bond Sales	4520	0952	6884	00	1,300,000	06036	1

V.090403

Division Head		Date	
			
Budget Director		Date	11-2-09
Department Director		Date	11-3-2009
Finance Director		Date	11-3-2009
Chief of Staff		Date	
Mayor		Date	

Budget & Research Use Only

Type:	A	B	C	<u>D</u>	E
Requested By					
General Ledger Date					
Posted to General Ledger	Initial	Date			
Posted to Project Accounting	Initial	Date			

City of Fayetteville Staff Review Form

A. 3
 Fayetteville Animal
 Shelter Donation
 Page 1 of 4

City Council Agenda Items
 and
 Contracts, Leases or Agreements

Dec 1 2009

City Council Meeting Date
 Agenda Items Only

Yolanda Fields

Submitted By

Community Services

Division

Development Services

Department

Action Required:

Recognize donation of \$25,000 from Kathryn B. Stout Estate to the Fayetteville Animal Shelter.

Cost of this request

Category / Project Budget

Animal Services Donations

Program Category / Project Name

1010.0001.4808.00

Account Number

Funds Used to Date

Program / Project Category Name

03048

Project Number

\$

Remaining Balance

General

Fund Name

Budgeted Item

Budget Adjustment Attached

X

Jimmy C. Petr
 Department Director

11-05-2009
 Date

Previous Ordinance or Resolution #

John Kelly
 City Attorney

11-6-09
 Date

Original Contract Date:

Original Contract Number:

Paul A. Behr
 Finance and Internal Services Director

11-9-2009
 Date

Received in City
 Clerk's Office



Kim Johnson

Don Allen
 Chief of Staff

11-9-09
 Date

Received in
 Mayor's Office



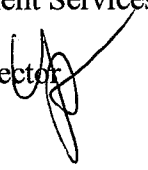
Lionel Jordan
 Mayor

11/9/09
 Date

Comments: Staff recommends approval of the Budget Adjustment recognizing the donation to the Animal Shelter.



STAFF REVIEW MEMO

To: Mayor and City Council
Thru: Jeremy Pate, Development Services Director
From: Yolanda Fields, CS Director 
Date: November 5, 2009
Subject: Recognition of Donation to Animal Shelter

RECOMMENDATION

Staff recommends the approval of the budget adjustment recognizing the donation to the animal shelter.

BACKGROUND

Ms. Kathryn B. Stout donated funds to assist in the construction of the main shelter in 1991. She had a fondness for young dogs and was recognized for her funding of the puppy adoption room. Every year, Ms. Stout gave the shelter a donation to assist in purchasing needed supplies, vaccinations, and medications.

Ms. Stout bequeathed \$25,000 to the animal shelter. This donation is to be used for any needs associated to puppies.

DISCUSSION

The Animal Services Division is very grateful for the generous support of Ms. Stout. We would like to recognize the donation of \$25,000 and will erect permanent signage in the puppy adoption area in her honor.

BUDGET IMPACT

Additional funding will be used to make needed improvements to the puppy area. All remaining funds will be directed to the puppy welfare.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A DONATION OF \$25,000.00 TO
THE FAYETTEVILLE ANIMAL SHELTER FROM THE ESTATE OF
KATHRYN B. STOUT, AND APPROVING A BUDGET
ADJUSTMENT RECOGNIZING THE DONATION

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

Section 1. The City Council of the City of Fayetteville, Arkansas hereby
accepts the donation of \$25,000.00 from the estate of Kathryn B. Stout to the
Fayetteville Animal Shelter.

Section 2. The City Council of the City of Fayetteville, Arkansas
authorizes a budget adjustment recognizing the donation.

PASSED and APPROVED this 1st day of December, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 3
Fayetteville Animal
Shelter Donation

Page 4 of 4

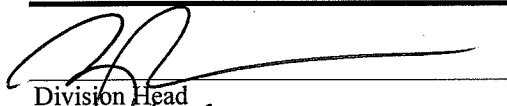
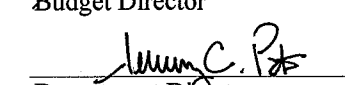
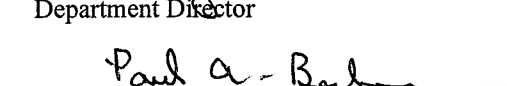
Budget Year 2009	Department: Development Services Division: Community Services Program: Animal Services Projects	Date Requested 10/27/2009	Adjustment Number
----------------------------	--	-------------------------------------	-------------------

Project or Item Added/Increased: Increase Building Maintenance account by \$25,000.	Project or Item Deleted/Reduced: Recognize bequest to the shelter
--	--

Justification of this Increase: Recognize bequest to the shelter	Justification of this Decrease: Funds are a bequest to the shelter
---	---

Increase Budget							
Account Name	Account Number				Amount	Project Number	
Building & Grounds Maintenance	1010	2740	5400	00	25,000	03048	0901

Decrease Budget							
Account Name	Account Number				Amount	Project Number	
Donations - Animal Shelter	1010	0001	4808	00	25,000	03048	0901

 Division Head		10/27/09 Date	Budget & Research Use Only	
 Budget Director		1/4/10 Date	Type:	A B C D E
 Department Director		10-28-2009 Date	Requested By	Rachel
 Finance Director		11-9-2009 Date	General Ledger Date	
Chief of Staff		Date	Posted to General Ledger	Initial Date
Mayor		Date		

V.090403

City of Fayetteville Staff Review Form

A. 4
 Bid # 09-67
 Royal Overhead Door, Inc.
 Page 1 of 16

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

01-Dec-09

City Council Meeting Date
 Agenda Items Only

David Jurgens
 Submitted By

Wastewater Treatment
 Division

Utilities
 Department

Action Required:

Approval of Bid #09-67 for the purchase and installation of three (3) overhead rolling service doors from Royal Overhead Door Inc. for \$36,507.00 plus a contingency amount of \$2,500.00, and approve a budget adjustment for \$3,007.

<u>\$39,007.00</u>	\$ <u>47,025.75</u>	<u>Wastewater Treatment Bldg Imprvmts</u>
Cost of this request	Category / Project Budget	Program Category / Project Name
<u>5400.5800.5801.00</u>	\$ <u>11,025.50</u>	<u>Wastewater Treatment</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02032</u>	\$ <u>36,000.25</u>	<u>Water/Sewer</u>
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒ XX

Budget Adjustment Attached ☒ XX

[Signature]
 Department Director

13 Nov 09
 Date

Previous Ordinance or Resolution # _____

[Signature]
 City Attorney

11-16-09
 Date

Original Contract Date: _____

Original Contract Number: _____

Paula A. Barber
 Finance and Internal Services Director

11-16-2009
 Date

Received in City
 Clerk's Office

ENTERED
11-16-09

[Signature]
 Chief of Staff

11-16-09
 Date

Received in
 Mayor's Office

ENTERED
11/16/09

[Signature]
 Mayor

11/16/09
 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: November 13, 2009

Subject: Approval of Bid #09-67 for the purchase and installation of three (3) overhead rolling service doors from Royal Overhead Door Inc. for \$36,507.00 plus a contingency amount of \$2,500.00, and approve a budget adjustment for \$3,007.

RECOMMENDATION

Staff recommends approval of bid #09-67 for the purchase and installation of three (3) overhead rolling service doors from Royal Overhead Door Inc. for \$36,507.00 plus a contingency amount of \$2,500.00, and approve a budget adjustment for \$3,007.

BACKGROUND

There are nine 16' tall by 14' wide garage style service doors at the Noland Wastewater Treatment Plant Farm Site that were installed in 1988. The existing door slides, which keep the doors on track, are either broken or worn out. This causes the doors to stick and/or jump off tracks when being closed. Employees have to get on 16' high ladders or lift devices in order to muscle the door back on track, creating a significant safety hazard. It also makes the simple task of closing the door very time consuming. The worst three doors have already been replaced; three are proposed for replacement under this bid.

DISCUSSION

The City received two bids on November 12, 2009. Royal Overhead Door Inc. is a properly licensed contractor, and is the lowest qualified bidder.

Contractor	Manufacturer	Price
Rick Pershall Building	Cornell	\$40,000.00
Royal Overhead Door	Cookson	\$36,507.00

BUDGET IMPACT

\$36,000.25 is available in the WWTP Building Improvements project. A budget adjustment for \$3,007 from wastewater minor equipment project is attached.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID 09-67 AND APPROVING PURCHASE OF THREE OVERHEAD ROLLING SERVICE DOORS FROM ROYAL OVERHEAD DOOR, INC. IN THE AMOUNT OF \$36,507.00 FOR USE AT THE NOLAND WASTEWATER TREATMENT PLANT; APPROVING A \$2,500.00 CONTINGENCY; AND APPROVING A BUDGET ADJUSTMENT OF \$3,007.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards bid 09-67 and approves the purchase of three (3) overhead rolling service doors from Royal Overhead Door, Inc. in the amount of \$36,507.00 for use at the Noland wastewater treatment plant.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a contingency in an amount not to exceed \$2,500.00 over the bid amount.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment of \$3,007.00 from the wastewater treatment minor equipment account to the wastewater treatment fixed asset account in order to provide sufficient funding for the purchase.

PASSED and APPROVED this 1st day of December, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



City of Fayetteville
Bid 09-67, Replacement of Rolling Service Doors Re-Bid
Contract Between City of Fayetteville and Royal Overhead Door, Inc.

This contract executed this ____ day of _____, 2009, between the City of Fayetteville, Arkansas, and Royal Overhead Door, Inc. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Royal Overhead Door, Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per **Bid 09-67, Replacement of Rolling Service Doors Re-Bid** as stated in Royal Overhead Door, Inc. bid proposal, and in accordance with specifications attached hereto and made a part hereof, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay Royal Overhead Door, Inc. based on their bid proposal in an amount not to exceed **\$36,507.00**. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and Royal Overhead Door, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 09-67 with the specifications and conditions typed thereon.
 - B. Royal Overhead Door, Inc. bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and Royal Overhead Door, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Royal Overhead Door, Inc.
5. Royal Overhead Door, Inc. shall not assign its duties under the terms of this agreement.
6. Royal Overhead Door, Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Royal Overhead Door, Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Royal Overhead Door, Inc. shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Royal Overhead Door, Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability

\$500,000 for each person injured.
\$1,000,000 for each accident.

Property Damage Liability

\$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by Royal Overhead Door, Inc.

8. Royal Overhead Door, Inc. to furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or Royal Overhead Door, Inc. with 10 days written notice.
10. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.
11. Changes in Scope or Price: 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.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and Royal Overhead Door, Inc., by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

ROYAL OVERHEAD DOOR, INC.

Lioneld Jordan, Mayor

By: _____

Attest:

Name and Title

Sondra Smith, City Clerk

Attest:

By: _____

Name and Title

Business Address

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

Requestion No.: _____ Date: 11/13/2009

P.O Number: _____ Expected Delivery Date: ASAP

Mail Yes: ☒ No: ☐ Taxable Yes: ☒ No: ☐ Quotes Attached Yes: ☐ No: ☒

City: Springdale 444 Old Wire Road, Suite C1 Fayetteville, AR 72701

Requester: David Jurgens State: AR Zip Code: 72764 Ship to code: _____

Requester's Employee #: 490 Extension: 330

Account Numbers 5400.5800.5801.00 Project/Slip/project # 2032 Inventory # _____ Fixed Asset # _____

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Slip/project #	Inventory #	Fixed Asset #
1	Overhead Door	3	ea	12,169.00	\$36,507.00	5400.5800.5801.00	2032		
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:

Subtotal: \$36,507.00
 Tax: \$3,376.90
 Total: \$39,883.90

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

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

A. 4
Bid # 09-67
Royal Overhead Door, Inc.
Page 16

Budget Year 2009	Department: Operations Division: Wastewater Treatment Program: Wastewater Treatment Plant Capital	Date Requested 11/12/2009	Adjustment Number
--------------------------------	--	---	--------------------------

Project or Item Added/Increased:
\$3,006.75 is requested in the Wastewater Treatment Capital account to cover all costs for the purchase and installation of 3 overhead rolling service doors.

Project or Item Deleted/Reduced:
Reduce minor equipment for computer upgrades at the wastewater treatment plant.

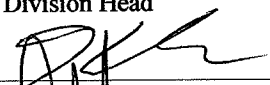
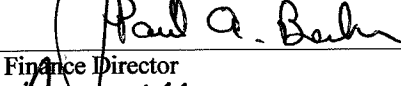
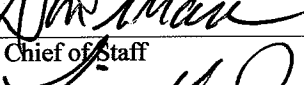
Justification of this Increase:
Funds are needed to cover expenses associated with the purchase and installation of three overhead rolling service doors. These doors will replace the deteriorated rolling service doors.

Justification of this Decrease:
Required computer upgrades have been made below budget. Sufficient funding remains after this budget adjustment to meet existing needs.

Increase Budget				Amount		Project Number	
Account Name	Account Number						
Fixed Assets	5400	5800	5801	00	3,007	02032	1

Decrease Budget				Amount		Project Number	
Account Name	Account Number						
Minor Equipment	5400	5800	5210	00	3,007	02071	1

V.090403

Division Head	Date
	11/13/09
Budget Director	Date
	13 Nov 09
Department Director	Date
	11-17-2009
Finance Director	Date
	11/16/09
Chief of Staff	Date
	11/16/09
Mayor	Date

Budget & Research Use Only

Type: A B C D E

Requested By _____

General Ledger Date _____

Posted to General Ledger Initial _____ Date _____

Posted to Project Accounting Initial _____ Date _____



BID: 09-67
11/12/2009
3:00 PM
CITY OF FAYETTEVILLE

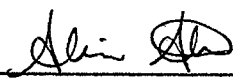
Bid 09-67, Replacement of Rolling Service Doors Re-Bid

BIDDER	Manufacturer	Model	Total Price
1 Rick Pershall Building Co.	Cornell	ESD20	\$40,000.00
2 Royal Overhead Door, Inc.	Cookson	FCWI	\$36,507.00

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

CERTIFIED:


P. VICE, PURCH MGR


WITNESS

11/12/09
DATE



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

INVITATION TO BID: BID 09-67, Replacement of Rolling Service Doors Re-Bid
DEADLINE: Thursday, November 12, 2009 at 3:00 PM, Central Standard Time
DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701
PURCHASING AGENT: Andrea Foren, CPPB, aforen@ci.fayetteville.ar.us, 479.575.8220
DATE OF ISSUE AND ADVERTISEMENT: 10/28/2009 and 11/04/2009

INVITATION TO BID BID 09-67, Replacement of Rolling Service Doors Re-Bid

No late bids will be accepted. Bids shall be submitted in sealed envelopes labeled "Bid 09-67, Replacement of Rolling Service Doors Re-Bid" with the name and address of the bidder.

All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Manager.

Name of Firm: Royal Overhead Door Inc.
Contact Person: John Wooldridge Title: Vice President Commercial
E-Mail: johnw@royaldoors.com Phone: 501-607-0155
Business Address: 444 Old Wire Road Suite C1
City: Springdale State: Arkansas Zip: 72764
Signature: [Signature] Date: 11-12-09

City of Fayetteville**Bid 09-67, Replacement of Rolling Service Doors Re-Bid****Bid Form (shall be submitted with all bids)**

*NAME OF COMPANY: Royal Overhead Door Inc.
 *CONTACT NAME: John Wooldridge *TITLE: Vice President Commercial
 *BUSINESS ADDRESS: 444 Old Wise Road Suite C1
 *E-MAIL ADDRESS: johnwe@royaldoors.com
 *CITY: Springdale *STATE: Arkansas *ZIP: 72764
 *PHONE: 479-927-9990 FAX: 479-927-9780
 *ARKANSAS CONTRACTORS LICENSE #: 0039480710

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
	Replace & Install Three (3) New 16' x 14' Insulated Rolling Service Doors	1	\$ <u>12,169.00</u>	\$ <u>36,507.00</u>

*MANUFACTURER: Cookson MODEL: FCWI

*Total number of working days estimated to complete project: 7

*DATE REQUIRED FOR DOORS TO BE COMPLETELY INSTALLED: 90 DAYS FROM DATE OF CITY PURCHASE ORDER. CAN YOU COMPLY WITH THIS REQUIREMENT? ☒ YES ☐ NO (circle one)

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that he/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on. *Bids must be submitted on this bid form in its entirety AND accompanied by descriptive literature on the products being bid.* If specifications of item bid differ from provided literature, deviation must be documented and certified by the manufacturer as a regular production option. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

John Wooldridge

*AUTHORIZED BY (PRINTED NAME)

John Wooldridge

*AUTHORIZED SIGNATURE

Vice President Commercial Sales

*TITLE

11 / 12 / 09

*DATE

All bids must be submitted no later than 3:00 P.M., Central Standard on or before November 12, 2009 to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope. Each bidder will be required to meet or exceed the specifications attached. Any deviation must be noted with specifications attached to bid. This bid is F.O.B City of Fayetteville, Farm Site, 16464 Wyman Road, Fayetteville, AR 72701.

City of Fayetteville, AR

Bid 09-67, Replacement of Rolling Service Doors Re-Bid

Page 7 of 11

City of Fayetteville
Bid 09-67, Replacement of Rolling Service Doors Re-Bid
Statement of Disclosure (shall be submitted with all bids)

ATTENTION: Failure to submit this form could result in your bid being rejected.

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:

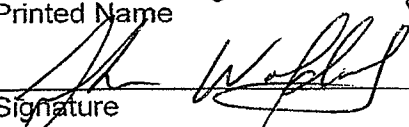
 X 1.) NO KNOWN RELATIONSHIP EXISTS

 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.

John Wooldridge
Printed Name


Signature

11-12-09
Date

THE AMERICAN INSTITUTE OF ARCHITECTS



ALA Document A310

Bid Bond



BOND # OCBB11209R

KNOW ALL MEN BY THESE PRESENTS, that we
ROYAL OVERHEAD DOOR, INC.

P.O. BOX 386 10625 OTTER CREEK EAST BLVD. MABELVALE, AR 72103

(Here insert full name, and address or legal title of Contractor)

as Principal, hereinafter called the Principal, and

OHIO CASUALTY INSURANCE COMPANY

136 NORTH THIRD STREET HAMILTON, OH 45025

a corporation duly organized under the laws of the State of Ohio as Surety, hereinafter called the Surety, are held and firmly bound
unto **CITY OF FAYETTEVILLE**

113 WEST MOUNTAIN, ROOM 372 FAYETTEVILLE, AR 72701

(Here insert full name, and address or legal title of Owner)

as Obligee, hereinafter called the Obligee, in the sum of **Five percent of amount bid----- (\$5%)**, 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

REPLACEMENT OF ROLLING SERVICE DOORS

(Here insert full name, address and description of project)

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 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 **12th** day of **November**, 2009

ROYAL OVERHEAD DOOR, INC.

John Woodbridge
(Principal)

VP Commercial
(Title)

(Seal)

[Signature]
(Witness)

OHIO CASUALTY INSURANCE COMPANY

Kimberly L. Babb
(Surety)

(Seal)

[Signature]
(Witness)

(Title) **KIMBERLY L. BABB, ATTORNEY-IN-FACT**

CERTIFIED COPY OF POWER OF ATTORNEY
THE OHIO CASUALTY INSURANCE COMPANY
WEST AMERICAN INSURANCE COMPANY

No. 40-065

Know All Men by These Presents: That THE OHIO CASUALTY INSURANCE COMPANY, an Ohio Corporation, and WEST AMERICAN INSURANCE COMPANY, an Indiana Corporation, pursuant to the authority granted by Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company and West American Insurance Company, do hereby nominate, constitute and appoint: **Daniel Michael Babb, Kimberly L. Babb, James Alan Rogers or Miki Jean Rogers of Sherwood, Arkansas** its true and lawful agent (s) and attorney (s)-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, UNDERTAKINGS, and RECOGNIZANCES excluding, however, any bond(s) or undertaking(s) guaranteeing the payment of notes and interest thereon And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, 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 Companies at their administrative offices in Fairfield, Ohio, in their own proper persons.
The authority granted hereunder supersedes any previous authority heretofore granted the above named attorney(s)-in-fact.

In WITNESS WHEREOF, the undersigned officer of the said The Ohio Casualty Insurance Company and West American Insurance Company has hereunto subscribed his name and affixed the Corporate Seal of each Company this **26th day of June, 2007**.



Sam Lawrence

Sam Lawrence, Assistant Secretary

STATE OF OHIO,
COUNTY OF BUTLER

On this **26th day of June, 2007** before the subscriber, a Notary Public of the State of Ohio, in and for the County of Butler, duly commissioned and qualified, came **Sam Lawrence, Assistant Secretary of THE OHIO CASUALTY INSURANCE COMPANY and WEST AMERICAN INSURANCE COMPANY**, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn deposes and says, that he is the officer of the Companies aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and the said Corporate Seals and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at the City of Hamilton, State of Ohio, the day and year first above written.



Cheryl S. Gregory

Notary Public in and for County of Butler, State of Ohio
My Commission expires August 6, 2007.

This power of attorney is granted under and by authority of Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company and West American Insurance Company, extracts from which read:

Article III, Section 9. Appointment of Attorneys-in-Fact. The Chairman of the Board, the President, any Vice-President, the Secretary or any Assistant Secretary of the corporation shall be and is hereby vested with full power and authority to appoint attorneys-in-fact for the purpose of signing the name of the corporation as surety to, and to execute, attach the seal of the corporation to, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of suretyship and policies of insurance to be given in favor of any individual, firm, corporation, partnership, limited liability company or other entity, or the official representative thereof, or to any county or state, or any official board or boards of any county or state, or the United States of America or any agency thereof, or to any other political subdivision thereof

This instrument is signed and sealed as authorized by the following resolution adopted by the Boards of Directors of the Companies on October 21, 2004:

RESOLVED, That the signature of any officer of the Company authorized under Article III, Section 9 of its Code of Regulations and By-laws and the Company seal may be affixed by facsimile to any power of attorney or copy thereof issued on behalf of the Company to make, execute, seal and deliver for and on its behalf as surety any and all bonds, undertakings or other written obligations in the nature thereof, to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment. Such signatures and seal are hereby adopted by the Company as original signatures and seal and shall, with respect to any bond, undertaking or other written obligations in the nature thereof to which it is attached, be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATE

I, the undersigned Assistant Secretary of The Ohio Casualty Insurance Company and West American Insurance Company, do hereby certify that the foregoing power of attorney, the referenced By-Laws of the Companies and the above Resolution of their Boards of Directors are true and correct copies and are in full force and effect on this date.

IN WITNESS WHEREOF, I have hereunto set my hand and the seals of the Companies this 12 day of Nov. 2007



Mark E. Schmidt

Assistant Secretary

COOKSON
SERVICE DOORS
COUNTER DOORS
GRILLS
ELECTRIC OPERATORS

Royal Overhead Door Inc.

444 Old Wire Road Suite C1
Springdale, AR 72764

PHONE: (479) 927-9990
PHONE: (501) 607-0155
FAX: (479) 927-9780

PROPOSAL

Contractors License:
AR: 39480708 MS: 15942 TN: 0046538

PROPOSAL # _____
DATE: 11/12/2009

TO: City of Fayetteville

JOB: Replacement Doors

DOORS

Qty.	Door Size	Model	Curtain	Guides	Hood	Oper.	Hand	Jamb	Extras	Unit Price
3	16' x 14'	FCWI	22 ga	3/16	Yes	Motor	RH	Stl	Powder Coat	
		Insulated								

OPERATORS

Qty.	Operator Model	H.P.	Volt	Phase	Operator Extras	Unit Price
3	GH75	3/4	115	1	With pneumatic safety edge.	

Comments: Price includes installation, materials, equipment and performance bond.

THIS PRICE DOES NOT INCLUDE; CONDUIT, WIRES, WIRING OR HOOKUP FOR LOW VOLTAGE

(If required add \$500.00 per door)

Terms: _____

DELIVERY **NET TOTAL** **\$36,507.00**

This quotation is based on our present prices from Royal Overhead Door Inc. factory and is good if accepted within 30 days from this date for delivery within 60 days from today. Orders placed after 30 days and for delivery after 60 days from today are subject to increase by amount our cost is changed by announced price increases from Royal Overhead Door factory.

It is understood that these doors are custom built for this purchaser and this contract shall constitute a present obligation to pay the entire price thereof. It is further understood that this contract is not subject to cancellation for any reason. Delivery shall be subject to the Acts of God, strikes, or other causes beyond the seller's control.

Purchaser further agrees that all doors are the property of the seller until fully paid for. This Sale Contract subject to acceptance by the seller at its Home Office.

THIS CONTRACT REPRESENTS THE ENTIRE AGREEMENT BETWEEN THE PARTIES HERETO.

OPENINGS ARE TO BE PREPARED BY OTHERS IN ACCORDANCE WITH OUR SPECIFICATIONS.

THE ABOVE PRICE DOES NOT INCLUDE GLASS, GLAZING, PAINTING, WIRES, WIRING, CONDUIT OR HOOKUPS, EITHER LOW VOLTAGE OR HIGH VOLTAGE, UNLESS STATED.

ABOVE PROPOSAL IS MADE FOR PROMPT ACCEPTANCE.

WE CARRY CONTRACTORS' AND EMPLOYERS' LIABILITY AND WORKMAN'S COMPENSATION INSURANCE.

WE ACCEPT THE ABOVE PROPOSAL:

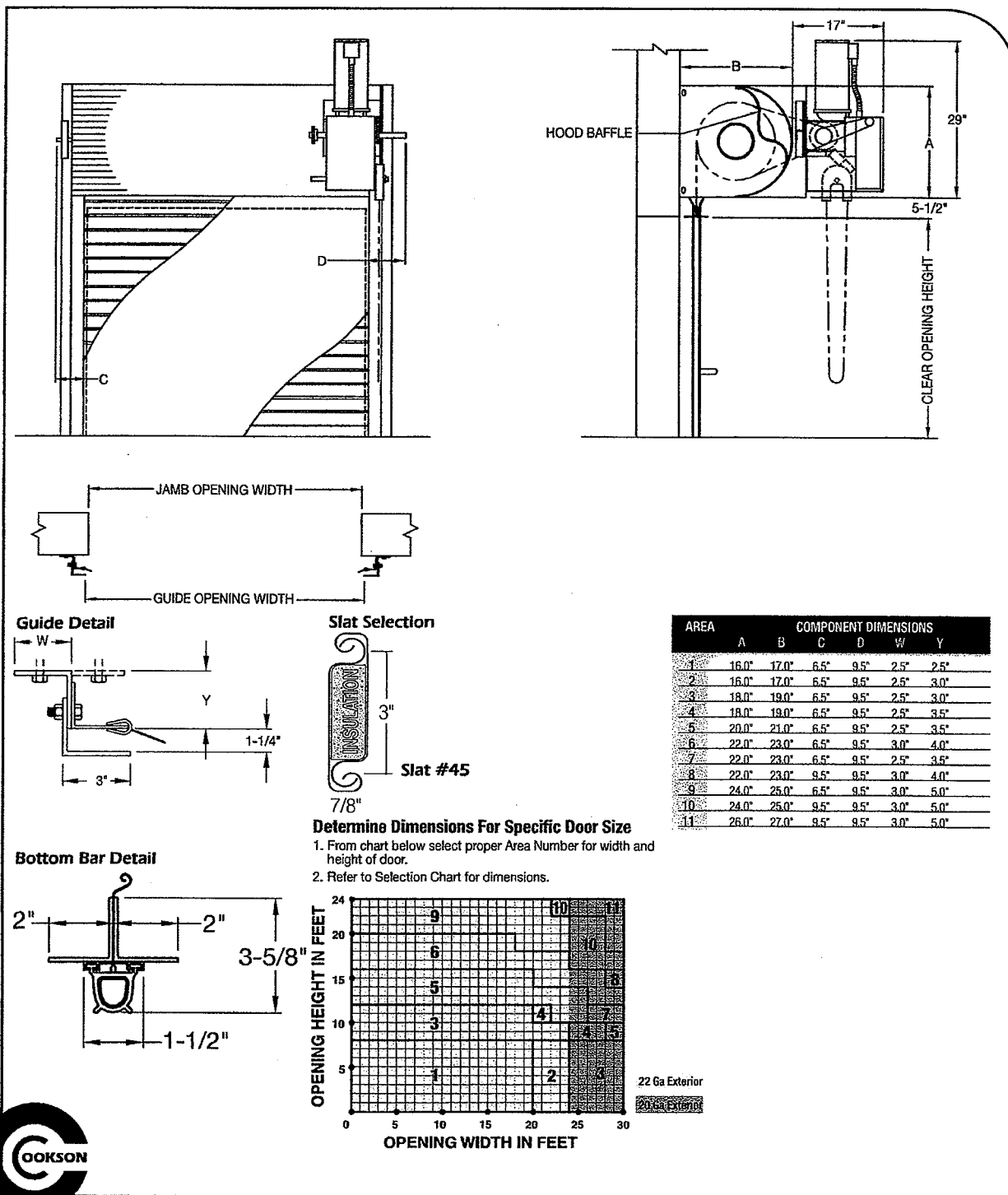
ROYAL OVERHEAD DOOR INC.

BY:		DATE:		BY:	John Wooldridge
-----	--	-------	--	-----	-----------------

The Cookson Company

THE PREFERRED ROLLING DOOR

Type FMWI - Motor (Gearhead - Vertical) Operated Insulated Service Doors ColorCote Finish - Face of Wall Mounted - Featheredge



Revised: May 8, 2006

B.118

Type FMWI - Motor (Gearhead - Vertical) Operated Insulated Service Doors

ColorCote Finish - Face of Wall Mounted - Featheredge

1.0 GENERAL

1.1 Summary

- A. All Rolling Insulated Service Doors shall be as manufactured by The Cookson Company, Phoenix, Arizona. Furnished materials shall include all curtains, bottom bars, guides, brackets, hoods, operating mechanisms and any special features.
- B. Work not to be included by The Cookson Company includes design of, material for, and preparation of door openings but not limited to structural or miscellaneous iron work, access panels, finish painting, electrical wiring, conduit and disconnect switches.

1.2 Quality Assurance

- A. Exterior rolling insulated service doors shall be designed to withstand at least a twenty (20) pounds per square foot windload. Windlocks shall be installed on doors over 16'1" wide.
- B. All rolling insulated service doors shall be designed to a standard maximum of 25 cycles per day and an overall maximum of 50,000 operating cycles for the life of the door.

2.0 PRODUCTS

2.1 Materials

- A. The door curtain shall be constructed of interconnected strip steel slats conforming to ASTM A-653. The slats shall be designated by The Cookson Company as No. 45 (measuring 3" high by 7/8" deep) consisting of a 22 gauge exterior slat and a 22 gauge interior slat separated by 13/16" of rigid insulation for doors up to 24' wide, and 20 gauge exterior slat and a 22 gauge interior slat separated by 13/16" of rigid insulation for doors over 24' wide.
- B. The finish on the door curtain shall be Cookson ColorCote consisting of the following:
 - 1. Hot dipped galvanized G-90 coating consistent with ASTM A-653
 - 2. Bonderized coating for prime coat adhesion
 - 3. Factory applied Thermosetting Powder Coating applied with a minimum thickness of 2 mils. The color shall be selected by the architect and shall be chosen from [standard color chart] [custom color selection].
- C. The bottom bar shall consist of two 1/8" steel angles mechanically joined together and shall include the Cookson Featheredge safety edge system. The finish on the bottom bar shall be the Cookson ColorCote finish as indicated in the curtain section.
- D. The guides shall consist of 3 steel angles bolted together with 3/8" fasteners to form a channel for the curtain to travel. Extruded vinyl snap-on weatherstripping shall be furnished continuously along the exterior leg of each guide. The wall angle portion shall be continuous and fastened to the surrounding structure with either minimum 1/2" fasteners or welds, both on 36" centers. The finish on the guide angles shall be the Cookson ColorCote finish as indicated in the curtain section.
- E. The brackets shall be constructed of steel not less than 1/4" thick and shall be bolted to the wall angle with minimum 1/2" fasteners. The finish on the brackets shall be the Cookson ColorCote finish as indicated in the curtain section.

- F. The barrel shall be steel tubing of not less than 6" in diameter. Oil tempered torsion springs shall be capable of correctly counter balancing the width of the curtain. The barrel shall be designed to limit the maximum deflection to .03" per foot of opening width. The springs shall be adjusted by means of an exterior wheel. The finish on the barrel shall be one (1) coat of bronze rust-inhibiting prime paint.
- G. The hood shall be fabricated from 24 gauge galvanized steel and shall be formed to fit the curvature of the brackets. The hood shall contain a waterproof baffle to control air infiltration. The finish on the hood shall be the Cookson ColorCote finish as indicated in the curtain section.

2.2 Operation

- A. The door shall be operated at a speed of 2/3 foot per second by an open drip-proof electric motor with gear reducer in oil bath. The motor operator shall include a geared limit switch, and an electrically interlocked emergency chain operator. The motor starter shall be housed in a NEMA 1 housing and include a magnetic reversing starter size 0, a 24 volt control transformer, and complete terminal strip to facilitate field wiring. The motor operator shall be activated by [a 3 button push-button station] [other controls as selected] in a NEMA 1 enclosure. The motor shall be size as required by the door [115 volts single phase] [230 volts single phase] [230 volts three phase] [460 volts three phase]. The motor operator shall be mounted to the door bracket as shown on drawings. All motor operators shall be U.L. listed.
- B. The service door shall include the Featheredge rolling door safety edge system as manufactured by The Cookson Company and shall include the following features:
 - 1. The Featheredge shall be installed on the bottom bar of the door and shall automatically reverse the door if the device detects an obstruction in the downward travel of the door.
 - 2. The Featheredge shall consist of a rubber boot attached below the bottom bar with an electrical switch secured to the back of the bottom bar. The Featheredge shall operate with air wave technology and shall not rely on pneumatic pressure or electrical strip contacts to operate properly. The Featheredge shall create an air wave that shall be detected and reverse the direction of the rolling door.
 - 3. The operation of the Featheredge shall not be subject to interferences by temperature, barometric pressure, water infiltration, or cuts in the rubber boot.
 - 4. The Featheredge shall be connected to the motor operator with a coil cord.

3.0 EXECUTION

3.1 Installation

- A. All Cookson Rolling Insulated Service doors shall be installed by an authorized Cookson distributor.

3.2 Warranty

- A. All Cookson Rolling Insulated Service Doors shall be warranted for a period of 2 years from the time of shipment against defects in workmanship and materials.



September 17, 2009

Jeremy Pate
Development Services Director
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

Re: Old Wire Annexation - Appeal of Planning Commission denial

Mr. Pate:

On behalf of our client, we wish to appeal the September 14, 2009 City of Fayetteville Planning Commissions decision to deny ANX 09-3409 - Broyles/ 3231 N. Old Wire Road.
We request that this item be place on the next available City Council meeting.

Respectfully,

A handwritten signature in black ink that reads "Todd Jacobs". The signature is written in a cursive, flowing style.

Todd Jacobs
Director of Design
Appian Centre for Design
509 West Sprint Street, Suite 420
Fayetteville, Arkansas 72701
Office: 479-442-1444

Left on 3rd Reading 11/17/09 CC meeting
Left on 3rd Reading @ 11/3/09 CC mtg.
Left on 2nd Reading @ 10/20/09 CC mtg.
Left on First Reading @ 10/6/09 CC mtg.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy C. Pate, Development Services Director

From: Andrew Garner, Senior Planner

Date: September 16, 2009

Subject: Annexation for Broyles (ANX 09-3409)

RECOMMENDATION

Staff and the Planning Commission recommend denial of annexing the subject 39.33-acre property, located at the northwest corner of Old Wire Road and Rom Orchard Road. The applicant has appealed the Planning Commission decision to deny this request to the City Council.

BACKGROUND

Most of the property in this annexation request was included in annexation and rezoning requests that were heard by the Planning Commission on October 10, 2005 and again on May 8, 2006. Planning Staff recommended denial of all requests. The Planning Commission denied or tabled both the annexation and rezoning requests in 2005 and 2006, expressing concern about the extension of the city in this area, development patterns, density, and compatibility, and the resulting extension of the boundary. The meeting minutes from these previous Planning Commission meetings are attached to the staff report.

The applicant proposes to annex the subject 39.33 acres into the City. The applicant has stated an intent to propose a 200-acre master plan for a traditional neighborhood development, including the subject property.

DISCUSSION

This item was heard at the regular Planning Commission meeting on September 16, 2009. The Planning Commission voted 5-4-0 (commissioners Winston, Graves, Kennedy, and Trumbo voting "no") to deny this rezoning request. Several neighbors in the area spoke against rezoning the subject property to RSF-4, however, the applicant has withdrawn the rezoning application. Written comments from the neighbors are attached to the staff report.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 09-3409 (CC2009-4), FOR PROPERTY LOCATED AT 3231 NORTH OLD WIRE ROAD, THE NORTHWEST CORNER OF OLD WIRE ROAD AND ROM ORCHARD ROAD, CONTAINING APPROXIMATELY 39 ACRES.

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

Section 1: That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the official map of the City of Fayetteville, Arkansas, is hereby amended to reflect the change provided in Section 1 above.

Section 3: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4: That the above-described property is hereby assigned to Ward No. Three.

PASSED and APPROVED this of , 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk

EXHIBIT "A"

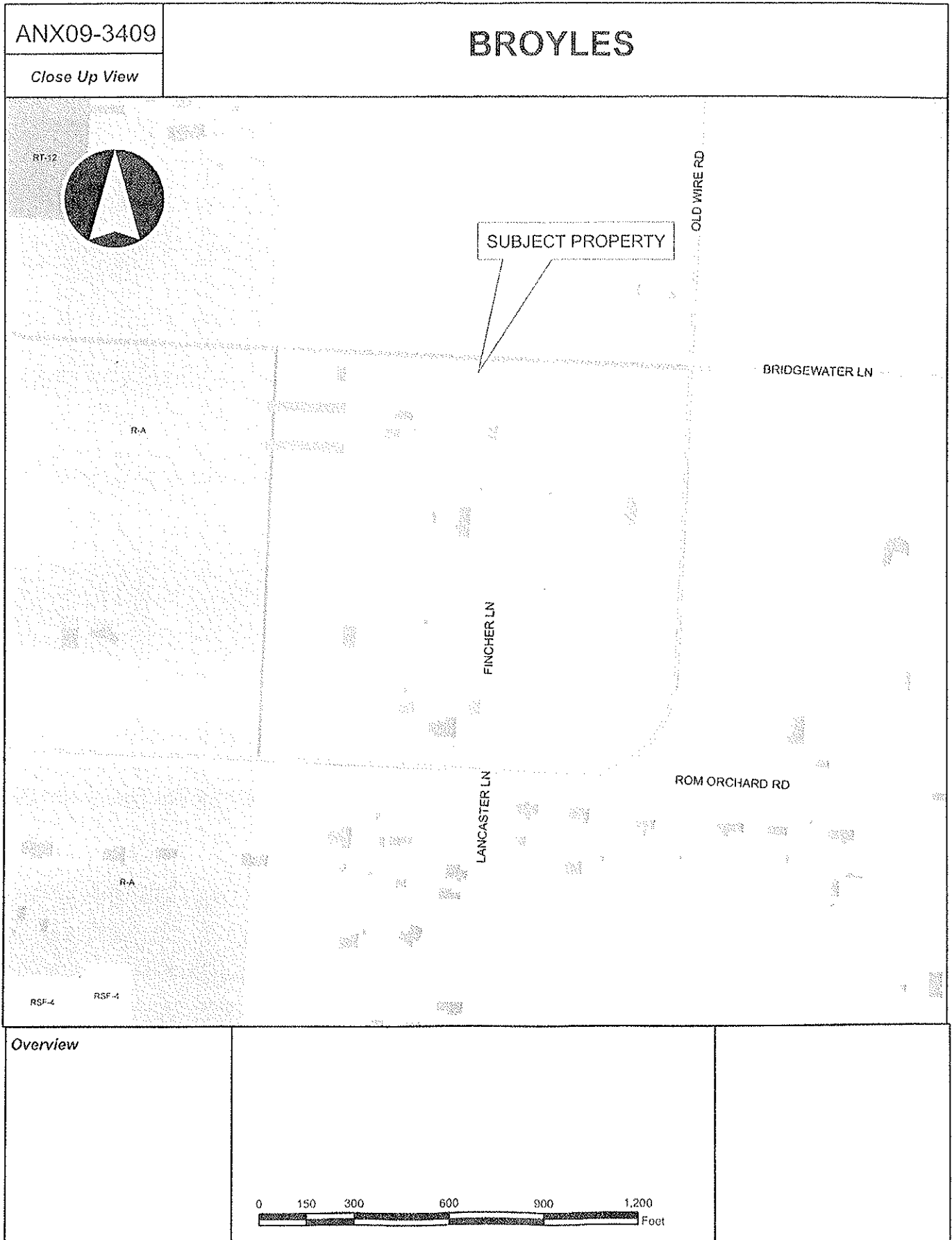


EXHIBIT "B"
ANX 09-3409

DESCRIPTION (PARCEL NOS. 001-15604-000, 001-15605-000, 001-15606-000, 001-15608-000, 001-15608-001, 001-15609-000, AND 001-15610-000)

ALL OF THE LAND DESCRIBED IN THE DEEDS RECORDED AS FILE NUMBERS 93-3908, 2005-18120, 2005-18121, 2005-18122, 2005-18123, 2006-22924, AND 2009-9274 IN THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, ARKANSAS RESIDING IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 17 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN BEING ALSO DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE ABOVE SAID SOUTHWEST 1/4; THENCE N02°26'06"E, ALONG THE WEST LINE OF THE ABOVE SAID SOUTHWEST 1/4, A DISTANCE OF 1315.03 FEET TO THE NORTHWEST CORNER OF THE ABOVE SAID SOUTHWEST 1/4; THENCE S87°16'13"E, ALONG THE NORTH LINE OF THE ABOVE SAID SOUTHWEST 1/4, A DISTANCE OF 1319.96 FEET TO THE NORTHEAST CORNER OF THE ABOVE SAID SOUTHWEST 1/4; THENCE S02°29'32"W, ALONG THE EAST LINE OF THE ABOVE SAID SOUTHWEST 1/4, A DISTANCE OF 1016.73 FEET; THENCE S18°21'47"W, LEAVING THE ABOVE SAID EAST LINE, A DISTANCE OF 116.92 FEET; THENCE S34°39'26"W, A DISTANCE OF 96.67 FEET; THENCE S52°01'42"W, A DISTANCE OF 94.13 FEET; THENCE S69°02'13"W, A DISTANCE OF 95.91 FEET; THENCE S86°30'36"W, A DISTANCE OF 46.95 FEET TO A POINT ON THE SOUTH LINE OF THE ABOVE SAID SOUTHWEST 1/4; THENCE N87°11'42"W, ALONG THE ABOVE SAID SOUTH LINE, A DISTANCE OF 1028.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,713,107 SQUARE FEET OR 39.33 ACRES, MORE OR LESS.



PC Meeting of September 14, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Development Services Director
DATE: September 8, 2009 *Updated September 16, 2009*

ANX 09-3409: (BROYLES / 3231 N. OLD WIRE RD., 217): Submitted by APPIAN CENTER FOR DESIGN for property located at 3231 N. OLD WIRE ROAD, NW CORNER OF OLD WIRE ROAD AND ROM ORCHARD ROAD. The property is in the Planning Area and contains approximately 39.33 acres. The request is to annex the subject property into the City of Fayetteville.

Planner: Andrew Garner

Background: Most of the property in this annexation request was included in annexation and rezoning requests that were heard by the Planning Commission on October 10, 2005 and again on May 8, 2006. Planning Staff recommended denial of all requests. The Planning Commission denied or tabled both the annexation and rezoning requests in 2005 and 2006. The meeting minutes from these previous Planning Commission meetings are attached to the staff report for the associated rezoning (RZN 09-3410 Broyles) also being heard at this planning commission meeting.

Property: The property is located northwest of the intersection of Old Wire Road and Rom Orchard Road. As depicted in *Table 1*, the site is surrounded by rural residential and undeveloped pasture, with unincorporated Washington County to the north, east, and south, and property zoned Residential Agricultural (R-A) in the City of Fayetteville to the west.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Rural residential; pasture	Planning Area
South	Rural residential; pasture	Planning Area
East	Rural residential; pasture	Planning Area
West	Rural residential; pasture	R-A, Residential Agricultural; Planning Area

The nearest developed subdivision is Paradise Valley Estates in the Planning Area, located approximately 1,600 feet east of the subject property and developed for single-family use with a density of approximately 1 unit per two acres.

Proposal: The applicant intends to annex and rezone this property and stated intent to develop a traditional neighborhood. If the annexation for this property is approved, the request is to rezone the property from R-A, Residential Agricultural to RSF-4, Residential Single-family, 4 units per acre. However, the applicant stated intent to propose a 200-acre master plan for a traditional neighborhood

development, including the subject property.

Request: The request is to annex the property into the City of Fayetteville

Public Comment: Staff has received several phone calls, emails, and letters in opposition to the proposed rezoning. The opposition cites concern that a density of four units per acre is not compatible with the surrounding rural residential character and would result in adverse impacts to traffic safety and property values.

INFRASTRUCTURE:

Streets: Currently the site has access to Old Wire Road. With development, road improvements and dedication per the Master Street Plan would be required. Surrounding Master Street Plan Streets are shown on *Table 2*.

Table 2
Surrounding Master Street Plan Streets

Direction from Site	Street Name	Master Street Plan Classification
South	Old Wire Road	Collector Street
East	Old Wire Road	Collector Street
Southeast	Rom Orchard Road	Local Street

Water: Public water is adjacent to the site. There is a four-inch waterline along the south side of Old Wire Road. Public water will need to be upgraded to the property to provide domestic and fire flow for any proposed development.

Sewer: Sanitary sewer is not adjacent to the site. The nearest sewer main an 18-inch public main about 2,500 feet west of the site at the intersection of Old Wire Road/Crossover Road. Public sewer mains may need to be extended to the property to serve any proposed development, depending on the nature and density of the development.

Fire: The subject property is located 1.5 miles from the Fire Station No. 5 at 2979 North Crossover Road. Projected response time at full development of this property is projected at 4 minutes to the beginning of this development.

Police: The Fayetteville Police Department stated concern that this application may cause substantial call volume increase and will effect traffic congestion in the area. The Police Department also commented that this annexation would result in one side of the road inside the city while the other side is outside the city. This may cause confusion among officers and residents living in the area as to which law enforcement agency to call in an emergency.

RECOMMENDATION:

Staff recommends denial of the requested annexation based on the findings included in this report.

PLANNING COMMISSION ACTION:	Required <u>YES</u> ☐ Forwarded ☒ Denied Date: September 14, 2009 Motion: <u>Myres</u> Second: <u>Zant</u> Vote: <u>5-4-0</u> (Graves, Winston, Kennedy, Trumbo voting "no")
CITY COUNCIL ACTION:	Required <u>YES</u> ☐ Approved ☐ Denied Date: <u>October 6, 2009 (1st reading if recommended)</u>

CITY PLAN 2025 FUTURE LAND USE PLAN: City Plan 2025 Future Land Use Plan designates this site as **Rural Area**. Rural Areas consist of land in an open or cultivated state or sparsely settled. These areas only have infrastructure and public services to support low-density zoning. They do not have adequate transportation or public services to support urban development patterns at this time. This area encourages conservation and preservation in any development pattern. The Guiding Policies for Rural Areas also discuss that if developed, these areas should encourage alternative development patterns to achieve compatibility with surrounding rural areas.

This property is also identified as an **Intended Growth Sector** in City Plan 2025. Growth sector areas were initially identified during the City Plan 2025 charrette process by citizens as areas with potential for population growth in the future. After the initial data was compiled and growth sectors were identified, additional input and analysis was completed in order to prepare the future land use map. This involved analysis of the actual development potential and public meetings where desired development patterns were analyzed and discussed. The growth sector map was an aid in preparation of the future land use map, which was ultimately adopted by the City Council. This area was identified as a Rural Area.

FINDINGS:

12.3.4 POTENTIAL ANNEXATION AREAS

The potential annexation areas should be identified by the City using the following criteria:

1. Areas that are already urban in character.

Finding: The subject property is surrounded on all sides by sparsely populated rural residential land uses. This area is not considered urban in character, and has not previously been identified by the City for annexation. The property is within the City's Planning Area.

2. Areas that can be developed at urban densities.

Finding: The subject property cannot be developed at urban densities at this time. The roads accessing the property are two-lane unimproved roads and sewer is not in the immediate vicinity (approximately 2,500 feet to the west). Unless significant improvements occur, the property and surrounding area will likely remain in a relatively low density state for some time, until and unless development occurs along

Crossover Road and moves in an eastern direction.

3. Immediate areas are those that are peninsulas or islands, where municipal services have already been extended.

Finding:

Municipal services that would accommodate future development have not been extended to this area. The proposed annexation would extend a peninsula of property approximately 1,300 feet into the county that is not served by city municipal services. The subject property and surrounding areas do not have adequate water or sewer service. There is an existing four-inch water line available to the subject site on the south side of Old Wire Road, however, the water line would have to be upgraded to provide domestic and fire flow for future development. Sewer service is not available and is located approximately 2,500 feet to the west and would have to be extended to serve development on the site. City police and fire service are provided to areas to the west.

4. Vacant lands that are subject to development pressure.

Finding: This site has been proposed to be annexed approximately three times since 2005 and a conceptual subdivision layout was proposed then withdrawn in that timeframe. These applications and the developer's communication with staff indicate that this area is under development pressure, though this is certainly questionable at this time, given the reduction in building permits and development projects, and vacant subdivisions in the region. The site is less than one mile from Crossover Road (State Highway 265), which is the major north-south transportation corridor on the east side of Fayetteville, also providing connection to Springdale. The site is relatively cleared of vegetation and flat, and is not in a floodplain, without natural constraints to development.

5. Areas where urban services are already provided.

Finding: Water, fire and police protection are currently provided in undeveloped areas to the west but not to the density to the proposed RSF-4 in this area. The subject property is not being served by city utilities that could support an urban development at this time. The level of service for this property may be reduced in comparison to surrounding subdivisions located in closer proximity to the more densely populated areas of the City. Also see Finding 12.3.5.a, and the attached comments from the Police Department expressing concerns with emergency service provision.

6. Areas where urban services are needed.

Finding: As discussed above in Finding No. 5, water, fire, and police service are provided adjacent to the west, however sewer service is unavailable to the subject property and surrounding areas. Sewer service would be needed to serve development on the

subject property. The subject property and surrounding area are largely undeveloped or rural residential, and do not currently need urban service for existing land uses.

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.

Finding: Annexation of the property will not create an island of unincorporated property. However, it will extend a peninsula of incorporated City approximately 1,300 feet. Creating a peninsula will extend the area of city property to which utilities and emergency response personnel must travel to benefit the future residents of the City. The Police Department commented that this annexation would result in one side of the road inside the city while the other side is outside the city. This may cause confusion among officers and residents living in the area as to which law enforcement agency to call in an emergency. Development in this area would also require the extension of sewer service to an area that is undeveloped or developed at low densities on septic systems. Extending sewer service would encourage leap-frog development of this site and the surrounding areas. Staff finds that this proposal is in direct conflict to the annexation policy direction of the City Council, and can therefore not recommend approval of this annexation.

Further, this application is in conflict with two of the primary goals of City Plan 2025 including Goal 1, “ *We will make appropriate infill and revitalization our highest priorities.*”, and Goal 2, “ *We will discourage suburban sprawl.*” The proposed annexation on the periphery of the City is not infill and would encourage sprawl, by spreading development across the natural landscape, and if this property is developed, making people solely dependent on the automobile, in conflict with these two goals.

12.3.5.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent to the City Limits to the west.

12.3.5.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: The subject property is not a part of a platted subdivision.

12.3.5.d Boundaries for annexed areas should follow natural corridors.

Finding: Proposed boundaries follow property lines of the existing parcels and right-of-way.

12.3.5.e The provisions of services should be concurrent with development.

Finding: Public services will be required to be provided concurrent with development in accordance with Fayetteville Unified Development Code requirements. Currently adequate public services are not available to support an urban or suburban development.

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.

Finding: There are no known environmentally sensitive areas that could be impacted by development, however, this site has been designated as a Rural Area on the City's Future Land Use Plan. The guiding policies for Rural Areas encourage conservation and preservation that would allow historical agricultural and related uses to continue to occur.

EMERGENCY AND PUBLIC SERVICES

12.3.5.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: Public services are not able to be provided efficiently in the proposed annexation area. The four-inch water line would be required to be upgraded at the time of development and extension of the nearest sewer service is located approximately 2,500 feet west of the property. Response time to this location for emergency personnel is anticipated at four minutes. The Police Department commented that this annexation would result in one side of the road inside the city while the other side is outside the city. This may cause confusion among officers and residents living in the area as to which law enforcement agency to call in an emergency.

12.3.5.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: Fire and police service will be required to be provided to this area with the same level of response and service as other properties in this area, if annexed in the City of Fayetteville. This property is adjacent to rural residential areas to the west already being served by the city.

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.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

12.3.5.j Areas currently served by utilities and other public services should be annexed.

Finding: Water, fire and police protection are currently provided in undeveloped areas to the west but not to the density to the proposed RSF-4 in this area. The subject property is not being served by city utilities at this time. The level of service for this property may be reduced in comparison to surrounding subdivisions located in closer proximity to the more densely populated areas of the City.

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.

Finding: Annexation and future development of this property will result in an increased demand on the existing infrastructure systems. Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property.

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.

Finding: The proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

12.3.5.m Promote long-range planning with adjacent jurisdictions.

Finding: N/A

12.3.5.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

12.3.5.o Develop a land use plan for annexation initiated by the city.

Finding: N/A

12.3.5.p Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned R-A, Residential Agricultural. The property owners request annexation and rezoning of this property to RSF-4, Residential single family - 4 units/acre. Increased density on this property will increase the load on public infrastructure in this area and is significantly

different than the surrounding density. The timing of development to urban densities is inconsistent with City policies in this area at this time.

12.3.5.q An annexation study should be completed on all annexation proposals.

Finding: Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this property. Comments from each department have been provided herein.

12.3.5.r Development proposals require a separate review from the annexation proposals.

Finding: Development of this property was proposed within the past few years for a single family residential subdivision in the Planning Area, however that application was withdrawn.

12.3.5.s Residents should be fully informed of annexation activities.

Finding: Adjoining neighbors have been notified of the annexation request and a public notice sign has been placed on the property advertising that this request will be heard at the Planning Commission meeting.

12.3.5.t Encourage larger annexations to create acceptable boundaries.

Finding: Extending the city boundary to the east as proposed will create a peninsula of incorporated land. This is not consistent with the Annexation Policy and may create future problems at the time of development by requiring water, sewer, and street infrastructure upgrades. These upgrades would encourage leap-frog development in an area not suitable for urban or suburban development patterns. Staff does not recommend increasing the size of the proposed annexation by one or two adjacent parcels, but might be supportive of a much larger annexation that would create a more acceptable City boundary.

12.3.5.u Conduct a fiscal impact assessments on large annexations.

Finding: No fiscal impact assessment was conducted for this annexation of 39.33 acres.



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher
From: Mark Stevens
Date: August 26, 2009
Re: ANX 09-3409 and RZN 09-3410 (Broyles / 3231 N. Old Wire Rd, 217)

This development will be protected by Engine 5 located at 2979 North Crossover Road. It is 1.5 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.

The Fire Department anticipates 34 (22 EMS - 12 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 - 18 months, after the development is started, before maximum build-out and the service impact to occur.

The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

At this time there is not a water main near this property of sufficient size for firefighting. The closest fire hydrant is located next to Fire Station 5. Old Wire Road has a 4" PVC main providing water East to Rom Orchard; it is reduced to a 2" PVC line providing water North next to Fincher Lane. A minimum 6" to 8" water main will be required to provide water to fire hydrants for firefighting purposes. Refer to the GIS water system map.

If you have any questions please feel free to contact me.

Captain Mark Stevens
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!

Date 9/01/09

Jeremy Pate
Development Services Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request comments on the proposed ANX 09-3409 and RZN 09-3410: (BROYLES / 3231 N. OLD WIRE RD., 217): Submitted by APPIAN CENTER FOR DESIGN for property located at 3231 N. OLD WIRE ROAD, NW CORNER OF OLD WIRE ROAD AND ROM ORCHARD ROAD.

This rezoning, when built out, may cause any substantial call volume increase and will definitely have an effect on the traffic congestion in the area. The road is narrow and could be Improvements to the road

I also have some concern about the peninsula this annexation will cause. One side of the road inside the city while the other side of the road is outside the city may cause confusion among officers and residents living in the area as to which law enforcement agency to call in an emergency. There is a similar situation off Skillern Road almost immediately to the south. This small peninsula extends to Rom Orchard road and places one side of the road in the city and one side outside the city.

Sincerely,

Captain William Brown
Fayetteville Police Department

City Engineering Division Comments

ANX 09-3409: (BROYLES / 3231 N. OLD WIRE RD., 217): Submitted by APPIAN CENTER FOR DESIGN for property located at 3231 N. OLD WIRE ROAD, NW CORNER OF OLD WIRE ROAD AND ROM ORCHARD ROAD. The property is in the Planning Area and contains approximately 39.33 acres. The request is to annex the subject property into the City of Fayetteville.

Planner: Andrew Garner

RZN 09-3410: (BROYLES / 3231 N. OLD WIRE RD., 217): Submitted by TODD JACOBS for property located at 3231 N. OLD WIRE ROAD, NW CORNER OLD WIRE ROAD AND ROM ORCHARD ROAD. The property contains approximately 39.33 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE FAMILY 4 UNITS PER ACRE.

Planner: Andrew Garner

Public water is available to the property. There is a 4" main at on the south side of Old Wire Rd. Public water will need to be upgraded to the property to provide domestic and fire flow for any proposed development.

Sanitary sewer is not available to the site. There is a 18" public main at the intersection of Old Wire Rd. and Crossover about 2500' to the southwest of this property.. Public mains may need to be extended to the property to serve any proposed development.

The site has access to Old Wire Rd. Old Wire Rd. is a two lane paved city street in this location. Street improvements will be evaluated with development submittal.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain.



August 3, 2009

City of Fayetteville
Planning Department
125 West Mountain Street
Fayetteville, AR 72701

RE: Written Statement - Rezoning of 39.33 acres along Old Wire Road

- a. The subject property is located in Intended Growth Sector area by the City Plan 2025. The 2025 Plan describes Intended Growth Sectors as, "areas where new development in the form of Traditional Neighborhood Development (TND) is to be centered." The development team has created a master plan framework in conjunction with the proposed Cambridge traditional neighborhood development that is consistent with land use planning, principles and policies of the 2025 plan. We believe the master plan for the Old Wire area and the TND form of Cambridge match the goals of the City Plan 2025.
- b. The property is currently being annexed. Rezoning the property to RSF-4 would be in line with the City of Fayetteville land use policies for an intended growth sector area.
- c. Old Wire Road is currently a two-way asphalt paved road with approximately nine feet lanes. The level of service along this road is good with few delays expected morning or evening. The primary flow of traffic from this development is expected to take Old Wire Road either north to Joyce Boulevard or south to Crossover Road, which is scheduled to be widened to a four-lane boulevard in the near future. At the intersection of Old Wire Road and Crossover Road, Old Wire is currently a three lane road with a turning lane, curb and gutter and shows an efficient level of service for traffic. The intersection of Joyce Boulevard and Old Wire Road to the north is currently a two lane stop sign intersection. There is a low volume of traffic at the intersection of Joyce and Old Wire and it should not prove to be problematic or affect a delay on travel times.
- d. The proposed rezoning to RSF-4 will not dramatically increase population density. The widening of Hwy 265 to a four-lane boulevard, the subject property and the neighboring properties to the east will see additional homes and businesses in the near future. The master plan shown in conjunction with this neighborhood will provide a structure of planned growth that will include short blocks, ample parkland, trails, sidewalks, and a mix of uses that will inherently provide amenities for the project – all ideals intended through the City's Plan 2025. There is a recently built sewer pump station to the east very near the proposed connection of water and sewer lines that the development will utilize. A newly remodeled elementary school and a recently-built middle school are located very close to the proposed development. There is also a proposed school site in the 200-acre master plan shown in conjunction with this development.
- e. A traditional neighborhood development would not be allowed to occur with a zoning of R-A. Additionally, the subject property has been designated by the City Plan 2025 as an Intended Growth Sector. The 2025 Plan describes Intended Growth Sectors as, "areas where new development in the form of Traditional Neighborhood Development is to be centered." R-A zoning is intended for use by one-acre homes, estate lots, or farmland. The property will be entirely single family to not change the land use in close proximity to the existing neighbors.

Respectfully,

Todd Jacobs

Director of Design



August 5, 2009

City of Fayetteville
Planning Department
125 West Mountain Street
Fayetteville, AR 72701

RE: Rezoning Application - Written Description - 39.33 acres Old Wire Road

Appian Centre for Design is requesting the rezoning of approximately 39.33 acres located on along Old Wire Road to RSF-4.

- a. Currents owners of the property are Hank Broyles (Old Wire Road LLC) and Thomas C. Lee and his wife Barbara Lee.
- b. The subject property is located in the City of Fayetteville planned growth area. It will be proposed as a Traditional Neighborhood Development designed in conjunction with a 200-acre Master Plan that will create a framework to accommodate long term growth in northeast Fayetteville. This framework is designed to preserve open space, tree canopy, stream corridors, create trail corridors, and link neighborhoods on the East side of town. The subject property is located in what the City Plan 2025 refers to as an Intended Growth Sector. City Plan 2025 describes them as, "areas where new development in the form of Traditional Neighborhood Development is to be centered." The development team is dedicated to creating a framework for an Old Wire Neighborhood that matches the city's goals.
- c. The property will be design as a Traditional Neighborhood Development. The surrounding properties are currently R-A with several single family homes to the south, however, a few hundred feet to the west all properties are RSF-4, with a large parcel to the northwest zoned as RT-12. The proposed development will be entirely single family with large green spaces or fields and small parks to blend in with surrounding pasture. Most lots at the proposed subdivision will be larger than typical TND neighborhood lots at seventy to eighty feet in width to better fit in with the surrounding homes. Architectural style will similar to surrounding homes as future elevations will show.

Traffic from the proposed subdivision will initially utilize Old Wire Road to the south and east. The subdivision, however, will build the first extension of Bridgewater Lane, which will eventually connect west to Crossover Road. In the associated master plan this extension is proposed as a boulevard section and should connect well with the existing Crossover Road, slated to be widened to a four lane boulevard in 2011, forming a strong street axis for this section of northeast Fayetteville. Old Wire Road is currently a two-way asphalt paved road with no curb and gutter and approximately nine feet lanes. The level of service along this road is good with few delays expected morning or evening. Traffic from the subdivision is expected to be split north to Joyce Street and south to Crossover Road and not overburden the current system.
- d. Water and sewer lines are each located at the intersection of Old Wire Road and Skillern Road. The lines will be extended to the property where sewer and water will service homes in accordance with Fayetteville UDC.

Respectfully,

Todd Jacobs
Director of Design

Correspondence Received (Letters of Opposition)

Colene Gaston and Roger Montgomery
3270 Rom Orchard Road
Fayetteville, Arkansas 72703

September 9, 2009

Attention: Andrew Garner, Senior Planner: agarner@ci.fayetteville.ar.us

City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

Re: Annexation and Rezoning at 3231 N. Old Wire Road

Dear City of Fayetteville Planning Commissioners:

We live one house back from the eastern boundary of the Old Wire Road property proposed simultaneously for annexation into the City of Fayetteville and for rezoning to Residential Single-Family, Four Units per Acre (RSF-4). We opposed previous requests to rezone and annex the property that were denied by the City. We also opposed the request for a Conditional Use that was denied by Washington County. Nothing has changed since those previous requests to alter our opposition to the proposal currently before the Planning Commission. If anything, we believe that there is now more reason to deny the requested rezoning as there clearly is no need for an RSF-4 subdivision in this area. There already are several subdivisions on Crossover Road and another on Skillern Road that have completed infrastructure but that remain all or mostly vacant lots.

The proposed rezoning would result in an isolated zone of RSF-4 that is surrounded by property zoned for agricultural or residential development with a maximum density of either one-half or one house per acre. In fact, the single family homes in the area generally are on lots of three to ten acres. Several of the properties have livestock or agricultural uses. Some of the acreage is protected from development in perpetuity by conservation easements held by the Ozark Regional Land Trust. Rezoning the subject property to RSF-4 would be incompatible with the surrounding area.

We recognize that Fayetteville will continue to grow and develop. We support infill in the City core and City policies that discourage sprawl. While some may argue that keeping this area rural supports sprawl, we think that's more the case if an RSF-4 development is permitted in the middle of stable, rural properties. We have lived in our house for fourteen years. In that time very few new homes have been built in the area. Most of our neighbors are committed to maintaining the rural character of the neighborhood. It is very unlikely that their properties would be densely developed, even if zoning restrictions were relaxed. In addition to benefitting our neighborhood (and we do think of it as a neighborhood even though it's rural), we believe that it benefits the entire community if some neighborhoods with a more rural character and open space are preserved. This also is in keeping with the City Plan 2025 for the subject property.

As a practical matter, the roads in the area are not adequate to handle development as intensive as four houses per acre. Old Wire Road has a blind curve just to the west of the development when traveling in either direction. There is a second dangerous curve that borders the subject property to the east. Numerous cars have failed to navigate this curve. Traffic

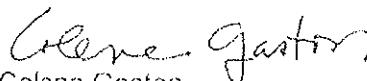
Comment to Fayetteville Planning Commission
Re: Rezoning and Annexation Request for 3231 N. Old Wire Road
September 9, 2009
Page 2

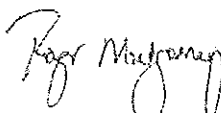
congestion already is significant at the intersections of Old Wire with Skillern Road and with Crossover Road.

We do not feel as strongly about the proposed annexation as we do about the proposed rezoning, so our inclination is to take into account the recommendation of the City's Planning Division before taking a firm position. The report of Planning Division is not yet publicly available. We note, however, that the proposed annexation would create a peninsula of land in the City that juts out into the County. And we do oppose any action that would facilitate or result in higher density development of the subject property.

Thank you for your consideration of these comments.

Sincerely,


Colene Gaston


Roger Montgomery

September 1, 2009

TO: Fayetteville Boards of Annexation and Rezoning
RE: Property at Old Wire and Rom Orchard Rd
Request for Annexation and Rezoning

To Whom it May Concern,

As 23 year residents of 3162 Rom Orchard Rd, Washington Co, Arkansas, we would like to publicly express strong disapproval for the proposed zoning and annexation requests for the above-mentioned property. This letter may be read at the September 14 public input meeting as well as copies given to each relevant board member in our absence. We will be out of state during the time of this hearing.

The following list gives some of the reasons that need to be seriously considered before this annexation and rezoning would ever be approved.

1. The character of this area is primarily rural and agricultural. Most landowners have property of three or more acres. The basic integrity of the area should not be altered to include multi-family use of the density requested.
2. The land is a peninsula jutting out into Old Wire Road for a large portion of its total size. Considering only the Old Wire Road lines of vision, either direction is dangerously blind around this peninsula. The entrance into or from Rom Orchard is a similar hazard. The traffic speed is too fast for safe entry and exit with the addition of the high number of vehicles involved in a large subdivision.
3. At the intersection of Skillern and Old Wire Roads, traffic from the west toward Hwy 265 has the right of way at this time. That is yet another very blind corner for those of us traveling toward that intersection. Traffic speed down Skillern is significantly more than would allow for ample yield time.
4. The morning commuting hours already present a difficult traffic issue with the number of cars continually going toward the light at Old Wire and Crossover Roads. It requires significant time to enter that stream of cars when traveling from the areas going north from the stop sign into Old Wire. A traffic count might be feasible to show how the problem we already face would be compounded many times over by adding ANY extra traffic each morning. It could only be dangerous as well as difficult.
5. To avoid the problem just mentioned, traffic from a new development would almost certainly go down Rom Orchard to get to Skillern to go with the unhindered route. Rom Orchard is quiet, SMALL and constructed of the chip and seal material not meant to withstand heavy traffic. Our road would be ruined.

6. The water treatment facility at the Old Wire/Crossover intersection has resulted in many days of unpleasant odors coming all the way to Rom Orchard and beyond. The area has homes serviced with septic tanks and the additional burden on the city sewer system would provide us with even more foul smelling air.

7. Most of us who oppose this high-density project would not object to housing that fits the area's use. Homes no less than one per acre would still be responsible for a traffic burden as well as difficulties in the previously-mentioned areas. It would be far better than the 3 home per acre ideas presented thus far.

Please add our names to the large number of rural residents of the Rom Orchard area who oppose the development of a small house-large population neighborhood in rural Washington County.

Sincerely,

Larry and Tanya Floyd
3162 Rom Orchard Rd
Fayetteville 72703

From: "Shelley Cassar" <shelley@blisscupcakecafe.com>
To: <agarner@ci.fayetteville.ar.us>
CC: "Stephen Cassar" <stephenc@ticketsage.com>, "Shelley Cassar" <shelley@bl...
Date: 9/9/2009 3:58 PM
Subject: Rezoning and annexation at 3231 N. Old Wire Rd

To Whom it May Concern:

We live at 2990 N. Rom Orchard Rd. We moved in to this house last year because of the quiet, country feel of the street and area. We were disturbed to hear talk of a subdivision being placed on the corner of our street. The roads in our neighborhood are very narrow and windy and not at all conducive to heavy traffic flow. Not to mention my children currently use these roads to ride bikes on and walk the dogs. The additional traffic would cause our kids to not be able to enjoy the country atmosphere we moved here for.

We are opposed to the rezoning and annexation at 3231 N. Old Wire Rd. The additional traffic and noise that a subdivision would create would no longer make our current residence desirable. Most of the homes, including ours are on 2plus acres, most being 4plus acres. A subdivision does not fit into this type environment. Please leave some of Fayetteville untouched by yet another subdivision.

Please consider this seriously as it would effect the lives of many families.

Kind Regards,
Shelley and Stephen Cassar

September 9, 2009

City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, AR 72701
Attention: Andrew Garner, Senior Planner: agarner@ci.fayetteville.ar.us

Re: Annexation and Rezoning at 3231 N. Old Wire Road

Dear City of Fayetteville Planning Commission:

It is my understanding that Mr. Hank Broyles is requesting annexation of the property located at 3231 North Old Wire Road into the City of Fayetteville and the rezoning of the property to Residential Single-Family, Four Units per Acre (RSF-4).

I oppose the requested action to the extent that it facilitates or results in higher density development of the property for the following reasons:

1. The proposed change in zoning from Residential-Agricultural (R-A), which allows one house per two acres, to RSF-4, which allows four houses per acre, is not compatible with the surrounding area;
2. The rezoning to RSF-4 will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood;
3. The rezoning to RSF-4 is incompatible with City Plan 2025, which designates the property as a Rural Area with infrastructure and public services adequate to support only low density zoning;
4. There is no need for an RSF-4 subdivision in the vicinity; and
5. The rezoning to RSF-4 will be detrimental to public safety.

The surrounding area is a mixture of residential and agricultural uses, with residential lots being generally three to five acres or more. A higher density subdivision, such as the one that would result from the rezoning, is clearly incompatible with the surrounding area and with City Plan 2025. It will also decrease the value of the larger lots in the area and be injurious to the normal use and enjoyment of these lots. There is no need for an RSF-4 subdivision in this area as there already are several nearby subdivisions with completed infrastructure on Skillem Road and on Crossover Road that remain all or mostly vacant lots.

The rezoning to RSF-4 single family would be detrimental to public safety by greatly increasing the traffic flow on Skillem Road, Old Wire Road, Rom Orchard Road, Bridgewater, and other roads in the vicinity. These roads are frequently used by joggers, bicyclers, and horses. Rom Orchard Road is a narrow, winding road that would be particularly hazardous to joggers, bicyclers and horses with increased automobile traffic. There are two dangerous curves in Old Wire Road that wrap around the south and southeast corner of the subject property. Vehicles frequently cross the center line when navigating these tight curves. Approximately once a year, automobiles fail to negotiate the southeast curve and crash through the fence on the west side of Old Wire Road.

For these reasons, I respectfully request that the requested action be denied.

Sincerely,

Signature

*I strongly disagree with rezoning request!*Susan Brisiel

Address

3150 N. Rom Orchard Rd

Printed Name

Susan BrisielFayetteville AR 72703

The proposed rezoning is so totally opposite the current community of homes.

September 9, 2009

City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

Attention: Andrew Garner, Senior Planner: agarner@ci.fayetteville.ar.us

Re: Annexation and Rezoning at 3231 N. Old Wire Road

Dear City of Fayetteville Planning Commission:

It is my understanding that Mr. Hank Broyles is requesting annexation of the property located at 3231 North Old Wire Road into the City of Fayetteville and the rezoning of the property to Residential Single-Family, Four Units per Acre (RSF-4).

I oppose the requested action to the extent that it facilitates or results in higher density development of the property for the following reasons:

1. The proposed change in zoning from Residential-Agricultural (R-A), which allows one house per two acres, to RSF-4, which allows four houses per acre, is not compatible with the surrounding area;
2. The rezoning to RSF-4 will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood;
3. The rezoning to RSF-4 is incompatible with City Plan 2025, which designates the property as a Rural Area with infrastructure and public services adequate to support only low density zoning;
4. There is no need for an RSF-4 subdivision in the vicinity; and
5. The rezoning to RSF-4 will be detrimental to public safety.

The surrounding area is a mixture of residential and agricultural uses, with residential lots being generally three to five acres or more. A higher density subdivision, such as the one that would result from the rezoning, is clearly incompatible with the surrounding area and with City Plan 2025. It will also decrease the value of the larger lots in the area and be injurious to the normal use and enjoyment of these lots. There is no need for an RSF-4 subdivision in this area as there already are several nearby subdivisions with completed infrastructure on Skillern Road and on Crossover Road that remain all or mostly vacant lots.

The rezoning to RSF-4 single family would be detrimental to public safety by greatly increasing the traffic flow on Skillern Road, Old Wire Road, Rom Orchard Road, Bridgewater, and other roads in the vicinity. These roads are frequently used by joggers, bicyclers, and horses. Rom Orchard Road is a narrow, winding road that would be particularly hazardous to joggers, bicyclers and horses with increased automobile traffic. There are two dangerous curves in Old Wire Road that wrap around the south and southeast corner of the subject property. Vehicles frequently cross the center line when navigating these tight curves. Approximately once a year, automobiles fail to negotiate the southeast curve and crash through the fence on the west side of Old Wire Road.

For these reasons, I respectfully request that the requested action be denied.

Sincerely,

Signature

Sharon Payton

Address

3845 Bridgewater

Printed Name

Sharon Payton

Fay. Ar. 72703

Mr. Garner, I strongly oppose this plan. I feel it will be very detrimental to our neighborhood.

September 9, 2009

City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

Re: Rezoning and Annexation at 3231 N. Old Wire Road

Dear Planning Commission:

It is my understanding that Mr. Hank Broyles is requesting annexation of the property located at 3231 North Old Wire Road into the City of Fayetteville and the rezoning of the property to Residential Single-Family, Four Units per Acre (RSF-4).

I oppose the requested action to the extent that it facilitates or results in higher density development of the property for the following reasons:

1. The proposed change in zoning from Residential-Agricultural (R-A), which allows one house per two acres, to RSF-4, which allows 4 houses per acre, is not compatible with the surrounding area;
2. The rezoning to RSF-4 will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood;
3. The rezoning to RSF-4 is incompatible with City Plan 2025, which designates the property as a Rural Area with infrastructure and public services adequate to support only low density zoning;
4. There is no need for an RSF-4 subdivision in the vicinity; and
5. The rezoning to RSF-4 will be detrimental to public safety.

The surrounding area is a mixture of residential and agricultural uses, with residential lots being generally three to five acres or more. A higher density subdivision, such as the one that would result from the rezoning, is clearly incompatible with the surrounding area and with City Plan 2025. It will also decrease the value of the larger lots in the area and be injurious to the normal use and enjoyment of these lots. There is no need for an RSF-4 subdivision in this area as there already are several nearby subdivisions with completed infrastructure on Skillern Road and on Crossover Road that remain all or mostly vacant lots.

The rezoning to RSF-4 single family would be detrimental to public safety by greatly increasing the traffic flow on Skillern Road, Old Wire Road, Rom Orchard Road, Bridgewater, and other roads in the vicinity. These roads are frequently used by joggers,

bicyclers, and horses. Rom Orchard Road is a narrow, winding road that would be particularly hazardous to joggers, bicyclers and horses with increased automobile traffic. There are two dangerous curves in Old Wire Road that wrap around the south and southeast corner of the subject property. Vehicles frequently cross the center line when navigating these tight curves. Approximately once a year, automobiles fail to negotiate the southeast curve and crash through the fence on the west side of Old Wire Road.

For these reasons, I respectfully request that the requested action be denied.

Sincerely,

Signature Paul H. Pannell

Printed Name PAUL H. PANSELL

Address 3287 ROM ORCHARD RD FAYETTEVILLE

72703

ON 3 ACRE w/1-RESIDENCE

MY INPUT: I'd agree to is one(1)

RESIDENCE PER 1 1/2 ACRE. RHP

September 9, 2009

City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, AR 72701
Attention: Andrew Garner, Senior Planner: agarner@ci.fayetteville.ar.us

Re: Annexation and Rezoning at 3231 N. Old Wire Road

Dear City of Fayetteville Planning Commission:

It is my understanding that Mr. Hank Broyles is requesting annexation of the property located at 3231 North Old Wire Road into the City of Fayetteville and the rezoning of the property to Residential Single-Family, Four Units per Acre (RSF-4).

I oppose the requested action to the extent that it facilitates or results in higher density development of the property for the following reasons:

1. The proposed change in zoning from Residential-Agricultural (R-A), which allows one house per two acres, to RSF-4, which allows four houses per acre, is not compatible with the surrounding area;
2. The rezoning to RSF-4 will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood;
3. The rezoning to RSF-4 is incompatible with City Plan 2025, which designates the property as a Rural Area with infrastructure and public services adequate to support only low density zoning;
4. There is no need for an RSF-4 subdivision in the vicinity; and
5. The rezoning to RSF-4 will be detrimental to public safety.

The surrounding area is a mixture of residential and agricultural uses, with residential lots being generally three to five acres or more. A higher density subdivision, such as the one that would result from the rezoning, is clearly incompatible with the surrounding area and with City Plan 2025. It will also decrease the value of the larger lots in the area and be injurious to the normal use and enjoyment of these lots. There is no need for an RSF-4 subdivision in this area as there already are several nearby subdivisions with completed infrastructure on Skillern Road and on Crossover Road that remain all or mostly vacant lots.

The rezoning to RSF-4 single family would be detrimental to public safety by greatly increasing the traffic flow on Skillern Road, Old Wire Road, Rom Orchard Road, Bridgewater, and other roads in the vicinity. These roads are frequently used by joggers, bicyclers, and horses. Rom Orchard Road is a narrow, winding road that would be particularly hazardous to joggers, bicyclers and horses with increased automobile traffic. There are two dangerous curves in Old Wire Road that wrap around the south and southeast corner of the subject property. Vehicles frequently cross the center line when navigating these tight curves. Approximately once a year, automobiles fail to negotiate the southeast curve and crash through the fence on the west side of Old Wire Road.

For these reasons, I respectfully request that the requested action be denied.

Sincerely,

Signature

Terry Payton
Printed Name Terry Payton

Address

3845 Bridgewater Lane
Fayetteville, AR
72703

From: Susan Brisiel <susan.brisiel@fayar.net>
To: <agarner@ci.fayetteville.ar.us>
Date: 9/9/2009 2:47 PM
Subject: Opposition to proposed rezoning on Old Wire Rd

Mr. Garner,

Please allow me to go on record as strongly opposing the proposed rezoning of property located on Old Wire Rd.

I live on Rom Orchard Rd, a nice quiet rural area with all the homes occupying at least 3 acres. The proposed 4 houses per acre is just totally at odds with the existing setting.

Letters in opposition have been faxed from Susan Brisiel and Sharon Payton.

Thank you for considering these letters in your discussion of the area.
Susan Brisiel

--

Please note email change: susan.brisiel@fayar.net
Susan Brisiel
Admin Asst
Vandergriff Elementary
479.527.3600 office
479.527.3603 fax

September 9, 2009

City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

Re: Rezoning and Annexation at 3231 N. Old Wire Road

Dear Planning Commission:

It is our understanding that Mr. Hank Broyles is requesting annexation of the property located at 3231 North Old Wire Road into the City of Fayetteville and the rezoning of the property to Residential Single-Family, Four Units per Acre (RSF-4). We own 10 acres located at 3284 Rom Orchard Rd., which is adjacent to the subject property to the east, across Old Wire Rd.. Our property is adjacent to the subject property for 895 feet. We have lived at this location since 2000.

We oppose the requested action to the extent that it facilitates or results in higher density development of the property for the following reasons:

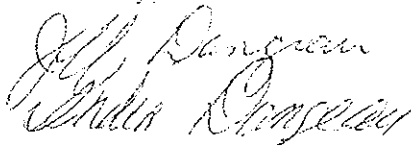
1. The proposed change in zoning from Residential-Agricultural (R-A), which allows one house per two acres, to RSF-4, which allows 4 houses per acre, is not compatible with the surrounding area;
2. The rezoning to RSF-4 will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood;
3. The rezoning to RSF-4 is incompatible with City Plan 2025, which designates the property as a Rural Area with infrastructure and public services adequate to support only low density zoning;
4. There is no need for an RSF-4 subdivision in the vicinity; and
5. The rezoning to RSF-4 will be detrimental to public safety.

The surrounding area is a mixture of residential and agricultural uses, with residential lots being generally three to five acres or more. A higher density subdivision, such as the one that would result from the rezoning, is clearly incompatible with the surrounding area and with City Plan 2025. It will also decrease the value of the larger lots in the area and be injurious to the normal use and enjoyment of these lots. There is no need for an RSF-4 subdivision in this area as there already are several nearby subdivisions with completed infrastructure on Skillern Road and on Crossover Road that remain all or mostly vacant lots.

The rezoning to RSF-4 single family would be detrimental to public safety by greatly increasing the traffic flow on Skillern Road, Old Wire Road, Rom Orchard Road, Bridgewater, and other roads in the vicinity. These roads are frequently used by joggers, bicyclers, and horses. Rom Orchard Road is a narrow, winding road that would be particularly hazardous to joggers, bicyclers and horses with increased automobile traffic. There are two dangerous curves in Old Wire Road that wrap around the south and southeast corner of the subject property. Vehicles frequently cross the center line when navigating these tight curves. Approximately once a year, automobiles fail to negotiate the southeast curve and crash through the fence on the west side of Old Wire Road.

For these reasons, we respectfully request that the proposed action be denied.

Sincerely,

Handwritten signatures of Jeff and India Dangeau in cursive script.

Jeff & India Dangeau
3284 Rom Orchard Rd.
Fayetteville, AR 72702
(479) 521-7416

September 9, 2009

City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

Re: Rezoning and Annexation at 3231 N. Old Wire Road

Dear Planning Commission:

It is my understanding that Mr. Hank Broyles is requesting annexation of the property located at 3231 North Old Wire Road into the City of Fayetteville and the rezoning of the property to Residential Single-Family, Four Units per Acre (RSF-4).

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2. The rezoning to RSF-4 will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood;
3. The rezoning to RSF-4 is incompatible with City Plan 2025, which designates the property as a Rural Area with infrastructure and public services adequate to support only low density zoning;
4. There is no need for an RSF-4 subdivision in the vicinity; and
5. The rezoning to RSF-4 will be detrimental to public safety.

The surrounding area is a mixture of residential and agricultural uses, with residential lots being generally three to five acres or more. A higher density subdivision, such as the one that would result from the rezoning, is clearly incompatible with the surrounding area and with City Plan 2025. It will also decrease the value of the larger lots in the area and be injurious to the normal use and enjoyment of these lots. There is no need for an RSF-4 subdivision in this area as there already are several nearby subdivisions with completed infrastructure on Skillern Road and on Crossover Road that remain all or mostly vacant lots.

The rezoning to RSF-4 single family would be detrimental to public safety by greatly increasing the traffic flow on Skillern Road, Old Wire Road, Rom Orchard Road, Bridgewater, and other roads in the vicinity. These roads are frequently used by joggers.

RECEIVED

SEP 14 2009

CITY OF FAYETTEVILLE
PLANNING DIVISION

bicyclers, and horses. Rom Orchard Road is a narrow, winding road that would be particularly hazardous to joggers, bicyclers and horses with increased automobile traffic. There are two dangerous curves in Old Wire Road that wrap around the south and southeast corner of the subject property. Vehicles frequently cross the center line when navigating these tight curves. Approximately once a year, automobiles fail to negotiate the southeast curve and crash through the fence on the west side of Old Wire Road.

For these reasons, I respectfully request that the requested action be denied.

Sincerely,

Signature Roy C Rom

Printed Name ROY C. ROM

Address 3098 ROM ORCHARD RD 72103
FAYETTEVILLE

September 9, 2009

City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

Re: Rezoning and Annexation at 3231 N. Old Wire Road

Dear Planning Commission:

It is my understanding that Mr. Hank Broyles is requesting annexation of the property located at 3231 North Old Wire Road into the City of Fayetteville and the rezoning of the property to Residential Single-Family, Four Units per Acre (RSF-4).

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4. There is no need for an RSF-4 subdivision in the vicinity; and
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The surrounding area is a mixture of residential and agricultural uses, with residential lots being generally three to five acres or more. A higher density subdivision, such as the one that would result from the rezoning, is clearly incompatible with the surrounding area and with City Plan 2025. It will also decrease the value of the larger lots in the area and be injurious to the normal use and enjoyment of these lots. There is no need for an RSF-4 subdivision in this area as there already are several nearby subdivisions with completed infrastructure on Skillern Road and on Crossover Road that remain all or mostly vacant lots.

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For these reasons, I respectfully request that the requested action be denied.

Sincerely,

Signature

L. Floyd Tanya Floyd

Printed Name

Larry Floyd

Tanya Floyd

Address

3162 Rom Orchard Rd

September 9, 2009

City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

Re: Rezoning and Annexation at 3231 N. Old Wire Road

Dear Planning Commission:

It is my understanding that Mr. Hank Broyles is requesting annexation of the property located at 3231 North Old Wire Road into the City of Fayetteville and the rezoning of the property to Residential Single-Family, Four Units per Acre (RSF-4).

I oppose the requested action to the extent that it facilitates or results in higher density development of the property for the following reasons:

1. The proposed change in zoning from Residential-Agricultural (R-A), which allows one house per two acres, to RSF-4, which allows 4 houses per acre, is not compatible with the surrounding area;
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3. The rezoning to RSF-4 is incompatible with City Plan 2025, which designates the property as a Rural Area with infrastructure and public services adequate to support only low density zoning;
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The surrounding area is a mixture of residential and agricultural uses, with residential lots being generally three to five acres or more. A higher density subdivision, such as the one that would result from the rezoning, is clearly incompatible with the surrounding area and with City Plan 2025. It will also decrease the value of the larger lots in the area and be injurious to the normal use and enjoyment of these lots. There is no need for an RSF-4 subdivision in this area as there already are several nearby subdivisions with completed infrastructure on Skillern Road and on Crossover Road that remain all or mostly vacant lots.

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For these reasons, I respectfully request that the requested action be denied.

Sincerely,

Signature Valerie E Fletcher

Printed Name VALERIE E FLETCHER

Address 3281 ROM ORCHARD RD, FAYETTEVILLE, AR 72703

Planning Commission Minutes

October 10, 2005 (ANX Denied)

May 08, 2006 (ANX Denied)

September 14, 2009 (ANX Denied)

Planning Commission

October 10, 2005

Page 53

ANX 05-1626: (OLD WIRE INVESTORS, LLC, 217): Submitted by FRIDAY, ELDREDGE & CLARK LLP for property located at THE NW INTERSECTION OF OLD WIRE AND ROM ORCHARD ROADS. The property is in the Planning Area and contains approximately 29.70 acres. The request is to annex the subject property into the City of Fayetteville. Planner:

ANDREW GARNER

RZN 05-1627: (OLD WIRE INVESTORS, LLC, 217): Submitted by FRIDAY, ELDREDGE & CLARK LLP for property located at NW INTERSECTION OF OLD WIRE AND ROM ORCHARD ROADS. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 34.51 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre.

Ostner: Our next item is another annexation for Old Wire Investors, ANX 05-1626.

Garner: These items, fifteen and sixteen on the agenda are also tandem items for an annexation and a rezoning. The property contains four parcels consisting of approximately 30 acres to be annexed and the applicant is also seeking to rezone approximately 35 acres which includes 5 acres located in the city currently and zoned R-A. The site is located northwest of the intersection of Old Wire Road and Rom Orchard Road. It is surrounded by rural residential and undeveloped pasture with unincorporated Washington County to the north, east and south and property that is zoned R-A and the City of Fayetteville to the west. There is also unincorporated areas of Washington County to the west of some of the property line. Staff has received public comment from adjacent property owners objecting to this annexation and rezoning and has discussed this with the applicant. The applicant has indicated that they have discussed this request with the surrounding property owners and haven't been able to gain support for the annexation and rezoning. Staff finds that annexation of the property will not create an island of unincorporated property but it will extend a peninsula with irregular property lines that contain some out parcels between the proposed annexation area and the city limits. We find that expanding the city limits in this configuration is not in compliance with the policies for annexation and would create undesirable boundaries and problems with creating a peninsula in this manner with regard to extending public services across county and into city boundaries and will create gaps of unincorporated property almost entirely surrounded by city limits. The site is currently utilized for rural residential uses and undeveloped pasture and the applicant anticipates subdividing the property for single family use and proposing a density of four units per acre. Staff finds that this proposed zoning is not compatible with adjacent and nearby agricultural and rural residential uses. The General Plan does designate this area for residential

Planning Commission
October 10, 2005
Page 54

land uses. However, this designation doesn't specify the density levels. Staff and the Planning Commission and City Council is charged with evaluating the surrounding land uses and this proposal's compatibility with these units. Staff finds that the proposed density is not consistent with density and surrounding zonings and existing land uses currently in this area. Engineering, Fire and Police Departments analyzed this proposed annexation and rezoning request and the Police Department found that the proposed annexation and rezoning would not substantially increase the load on police services. The Fire Department noted an adequate response time of seven minutes as well. The Engineering Division found that public water is adjacent to the site and sanitary sewer is not adjacent to the site with the nearest sewer main being approximately 2,500 feet to the west of this property and an off site sewer main extension would be required to serve the development. In summary, we find that the proposed configuration of this annexation would create an undesirable boundary and would create an undesirable peninsula and we find that rezoning is not compatible with the surrounding area. With that, we are recommending denial of both items.

Earnest: I'm Hugh Earnest representing Old Wire Investors. We find ourselves on the horns of a dilemma tonight. About a month ago after careful consideration of this annexation request with staff we pulled the item from the agenda and have attempted to contact a large number of people generally bounded by Rom Orchard Road. There is a hatched area where we sent out letters to 28 different individuals asking for their support of annexation, the request was not for the land that Old Wire Investors owns but rather, for the property adjacent. What we attempted to do to meet what I believe is a legitimate concern of staff is to bring in something that is larger. However, we were unable to secure unanimous support from those individuals so we have gone back and are now bringing forward to you the original annexation request that we had earlier voluntarily pulled from the agenda in order to try to meet the objections of staff and bring forward a larger piece. Let me also make the point, five acres of the area is already inside the city. This is adjacent, it is a peninsula, the developer is willing to install the 2,500 foot sewer line to the property and the water line also to the property in response to the information that we just received from Colleen Gaston, in the many conversations that I have had with David Jurgens there has never been concern about capacity short fall in this particular part of town with respect to the capacity of the plant. Such is not the case, as you well know, in west Fayetteville. In this particular case there has never been any concern expressed on that. As recently as this morning I had a conversation with Mr. Jurgens because he is a good planner and he was talking about how he would need to wrap the 4" line down Rom Orchard Road to get water pressure into the area. Mr. Jurgens, from his perspective, is certainly thinking about the necessary infrastructure improvements that the area would require for adequate

Planning Commission
October 10, 2005
Page 55

water in that particular area. The bottom line, and the developers should be commended, Mr. Spradling, as a developer of record, is here with me tonight, the density that is proposed is slightly in excess of two units per acre. That has already been turned into the city. That discussion has already occurred with city staff. The questions that Mrs. Allen continues to ask are valid questions about fire stations. In my time with the city we certainly were aware of the issues in that area. I commend the city for moving forward aggressively and deciding to put Fire Station #5 at the corner of Old Wire Road and Crossover is their first priority. I suspect that since the city has a template for building fire stations that the station will be done well in advance of the development of this area and I think that probably occurs for the other developers in this area because the template that was used in west Fayetteville I'm sure will be essentially the one that is used in this area. I doubt that there is going to be significant changes in the design. I think that pretty much covers the points that we wanted to make and we are certainly respective to answer any concerns that you may have with respect to this joint request for annexation and rezoning.

Ostner: At this point I will open it up for public comment if anyone would like to speak to this request please introduce yourself and give us your comments.

Parnell: I'm Paul Parnell, I seem to be the one right in the middle of this proposition. I don't necessarily object to the proposition. However, I feel that whoever is gaining from this transaction should defray any costs that we may have in connecting our residences to the sewer that may be established. We presently have perfectly good septic tanks and lateral fields that is not costing us anything to operate and we feel that we should be compensated by whomever is gaining from this endeavor because we don't consider ourselves gaining from this activity. We are very happy with what we have got. However, we are not opposed to developments and appreciate those things. However, fire protection, as just mentioned, is something that should be addressed at this time because we, at this particular month of October are to reconsider our contract with Goshen who has been providing us fire protection for many years. We need to have that addressed. In the event that we are annexed into the city, when does the city assume responsibility for fire protection for this area? Those are things that we feel are very important. Thank you very much. I live at 3287 Rom Orchard Road.

Floyd: My name is Larry Floyd, my wife and I live at 3162 Rom Orchard Road and I didn't get a letter about it but I saw the sign in the field and fixed it up there so everybody could see it and proceeded to see what was going on. The letter that you mentioned earlier is the letter from Colleen Gaston but she really said what we are saying in the neighborhood. I have a number of people here who are opposed to this and who agree with staff

Planning Commission
October 10, 2005
Page 56

on the recommendation that they made. She was unable to attend but she wrote this letter and she basically says that she is opposed to both annexation and rezoning. They are my neighbors on Rom Orchard Road. She talks about the wastewater treatment plant down at Old Wire and Crossover and the smell is unbelievable. Even when you are in your car with the windows up when you guy by there you can smell what is taking place down there. She says that there have been a number of actions to attempt to address this but it still persists. While there may be a need for additional housing in Fayetteville the question of adequate capacity may apply to development within the existing city limits and it does not seem prudent at this time to expand the land area to which the city must provide sewer service. The proposed rezoning is out of character with our neighborhood. If you have been out on Rom Orchard Road it is the greatest area in Washington County. It is agricultural. There are four of the neighbors that have large horses. I have a miniature horse farm on that road. There is an apple orchard, people stroll up and down it like you are back in the 50's and pick an apple and eat it on the way home. It is unbelievable, it is like going to the Apple Festival every day. It is just a wonderful area. There are people walking their dogs and their horses and everything else along there. Traffic is a big concern for us as well. The character of our neighborhood is 3-10 acre lots and a lot of it is livestock and agricultural use. The other thing, I mentioned the traffic, the blind curves at Old Wire Road, there are a couple of them. People frequently go off of that curve right by this development into the neighbor's fence. Their fence is being fixed all the time because of the traffic there. It is very dangerous. I'm concerned with the stop sign that was placed at Old Wire Road.

?: The tax base unless you are farming it forces you to do something or sell out and you need to take those things into consideration. I happen to farm my five acres and I'm making enough money that it is considered a farm by USDA standards. If I'm taken into the city I plan to try to stay agricultural because I plan to continue farming. I grow vegetables, my wife sells at farmers market. We are pleased with that and we are pleased with where we live. I don't have a great concern about this particular proposal here tonight but I do think that we are sticking our head in the sand when we oppose development because it is going to increase traffic. The main traffic on Old Wire Road is about 200 gravel trucks a day now. We are in between the gravel pit off of 412 and the asphalt pit in Springdale. You people have a difficult job and I appreciate your time. I didn't plan to talk tonight but I wanted you to know that not everybody is opposed to this annexation across the street from me.

Ostner: Is there any further public comment? We will come back to the applicant.

Dangio: My name is Jeff Dangio, I live at 3284 Rom Orchard Road. I am the guy with the cars going through the fence. We own a 10 acre tract directly east of the subject property and have a wood rail fence around it. There is a sharp curve to the north at the intersection of Rom Orchard Road and Old Wire. I guess more than once a year we have a vehicle come crashing through that fence. If we add a high density development in there you automatically increase the traffic. There is a safety concern that is kind of unique to our property. A lower density development would be better but if you do go with this proposal we would ask that you do something to improve the safety of that curve in some way. The good thing about the cars crashing through the fence is I may never have to pay to replace that fence. The insurance companies pay for a significant portion of it every year. The down side is if there are kids around and they happen to be at the wrong place at the wrong time we could have a bad situation. Thank you for your time.

Payton: My name is Terry Payton and I live on Bridgewater Lane about 600 yards east of the development. I just want to address the traffic concerns and make a couple of points that have not been made. In that section of Fayetteville the traffic from the east funnels to Crossover Road, you either go to Old Wire and Crossover or the Joyce and Crossover intersection. My main concern is the density that is being proposed. Tonight you approved the five acre subdivision that will be on Skillern Road from 11 up to 20. Bridgewater Estates has 22 or 24 lots and all of those lots have sold. There are only three houses there now. That is going to increase the traffic load and then if this subdivision goes in it will further increase by however many homes will end up there. The next time that you are out there and you see the Joyce Street Crossover intersection and the Old Wire Crossover intersection, both of those are backed up in the morning. That is my main point.

Elliot: My name is Don Elliot, I live at 3743 Bridgewater, just east of this development. I don't know much about zoning law. I don't care whether this area is annexed to the city or not, I don't have an objection to it being annexed to the city because I understand that that would give the city more authority to regulate it. I do have a big problem with the zoning. It is totally inconsistent with the lots in that area. The land that Terry and I live on and some of the other people, that started out as a 40 acre tract, and Mr. Stevenson sold it off and in the covenants, private covenants, there can't be any lots sold that are less than five acres. I live on 7 ½ and Terry lives on 8, there are a couple of 10 acre tracts and a 5 acre tract. These are all totally inconsistent with allowing four houses per acre. That is not just true of that land, it is also true of the other houses in there, I would guess that they are all one to five acre lots. To allow four houses on one acre is totally inconsistent with what is out there now. I don't care about the annexing but I do have a big problem with the zoning change. Thank you.

Planning Commission
October 10, 2005
Page 58

- Ostner: If there is no further comment from the public I will close the public comment session and bring it back to the Commission.
- Spradling: My name is Marcus Spradling, I am the developer. A couple of things that I ran into on the annexation was the majority of the people I talked to did not want to annex until they saw the sewer and water improvements, which is the same issue you get into with building a fire station or a Wal-Mart Super center where nobody lives, you don't do it. The people come and you bring the infrastructure to them. What we are trying to do is provide infrastructure to the area for water and sewer which eventually will lead to better fire protection for the people out there. You've got Fire Station #5 which is basically ready to go and should be built before we ever get there. The zoning, you have got one unit per acre or you've got four units per acre. There is no middle ground, there is no in between. We have handed in all of the Preliminary Plat information showing that we are just a little bit over two units per acre because we felt like that is what best fit in the neighborhood. We weren't going in there trying to put 65' wide lots with little houses in there and drop it in the middle of that market. It is an upscale subdivision and the houses that will be built in there are in the same area and the same price ranges as what is built out there now so the property values should increase. Our intent is not to devalue the property, it is to increase the value of the property. We are providing the water and sewer extension which will in turn allow people to tie into it. I don't know what other questions you may have. Anything we haven't covered?
- Pate: I just want to call your attention to page 13, the citizens that did speak, numbers five, six, 13, 14 and 15 did speak tonight, just so you have an idea of where they were coming from.
- Vaught: I guess my problem is as we were speaking of earlier, where the other one was a logical shape and extension, this one seems illogical to me with the chunks missing, the spur out and this one creates more of a peninsula hanging out there by itself. I know Mr. Earnest spoke to bringing a larger tract forward, can you repeat what you said?
- Earnest: What we attempted to do at the request of staff, was to bring forward a larger more together area, if you will. There is a map in there that shows a hatched area bounded by Rom Orchard Road going back to the city limits. The hatched area shows the 28 property owners that we sent letters to. The majority of those individuals are in favor of annexation, but not all. One of the burdens that we have is unanimity is required for annexation. I understand that and support it, but that is an effort that we made to accommodate the criticisms that this does not cover a larger area.

Planning Commission

October 10, 2005

Page 59

- Vaught: It just makes it hard for us and staff to support something like this.
- Spradling: It is not that we have singled out a piece of property out in the middle of nowhere. 25% of this property is already in the city. We are trying to extend what we have in the city. We are already in the city, we are just trying to incorporate the balance of the property into the city. With us putting in the infrastructure the majority of the people that I talked to will come in but they are not going to allow their taxes to be raised and not get any benefits. They aren't buying in to raise my taxes and when you get ready to bring me sewer. They can't get it unless we bring it in there, and they are not willing to do something without seeing that they can tie onto it first. That is where the consumer is today.
- Vaught: My concern is looking at the guiding policies, I counted six out of fifteen that this directly conflicts with. There is a peninsula issue, areas that exclude entire subdivision or neighborhoods or divide areas up, boundaries for annexation follow natural corridors. It doesn't follow natural corridors because there are bits and pieces here and there. You've got a couple of pieces of county that are kind of stuck out there in the middle of the city. It doesn't create islands but it comes close. Areas that are currently served by public services should be annexed. This is a 2,500 foot extension of sewer main, that is a pretty good chunk of sewer main to extend.
- Spradling: That is because it follows the road. As a crow flies we are 1,320 feet from RSF-4.
- Vaught: As for the engineering, I don't know if any additional lift stations would have to be constructed. I assume the one at the corner of Crossover and Old Wire would suffice?
- O'Neal: That one is a substantial lift station, I believe it is a 24" forced main. There is not a capacity issue at that station at this time.
- Vaught: While we are on it, can you address the smell of that lift station?
- O'Neal: Due to the time that the sewer is retained in the station it smells bad. There are a lot of other items that can be done with lift stations, that is something that we can look at.
- Pate: A lot of times when a lift station is large and a forced main is large and is not 50% or closer to capacity it sits there for a longer amount of time so that is why the smell is produced.
- Vaught: So more development would help it. My main issue is about the annexation. I know that we are stuck in that spot where it is really

Planning Commission
October 10, 2005
Page 60

difficult but it is leaving a lot of gaps and holes in there and it is an area with a lot of development. Typically something like this I would be in support of but this one I'm having a hard time with those boundaries and how you are tying together. I know you are having a hard time with the neighbors and it is a chicken and egg kind of situation, but even if you run the sewer main down that line, they are not automatically connected, they are going to have a substantial expense to connect to it. We are not guaranteeing those people will even connect to it.

Spradling: No, but they will have the ability to connect to it and it increases their property values because now they have access to sewer that they didn't have before.

Vaught: Correct. You think that those people are going to come in and increase this area. That is what I am having trouble with.

Spradling: The consumer is just not willing to bet on the come. They want to see the baby.

Graves: I have the same concerns. If it was one of the guiding policies or two of the guiding policies it would be one thing because they are guiding policies and they are things, that as I said earlier, we use our common sense on. This one conflicts with a number of the guiding policies and just as I said the first one I didn't think was a peninsula, this looks like a peninsula to me. It looks much like the tail that is on the one mile map which is in the city, but I didn't vote for anything like that. This is a peninsula without question, it is long and oddly shaped and doesn't create nice boundaries for the city, it doesn't follow natural corridors and is not an area that is easily serviced in any way and these are some longer response times than what we saw with earlier items as well and I cannot support annexing this property the way it looks right now.

Spradling: I think the long response time was an issue and that is why the city is building a brand new fire station right next to it. Obviously, they know something that we may not know. They have headed off that problem and they are planning on the expansion being on the east side of town.

Graves: I'm not looking to argue with the applicant, I'm discussing with my fellow commissioners this item. If the chair recognizes the applicant, that is fine. I'm not looking to have an argument back and forth, I'm just making my comments to my fellow commissioners.

Spradling: I respect that, thank you.

Clark: The only reason I would be in favor of annexation is we can control how it develops. I'm not in favor of rezoning at all. If we annex it I will vote to

Planning Commission

October 10, 2005

Page 61

let it sit just like it is. Step systems scare me. Development within the county close to our borders scares me. That puts us on a horn, what do we do? I don't think it is bad to annex it but I think it would be very, very bad to rezone it. I am seeing a very eager developer so I'm more inclined to annex it.

Ostner: Just as a procedural issue, most developers withdraw their annexation requests if their rezonings are denied since they simply don't want to pay more taxes on land that they can't develop. Are there any motions?

Myres: I will make a motion that we deny ANX 05-1626 as recommended by staff.

Graves: I will second.

Ostner: Is there further discussion?

Vaught: My issue is mainly the boundaries and the way that this is drawn up and the gaps that it creates. I agree with staff's findings that we need a more logical boundary to create this annexation. It is an area of development, typically I would like to see this property annexed, because, like you said, there is a fire station coming in here. The way that this is coming in to me is not correct. We don't know when the stuff around it is going to come in. I would like to see a bigger picture in this and that is why I will be voting against it. Not because I don't think this is a right piece, but it just causes too many conflicts.

Ostner: Is there further discussion? Will you call the roll please?

Roll Call: Upon the completion of roll call the motion to deny ANX 05-1626 was approved by a vote of 8-0-0.

Thomas: The motion carries.

Ostner: Mr. Williams, is the same procedure in place to appeal our recommendation?

Williams: That is correct. At this point the petitioner would need to decide whether they want to withdraw the rezoning petition at this point in time or have that acted upon tonight also? You could ask to table the rezoning if you wanted to think about it or you could go ahead and ask for action to go forward.

Earnest: I think it is obvious that we will ask for it to be tabled.

Planning Commission

October 10, 2005

Page 62

Ostner: The applicant has requested the next item to be tabled. That is RZN 05-1627.

Clark: So moved.

Myres: Second.

Ostner: Would the applicant like to share anything before we vote? Would anyone from the public like to share anything on the rezoning request before we table it? I will close the public comment session and bring it back to the Commission. Will you call the roll please?

Roll Call: Upon the completion of roll call the motion to table RZN 05-1627 was approved by a vote of 8-0-0.

Thomas: The motion carries.

Announcements

Subdivision Committee Appointment: Commissioner Trumbo to take Commissioner Graves' seat.

Meeting adjourned: 8:45 p.m.

ANX 06-2046: (OLD WIRE INVESTORS, 217): Submitted by RAYMOND SMITH for property located at NW INTERSECTION OF OLD WIRE AND ROM ORCHARD ROAD. The property is in the Planning Area and contains approximately 30.70 acres. The request is to annex the subject property into the City of Fayetteville.

RZN 06-2047: (OLD WIRE INVESTORS, 217): Submitted by RAYMOND SMITH for property located at NW INTERSECTION OF OLD WIRE AND ROM ORCHARD ROAD. The property is in the Planning Area and contains approximately 35.51 acres. The request is to rezone the subject property to RSF-4, Residential Single-Family, 4 units per acre.

Garner: This property is located at the northwest intersection of Old Wire and Rom Orchard Road east of Fayetteville. I will summarize both the annexation and rezoning together and we can answer any specific questions you might have. Subject annexation property was included in an annexation request that came before the Planning Commission on October 2005. Staff recommended denial of the request at that time and annexation was denied unanimously. The applicants included an additional property owner and one acre parcel on the north side of Old Wire Road in the current request for annexation and rezoning. Additional background, in March 2006 the applicant submitted a preliminary plat to the City of Fayetteville for a subdivision with 77 residential single-family lots. This subdivision has been tabled until the type of sewer service can be determined. The property that can be annexed contains five parcels consisting of 31 acres. The rezoning application contains approximately 5 acre parcel as well as that within the city limits. There is a difference in the acres between the annexation and rezoning. The applicant proposes annexation of 31.00 acres into the city and rezone the property if it were annexed from Residential-Agricultural to RSF-4, Residential Single-Family, 4 units per acre. The current site has access to Old Wire Road. The site has water available and sanitary sewer is not adjacent to the site. The nearest sewer main is approximately 2,500' west of the site on Old Wire Road. The fire and police department responded, and did not have any adverse effects on their services noted. Other than that they did acknowledge that it would be a change in the population density in this area. Staff finds annexation of this property would be in contrast to the city's policy not to annex islands or peninsulas. Finding that the configuration of these parcels would create a peninsula that would be undesirable and would have potential to have city services extended to areas where it would provide some potential service problems. Staff has discussed with the applicant that we would be more in support of this request if they were able to get the support of some of the adjacent property owners and provide a more continuous parcel to be annexed in and rezoned. As far as response, they have been unsuccessful in obtaining support from neighbors. Staff finds that this annexation and rezoning in general would not be compatible with

this area. It is largely agricultural, rural residential at this time. The density proposed, 4 units per acre, would not be compatible with these land uses. The closest subdivision is west of Crossover Road or south of Skillern Road. Those are the main reasons why we recommend denial and we would be happy to answer any questions you might have.

Anthes: Would any member of the public would like to address either the annexation or rezoning for Old Wire Investors.

Gaston: Hello, my name is Colleen Gaston at 3270 Rom Orchard Road, which is one of the connector streets to this proposed subdivision. I definitely oppose the proposed rezoning. If you have looked at any of the attached maps to the staff report, you will see surrounding on all sides of this proposed annexation and rezoning land, the houses are on tracts of minimum 2 acres. More often, 3,4,5,6, and 10 acres. This falls completely out of character with this surrounding area. I'm not clear on the staff report on the traffic issue, exactly on what is being said. I guess there is a letter from the police department from Captain William Brown. It stated that the proposal would have negligible impact on the cost from police services and traffic congestion for the area. Elsewhere in the report, it talked about increasing the density of traffic from approximately 170 vehicles per day to 1,380 vehicle trips per day. To me this is not just a negligible increase, particularly at certain times of the day. The intersection of Old Wire and Crossover, at morning rush hour and evening, has traffic backed up at least a mile on Crossover. This will clearly add to that traffic problem, not to mention the fact that there are several blind curves associated with this project. I do, however, have mixed feelings about the annexation. Some of my neighbors share those same concerns. If there is going to be development in this area, and we all know there is going to be more development, we would like to see it on a sewer system. We think that it would be better for the city and those of us in the area. If this was developed with sewer as opposed to septic, if you're looking at 80 houses on 35 acres. Its sort of a catch twenty-two, I understand the staff recommendation for why they oppose the annexation. At the same time, I think there is some value to the city having property come in with sewer. Although, not as densely as proposed. The idea about this would be if this was annexed in as R-A, but allowed to have sewer. I think those are the main points. This did come up before the Planning Commission in October and I know that many of you were here at that time and heard a number of the neighbors talk about how this proposal was not in keeping with the area. This is an area that is going to be developed with a lot of subdivisions. The surrounding properties are pretty stable and are going to stay with very low density housing on it. This would be an island of very dense development and for that reason, I think I support the staff's recommendation that this not be rezoned RSF-4.

Anthes: Thank you Mrs. Gaston, would any other member of the public like to address this item? Seeing none, I will close the public comment section. Oh, in the back.

Elliot: My name is Don Elliot, I live at 3743 Bridgewater and I've spoken here once before, so I don't really want to repeat what I've already said. But I would like to join in with Mrs. Gaston said. The report from the senior planner states, this use is not compatible with adjacent land use or density in the surrounding area. We had to sell a 40 acre tract that had its own covenants and no lots less than 5 acres. That's the 40 acres just across the street, just east of this land. While there are closer houses nearby that are less than 5 acres, they are not even close to this dense. I don't know if you have looked at the traffic, but I've talked with Perry Franklin about this, who I think does a great job. If you are traveling west on Old Wire Road at Crossover, you will sit thru three lights minimum between 7:30am to 8:15 in the morning. Coming back, going east on Old Wire Road and Crossover, I was just there last week sitting there at 6'oclock sitting thru three lights. I don't know how much you look at the traffic, but the traffic at that intersection at those times of day, going those directions, is horrendous. I don't see what you would do, you would have to change the road out there. If you put in 77 units and expect them to get to work on time and get home at a decent hour. Anyway, this project is just not compatible in that area.

Anthes: Anyone else would like to speak on this item? Seeing none, I'll go ahead and close the public comment section and ask for the applicant's presentation.

Sloan: I'm Charlie Sloan, representing the applicant. I'm a developer in Fayetteville, as you know. I do not have any investment or interest in this project. This project came through back in October at a time that I brought a project through. There were three of us, Mark Spradlin, Tim Estes, and myself. The first project that came through was Skillern Drive behind Savanna. It created a peninsula; it stuck out. It wasn't as big as this one. But, then again, it did get passed. My project, second, I was surrounded on three sides by the City of Fayetteville, I was annexed in. Sitting outside, talking to my engineer afterwards, we found out that this project was denied on the annexation. Later on, I read in the paper where this had gone to the county and had taken a conceptual plat only, to the county. It was not a plat to be approved, but it had gone to the county. They did seem to like it, it was in the paper. They acted like they would develop this property. The problem is to me as a private citizen on this, is if there is a project going to happen out there, sewer is available to this property. I've contacted the developers, I didn't know them, but said why not run sewer out there. They said that they would be willing to go back

and run sewer, at least a couple 1000 feet of sewer. We are out the same amount of money whether we put this on the step system or we put it on a sewer system in the City of Fayetteville. That's the issue that got me involved. One of these days, this area will be annexed in out there and the citizens of Fayetteville will be paying for sewer out there. My problem is, why not let private dollars pay for something that will be a public utility, plus they will have to upgrade the sewer water system, if they put the subdivision in. There is a 4 inch water line going out there, they will be putting in an 8, the City will probably want to upgrade that. It will cost-share you to 12. So, those are the issues that got me involved in this, it's strictly not knowing the issues about the compatibility, the rezoning, or the lay out of the subdivision. Five acres of their property is already in the City. The rest of it, they are asking to come in. The big issue, I saw, was whether this comes into the city as an annexation or not, or if this plan is approved on the rezoning. Tell these people what the process is to go forward, to let them spend private dollars to take sewer out to this area, that I've felt like would eventually benefit everybody in that area. Some of the homes though developed on 5 acre lots, have covenants that will not allow them to ever break it down and develop smaller lots out there. Do you have a need for sewer? I don't know. Obviously, if there is a septic system working fine, it's working fine. I just hate to see a subdivision put on a step system that could be put on City sewer, even though it is a big expense to these people. This is a chance for us to let private dollars pay for it. That's the reason I ask to bring this forward, and try one more time. Ask if that is possible or maybe this is not the mechanism to go with it. Maybe they will get approved by the County and then come back in and request to be put on the City sewer system, which is fine with them. 122 lots, I believe is what the calculations are for 4 units per acre. They were proposing around 82-83 lots on their latest thing. We did talk with one of the neighbors for them, that I happen to know. They agreed to sale the one acre lot that was carved out of this, so it really made this an odd shape piece of property. It still creates a peninsula. We talked with the two other land owners, and they request not to come in. Cooper runs a business, landscaping business and he wishes at this time not to be in. He had a letter signed for me and his wife said he lost it. He didn't have it with him the other day when I chased him down. He did say that he did not wish, at this time, to come into the City of Fayetteville, because he is running a landscaping business. That is my two cents.

Clark: I have been told millions of times that not creating a peninsula is just a guideline. So, I'm asking for more clarification. If it's just a guideline, and 5 acres is already in the City, what is staff's rationale that the rest of the utilities are not available? What's unique about this one?

Pate: With any annexation request, we look at all those guidelines and policies. If we feel it does not create a dangerous situation or there is some reason that, for instance, a request creates an island and we recommend it, the applicant has gone through every possible means to acquire that property or have that property come in. It's something we will evaluate each and every one of them on their own merit with every single request. The City Council has obviously gone against our recommendation, even recently with an annexation request in northwest Fayetteville. This particular request came before us 6-8 months ago, with very little difference. With the exception of the one acre lot, as Mr. Sloan mentioned. We made a recommendation last summer for the applicant to look at properties, look at page 16 and 20, south of this down to Skillern Road. The property owner, that you mention - Mr. Lee, of course did not what to come in, which is a large notch of his property, in an effort to support this application. That has not been able to be done, for whatever reason. Those property owners do not wish to come into the city limits and staff does not feel this particular request was warranted or meet our guiding policies at this time. With regard to the other utilities as part of our finding, are utilities readily available? No. A sewer line is 2500 feet away. The development of this property would be unique with the surrounding properties. As staff mentioned earlier, the closest property developed as RSF-4 is west of Crossover, as you can see on the same page, or south of Skillern. Those properties are developed more around 2 or 2 ½ units per acre. They are rather large lots in the area, even though you can see that they are much smaller than what's surrounding in the County. It was our rationale that it did not meet guiding policies for City Council and annexation.

Graves: I have a question for staff as well. I'm testing my memory, I remember as Mr. Sloan does, that we saw several of these on one night and that I can see the Skillern Road on our one mile map here. I remember that we approved that one that night and didn't approve the other one. Partly based on staff recommendations, I believe, that staff recommended the one on Skillern Road for some reason. I don't remember what that was at this point.

Pate: The one on Skillern Road was contiguous to an existing adjacent single family residential subdivision. If you look at that property, which those that were not here don't have the benefit of knowing, if you were on Skillern Road and how Natchez Trace curves around, it's directly to the east of that. It is a small portion of property, about 5 acres, I believe. It is much less and does not extend the city limits any further east of those properties surround that. There is an obvious peninsula zoned R-A [to the north] and within a conservation easement and that is not to be developed. That was annexed a number of years ago. The rest of the property is there,

you see, with the addition of the property just east of Township, which was just annexed in as well. This particular case, the city limit line from Skillern goes directly north without variation until you get quite a ways north and we felt it would not meet our guiding policies for this particular recommendation. As you mentioned, Planning Commission at that time, voted against the request to annex that property. We have found that nothing has changed since that particular request to warrant a recommendation.

Anthes: Any further discussion on the annexation request? A motion?

Clark: I'm kind of at a crossroads because I respect staff recommendations but I also know that with annexation comes development rights for the city. In other words, if somebody's going to develop this and put on a step system, since there is no zoning in the County, they can do that. I'd like some input from my fellow commissioners regarding annexing something that would go ahead and develop and not with a RSF-4 rezoning request. If you think it's too dense, there is no transition... I think it's totally out of the norm for this area, but I'm not so sure that annexation is not a wise choice. Opposed to high density and septic system, so I'm interested on the feed back from the commissioners.

Graves: I tend to agree; I don't see anything that's changed from when we saw this in October. We did vote it down last time. By the same token, I understand and appreciate that this could develop that similar density to what's proposed on a step system, if it stays in the county. So, from that stand point, I can see its justification for annexing as requested. I know the density proposed is not appropriate against what's already out there. So, I would not be in favor of RSF-4 on the rezoning request.

Anthes: It seems we have this conversation every time we're looking at one of these rezoning and that is, sort of the threat of development without city streets sections, sewer systems, water sewer, etc... What I have never quite been clear about is whether this body is actually suppose to weigh the threat of what we do as a substandard infrastructure, when we are evaluating an annexation request.

Pate: Really, you should look at it as findings, and part of that are infrastructure and utilities. The findings that are listed there, areas currently served by utilities and other public services should be annexed. Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety. Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services. One of those is in the paper right now. I don't believe those services are currently

Planning Commission
May 8, 2006
Page 58

in this location. The threat of development is before us with every single annexation request we have anymore. There is always a potential to develop something that does not meet these standards. I think that's something that Commission and Council, ultimately the policy making body, has to take in consideration every time they vote on an annexation request.

Graves: I don't believe that this applicant has made a quote threat. I think we've heard some covert comments along those lines from other applicants before. This applicant would prefer be in the City or they wouldn't be here a second time asking to come into the City. They could have gone before us with a step system or whatever, before now, if they wanted to do that. My comment, I used the word threat, but I didn't mean threat by the applicant. I just meant along the lines of the City attaching some more rights on development oversight when it comes in. It's true on all annexations. This one is within shouting distance of existing city boundaries.

Williams: I certainly agree with Jeremy Pate on his analysis of annexation, but I would like to say that annexation is one of those issues where you have - especially City Council - has administrative discretion. The basic question is; do you want this property inside the city? I sure the guide lines will help you make the decision but it no small decision that you make on that level. You can recommend to the City Council an annexation even if maybe wouldn't meet all of the guidelines that we have for the 2020 or 2025 Plan. This is one place where you have tremendous amount of discretion. I just wanted to tell you that, because sometime you don't have any discretion, so this time you have a lot of discretion.

Anthes: Any further discussion?

Ostner: This is complicated and I'm glad I don't have to make the decision. I'm just going to recommend something to the others to make the discussion. The part two that Jeremy read us, 11.6.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. To me, that is a one of the statements that I can use. The property that we are considering is a long distance from sewer. 2,500 feet is a long way to go. Sewer mains are expensive and I think that is important. That changes things, the area adjacent to this is in the City, but is not served by sewer to that extent. I'm not sure I'm in favor of this annexation. I'm certainly against the RSF-4, I would see RSF-1 or even R.5 to be possible zoning district if the Council saw to annex this area. I'm not sure either, but I'll be inclined to be against the annexation.

Planning Commission

May 8, 2006

Page 59

Clark: The sewer was 500 ft?

Anthes: It is showing 2,500 ft.

Clark: Where is the sewer?

Sloan: Somewhere out there....laughter...He is not asking the City for the money, the developer is spending that money himself. They are willing to do that, to bring the sewer to them. They will be paying for that 2,500 ft to have the sewer come to them. It's not something the City would deliver to them, nor would water lines would be on them. All those expenses would be on them. I'm just saying, it's more than a wash for them. They probably will spend more money bringing sewer to them, than they would be putting a step system in. That's all I'm saying, I had a problem to see this go to a step system. Let the developers spend the money. He will bring the public utility out to that part of town. Let him spend the money to do it, he is willing to do that. That's the only reason I got involved with it, was over that issue that one of these days, that area is going to have to have service out there. Why not have private dollars pay for it now, rather than have the City pay for it later? That's the only reason why I got involved in this project, period.

Ostner: Madam Chair, I did not mean to insinuate that the City would have to pay for the 2,500 feet. My point was simply to consider that this piece of property is including in its proposal to extend that as Mr. Sloan stated. I think it changes things; that simply means this piece of property is not only willing to apply for rezoning but is willing to go the long distance. It just makes it clear to me that it's a stretch. That's all I'm saying, I'm not casting judgment, not that it's bad. I'm not trying to say that the City is going to be holding the bag, I'm just saying it's a stretch. Part of our charge is to keep development contiguous I believe. That is why we are only allowed to annex adjacent to the City limits, under the logic of continuity. We are contiguous to the City limits, but not contiguous to the development. It's fairly undeveloped or sparsely developed as evidence by the 2,500 ft link. That's what I'm trying to say, it's a stretch.

Anthes: Question for Mr. Williams, for as I can see here, the extension of the sewer line is a policy issue that an annexation, if we agree to accept property into the City, then we also agree to serve it with city services. What I'm wondering is, if this body recommended an annexation request, would we be requiring that the City would deliver City services to that site? Whereas, if the City Council chose to do so, they can negotiate with the applicant about extending those services...

Planning Commission
May 8, 2006
Page 60

- Williams: In reality, there are number of places within Fayetteville that do not have sewer service. You get sewer service if you have a sewer main close enough to your property to access it. If they wanted sewer service inside the City, they would have to extend the main 2,500 ft at the developer's cost, not at the City's cost. The same thing even with the water. We have number of City residences, which I found out at recent City Council meetings, that don't have City water because they are not close enough to a water main and chose not to extend the water main, so they can get City water. So, the city makes available these services but you have to develop or the developer has to extend the sewer main to the corner of your property and you put your own service line to it. So, this would not be guaranteeing them the sewer service, even if they were annexed.
- Harris: I did have a question for the applicant, Charlie, sorry. If we in fact, were to vote to approve the annexation but change the rezoning to a much less dense zone, would the applicant be amendable?
- Sloan: Well, I guess zone it the way you want it and then I'll have to check with them. I will give you my permission. They have numbers they have to run to a certain point on the property. We will have to discuss it with the land owners around there. It would be nice if you could keep everything 5 acres. That's not going to be the reality of it. I don't know if they might not come back with a PZD. The problem of the zoning is the minimums on the widths and stuff like that when you are trying to work a property around. It's almost like you can throw these things away and just say we approve the project or not based on the layout, we like it. Because that gets into a tough situation to make things fit, because you have certain minimums. For instance, my project out there by my house, we did 1 acre estate lots. I asked for RSF-2 and got RSF-1. Ya'll gave me RSF-4, but we did the one acre, because a couple of those lots don't quite make that 50-foot frontage, and didn't have the space to put it in there. So, we asked for RSF-2, still ended up going a little bit deeper, making our lots an acre depth. I can't speak for them; I'm not involved in that part of it. I was just trying to see if we could eliminate a step system out there, that's what I was trying to do with this. Compatibility is still yet another issue. I not sure if they would love to stay where they're at or somewhere in that range. All they can do is take your recommendation, maybe come back and switch it to a PZD. Something to allow them to guarantee to the neighbors what they are going be able to do to get some assurance. You know I'm a big fan of PZD's.
- Anthes: It seems to me that a lot of the discussion seems to be leaning towards possibility recommending annexation, but at a lower density zoning. I'm just looking at refact that this body made a unanimous recommendation awhile back and as staff has reported very little has actually changed in the

Planning Commission
May 8, 2006
Page 61

application between that time and now. In the interest of consistency and findings of the staff that the configuration is not in compliance with the policies for annexation, I make a motion to deny annexation request 06-2046.

Trumbo: Second.

Anthes: A motion by Commissioner Anthes and a second by Commissioner Trumbo. Is there further discussion? Will you call the roll?

Pate: What was the motion for?

Anthes: To deny.

Roll Call: The motion to deny 06-2046 carries with a vote of 6-3-0.

Anthes: As far as the rezoning request, it drops right? But do we still need to state our opinions?

Williams: In the past, you have gone ahead and recommended, if the City Council disagrees with you on the zoning. You would recommend what it would be.

Anthes: Well, we have had several Commissioners state that they thought the RSF-4 zoning district is too dense for the area. We have had one Commissioner state that he thought a RSF 0.5 or RSF-1 would be more in keeping in the area. Do we have any others thoughts on that?

Pate: RSF-.5, Residential Single-Family, ½ unit per acre, has a minimum size of two acres, basically 1 unit for every two acres. It just doesn't allow agricultural uses. We have RSF-1, Residential Single-Family, 1 unit per acre which has an 1 acre minimum. RSF-2, Residential Single-Family, 2 units per acre, and then RSF-4 and RSF-7.

Anthes: Mr. Williams, do we need to just state our preference? Or do you want a motion?

Williams: I think in the past, you voted on it. If I'm not mistaken.

Anthes: I'm thinking we did as well.

Williams: Why don't you go ahead? A conditional recommendation, if the City Council disagrees with you, assuming it is appealed, your recommendation would be...

Planning Commission

May 8, 2006

Page 62

Ostner: I will start with a motion of approving the same piece of property, forwarding it to the City Council as RSF-.05, ½ a unit per acre or 1 unit sitting on 2 acres.

Anthes: I'll second

Trumbo: It seems to me, we will rezone RSF-4, which is pretty much standard in a residential neighborhood. The thing that concerns me is this is pretty close to being in the center of town. It has access to Hwy 265 and Old Wire. Just purely planning, standing back and taking a look at it, it appears to me that RSF-4 would be a more appropriate zone. Just where it's based in the City. Not considering what's already there, but the neighbors to the north and to the south. Everything else is just raw land. I'm not really stuck on RSF-4, but it doesn't seem way on the outskirts; a denser zoning would be appropriate right here, at some point in time. That's my only comments.

Harris: I would agree, and echo Commissioner Trumbo's comments. The applicant may wish that they don't get annexed with this zoning. I'm not entirely sure which one, I'm not married to RSF-4 either, but I would like to think of more dense on what we are currently discussing.

Anthes: Any further discussion? We have a motion by Commissioner Ostner and second by Commissioner Anthes for RSF-.5 as a conditional recommendation to City Council. Will you call roll.

Roll Call: The motion for RSF-.5 as a conditional recommendation to City Council for 06-2047 carries with a vote of 5-4-0.

ANX 09-3409: (BROYLES / 3231 N. OLD WIRE RD., 217): Submitted by APPIAN CENTER FOR DESIGN for property located at 3231 N. OLD WIRE ROAD, NW CORNER OF OLD WIRE ROAD AND ROM ORCHARD ROAD. The property is in the Planning Area and contains approximately 39.33 acres. The request is to annex the subject property into the City of Fayetteville.

Andrew Garner, Senior Planner, gave the staff report giving the background for the previous annexation requests for this property. Garner summarized the annexation findings, discussing that this property and the vicinity is not urban in character or able to be developed at urban densities, and would extend a peninsula of City property approximately 1,300 feet into the County. He discussed the public service challenges of this site as it is located approximately 2,500 feet from the nearest sewer line, approximately the same distance for water lines to ensure adequate fire flow for any development, and the configuration of the property line may cause confusion among emergency responders as one side of the road would be in the City and one side would be in the County. He also discussed that this application is in conflict with the two primary goals of City Plan 2025 to make infill and revitalization our highest priorities, and to discourage suburban sprawl. Staff recommends denial of the application.

Hank Broyles, applicant, stated that they are a new applicant. They have taken steps to smooth out the borders of the proposed annexation boundary and added additional property owners to the annexation. He discussed that if this annexation is approved they will propose an R-PZD for development, including a master plan extending all the way to Highway 265. Highway 265 is the major north-south transportation corridor on the east side of Fayetteville. State Highway 265 is only three blocks to the west, the City is investing 7.7 million dollars on State Highway 265 in this vicinity, and we can't expect there not to be any development in this area. Most of the new development in recent years has taken place west of I-540. However, many people work on Joyce, and other major commercial zones are in close proximity. We should have additional housing on the east side of town to have people be able to live closer to where they work. We need additional housing on this side of town. Infill is very difficult to make work. He discussed that City Plan 2025 encourages infill but that according to a search by Bassett-Mix Realty of this area of town, from Joyce to Lafayette, east of College to Highway 265, there were only four listings of two or more acres. Prices ranged from \$110,000 per acre to \$900,000 per acre. This is a piece of property, partially in the City limits, not on a mountain, few adjacent property owners, three blocks from the major north-south transportation corridor on the east side of Fayetteville.

Todd Jacobs, applicant, gave a PowerPoint presentation. He discussed the land use setting, that the areas east of Hwy 265 are rural in nature, but the site is only three blocks from Crossover Road. He discussed the lack of opportunity for infill development in this area, due to existing development patterns and slopes to the west of Hwy 265. He went over historical growth patterns in this area, showing areas of single and multi-family development. Historical development patterns follow transportation corridors. The area east of Hwy 265 has development potential because of lack of slopes and streams, floodplains. This is an opportunity to master plan this area for development. He discussed developable land on this side of town and discussed that the east side of Crossover is more developable than the west side, which has hills, creeks, and existing development. He discussed that this site was identified by citizens as a Growth Sector as part of the City Plan 2025 charrettes by citizens. Joyce has started to become a financial center. Development will fill in along the east side of Crossover over time. He showed and discussed various exhibits of developable area including slopes, existing development, and floodplains in the area. This site does not have those constraints. He reviewed the existing City limits and how they feel the area around this site will fill in over time. This area is prime for a City neighborhood area in a traditional town form. He discussed that our vision is a master plan for this area.

Peggy Hart, representing her parents, Lyle and Charlene Smith who live on Rom Orchard, questioned the rationale behind this. This location is nice because it is out in the country but ten minutes from downtown. Why would you want to add houses on curvy roads with no sidewalks? Houses are generally on three-acre lots. It is already congested in this area at Old Wire/Crossover. We currently have undeveloped subdivisions on Skillern and Township. She is recommending denial.

Colleen Gaston, 3270 Rom Orchard Road, can see the property from her front porch. She is opposed to the rezoning anything less than Residential Agricultural. She thinks the annexation is premature. The comments from the developer about the development along the east side of Crossover are somewhat speculative. The applicant mentioned 200 acres but they are only annexing 40 acres. There is not reason to bring this into the City. There are several subdivisions in the City limits in this area of town that are vacant, very close to this area. Maybe the time will come to master plan for this area; however, this has been a very stable area, stayed rural in nature. From what I know of my neighbors no one is interested in selling or subdividing. I do not see this area being prime for development given the current economy. The annexation seems premature at this time.

Terry Payton, has nine acres, he was concerned with the rezoning application. But he agrees with Colleen's comments on the annexation. We are concerned with what the plans for the area are. He discussed congestion at the intersection of Old Wire Road/Crossover Road. He is opposed to a density of four units per acre.

Jeff Dangeau, 3284 Rom Orchard Road, adjacent neighbor to the east across Old Wire Road. Our main concern was with the rezoning. If this is annexed it would allow one house per two acres, which eases my concerns somewhat. He would feel better if a development plan were shown first.

Public Comment Closed

Commissioner Myres discussed that she agrees with staff's findings to recommend denial.

Commissioner Zant said that in his past experience annexations in other Cities have annex property based on guess of whether or not the annexation would benefit the City. We are fortunate here that the City of Fayetteville has a number of annexation policies and guidelines that are to be analyzed when making a decision. There would be a significant investment to meet the sewer requirement. As discussed by staff this application does not meet the adopted annexation policies and based on those findings he recommends denial.

Commissioner Graves discussed that he was on the planning commission when this application came through in previous years. Things have changed over the past 5-6 years. He looked at the old minutes and would still have concern with RSF-4 zoning today, similar to the past applications. However with the annexation, we previously had concerns with fire response that have been addressed now. The fire department now has a new station with a response time of four minutes to this property. He discussed that he would like to see more acreage involved in this annexation, to clean up the boundary. He mentioned the tail off of Skillern Road, not exactly clear how this came to be. This annexation is perhaps an opportunity to start to even up the eastern City boundary. This would leave a gap between this property and the tail off of Skillern Road. This does create a peninsula, but that is just one guideline, and these are just guidelines. He doesn't have as many qualms with this annexation that he had in previous years, now that the police and fire responses are better as opposed to 2005/2006. Development can make the roads better. I would be supportive of bringing it in and letting it be rezoned R-A, and seeing what the applicant proposes as a later time. He is okay with a Residential/Agricultural zoning on the property at this time.

Commissioner Winston asked about the issue of one side of the road being in the City and one side of the road being in the County.

Jeremy Pate, Development Services Director, discussed the potential problems that may occur if a vehicular accident or other emergency occurred on this road, and issues with which emergency responder should be called, Fayetteville Police versus Washington County Sheriff's, which was cited as a difficulty by the Police Department. He discussed the past annexations when the City annexed islands of unincorporated property that were surrounded by City property to correct this issue.

Commissioner Winston asked about Bridgewater Road, when it would be constructed.

Pate responded that it was just a line on the Master Street Plan map at this point, and would be constructed by the developer at the time of development.

Commissioner Winston asked about the improvements to Crossover Road, and if any improvements would be made to the intersection of Crossover Road/Old Wire Road.

Pate discussed that Crossover is a state highway and the improvements are a state highway project and in our transportation bond program, with the City having committed 7.7 million dollars to the project. However, the costs for the project have risen since the 7.7 million dollars were committed. The project is eminent and right-of-way is being obtained. Pate discussed that he is not sure about detailed of the planned improvements to Crossover Road/Old Wire Road, but anticipates that intersection would be improved.

Commissioner Winston asked about the City's responsibility to this property if it is annexed.

Pate responded that we have to provide emergency response and trash service immediately, and access for connection to City water and sewer. In almost every annexation application, there is some sort of development pressure, and the development would result in the required extensions or improvements to water and sewer.

Commissioner Winston discussed that there is a multi-use trail shown along Skillern Road, although the transportation plans show many trails outside the City. It seems like it may be appropriate now and will be appropriate in the future.

Commissioner Zant normally I wouldn't have any problem with any annexation, but he doesn't see any rationale for the application at this time. Ultimately this property will be annexed. But the findings all lead to a recommendation for denial at this time and I feel strongly that it should be denied at this time.

Motion:

Commissioner Myres made a motion to deny the request. **Commissioner Zant** seconded the motion. **Upon roll call the motion to deny passed with a vote of 5-4-0 (commissioners Graves, Winston, Kennedy, and Trumbo voting "no").**

ANX09-3409

Close Up View

BROYLES



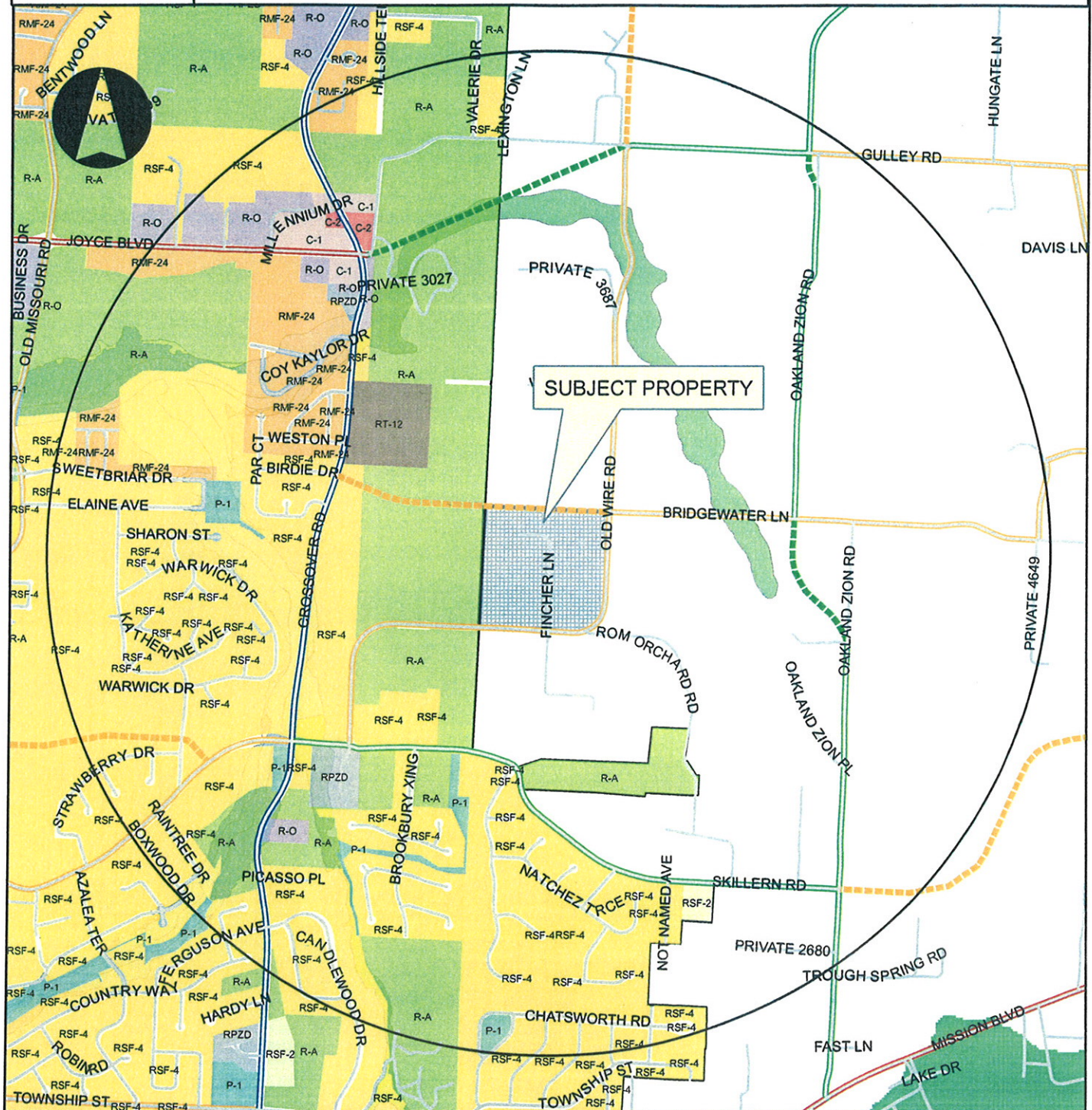
Overview

0 150 300 600 900 1,200 Feet

ANX09-3409

One Mile View

BROYLES



Overview



Legend

Subject Property

ANX09-3409

Boundary

0 0.25 0.5 1 Miles

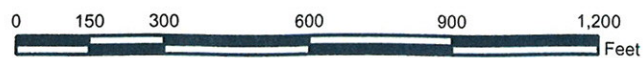
ANX09-3409

BROYLES

Future Land Use



Overview



Lisa Branson - Fwd: Old Wire Rd development

From: City Clerk
To: Aldermen
Date: 11/3/2009 7:12 PM
Subject: Fwd: Old Wire Rd development

City Clerk Division
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479)575-8323
city_clerk@ci.fayetteville.ar.us

TDD (Telecommunications Device for the Deaf): (479) 521-1316

>>> <queencaptainmom@cox.net> 11/3/2009 3:57 PM >>>

We are opposed to the annexation of the Old Wire road development.
The roads are rural and our road which would be a "feeder" to Skillern is chip and seal and is used by bikes, horses and dog walks.

This type of development density would not be compatible with our farms in the area. There is no infrastructure at this site and it would cost the city considerable to bring utilities to the site.

Larry and Tanya Floyd
3162 Rom Orchard Rd
Fayetteville, AR. 72703

From: Sharon Payton <sharon.payton@fayar.net>
To: <city_clerk@ci.fayetteville.ar.us>
Date: 11/3/2009 1:36 PM
Subject: Annexation and Rezoning at 3231 N. Old Wire Road

Dear Planning Commissioners,

My husband and I live at 3845 Bridgewater Lane. We are the second house on Bridgewater from Old Wire Road. We own approximately 10 acres. We have opposed each request to rezone and to annex the land located on 3231 Old Wire Road. In the beginning we were not as concerned about the annexation. However, after listening to the developers proposal, we are convinced that it would be detrimental. If you are familiar with our area, you know that there are many homes with acreage. Most of us have lived in our homes for 14 or more years. We are committed to maintaining the rural quality of our neighborhood. This benefits our neighborhood but also benefits the entire community. We believe that this is in keeping with the City Plan 2025 for the subject property. The proposed rezoning would result in an isolated zone of RSF-4 that is surrounded by property zoned for agricultural or residential development with a maximum density of one-half or one house per acre. Most of the homes in this area have anywhere from 3-10 acres. Several homes have livestock or agricultural uses. Some of the acreage is protected from development in perpetuity by conservation easements. Rezoning to RSF-4 would be incompatible with the surrounding area. We also feel that the roads are not equipped to handle the increase in traffic due to the dangerous curves in the area and to the congestion that is already occurring. As to the size of this proposed development, the developer continues to talk about his 200 acre development. When asked specifically where this extra acreage was coming from he stated that they did not own the land or expected too. So the development is now only limited to the original parcel. After speaking to Drs. Luke and Cindy Knox, the owners of the "extra acres", we were assured that they do not support this plan and have no intention of selling their land to anyone. They keep their horses on the pasture land and plan to continue doing that. If at all possible, I would hope that you would take a drive into our area and see how our area would be affected by this large of a development. We feel that by allowing the annexation just gives the developer a beginning to his project. My husband and I hope that you would oppose the annexation and the project. Thank you for your consideration on this matter.

Sincerely,
Dr. Terry S. Payton
Sheri S. Payton

Handed out on
11-17-09 at City Council Meeting Old Wire Annexation
Appeal

November 17, 2009

Mayor Lioneld Jordan and
Members of the Fayetteville City Council
125 West Mountain Street
Fayetteville, AR 72701

Re: Annexation at 3231 N. Old Wire Road
ANX 09-3409 (CC2009-4)

Dear Mayor Jordan and Members of the City Council:

I am a resident of the City of Fayetteville. I live in Brookbury Subdivision off of Skillern Road and less than one mile from the approximately 39 acres on Old Wire Road proposed for annexation by the City of Fayetteville. I oppose the annexation for the reasons cited by the Planning Commission in its recommendation to deny the annexation and for the following reasons:

1. The intended use of the property is for a subdivision, which is not needed in this area. There already are several nearby subdivisions on Crossover Road and another on Skillern Road that have completed infrastructure but that remain all or mostly vacant lots. These subdivisions have not been well maintained. It would be better for the nearby neighborhoods if these developments were built out before new developments were permitted.
2. The roads in the area are not adequate to handle traffic from a development that is intended to be on the order of four houses per acre. Traffic congestion already is significant at the intersections of Old Wire Road with Skillern Road and with Crossover Road.
3. The proposed annexation would create a peninsula of land in the City that juts out into the County. This land is surrounded by very low density development. Although we live in a traditional subdivision, we enjoy and benefit from having the nearby greenspace and rural neighborhoods just north of Skillern Road. The intended higher density development of the 39 acres proposed for annexation would destroy the rural character the area.

Thank you for your consideration of these comments.

Sincerely,

Carol T. [Signature]
3102 Summershade Dr.
Fayetteville, AR 72703

City of Fayetteville Staff Review Form

C. 1
RZN 09-3442 (Kimbrough)
Page 1 of 18City Council Agenda Items
and
Contracts, Leases or Agreements

12/1/2009

City Council Meeting Date
Agenda Items OnlyDara Sanders
Submitted ByPlanning
DivisionDevelopment Services
Department

Action Required:

RZN 09-3442: (Kimbrough, 366): Submitted by Kim Fugitt for property located at 805 West Bel Air Drive. The property is zoned RSF-4, Residential Single-Family, 4 units per acre, and contains approximately 0.3 acres. The request is to rezone the subject property to RSF-8, Residential Single-Family, 8 units per acre.

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

11-10-09
Date

Previous Ordinance or Resolution #

City Attorney

11-12-09
Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

11-12-2009
DateReceived in City
Clerk's Office

Chief of Staff

11-12-09
DateReceived in
Mayor's Office

Mayor

Date

Comments:

City Council Meeting of December 1, 2009
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy C. Pate, Development Services Director 

From: Dara Sanders, Current Planner

Date: November 10, 2009

Subject: Rezoning for 805 West Bel Air Drive (RZN 09-3442)

RECOMMENDATION

Staff and the Planning Commission recommend approval of rezoning the subject property from RSF-4, Residential Single-family to RSF-8, Residential Single-Family, 8 dwelling units/acre, located at 805 Bel Air Drive.

BACKGROUND

The subject property contains 0.3 acre with one single-family house. The applicant proposes to rezone the subject property from RSF-4, Residential Single-family, 4 units per acre to RSF-8, Residential Single-family, 8 units per acre, in order for the construction of an additional single-family house to front onto Leverett Avenue.

Staff finds that the application is consistent with the land use planning objectives, principles and policies of the City of Fayetteville. Additionally, staff finds that rezoning the subject property to RSF-8 will not affect the overall integrity of the existing single-family neighborhood to the east and south, as the single-family use of the subject property will continue.

DISCUSSION

This item was heard at the regular Planning Commission meeting on November 9, 2009. The Planning Commission voted 6-0-0 to forward this rezoning request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 09-3442, FOR APPROXIMATELY 0.3 ACRES, LOCATED AT 805 WEST BEL AIR DRIVE FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE, TO RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE.

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

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

From RSF-4, Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT A

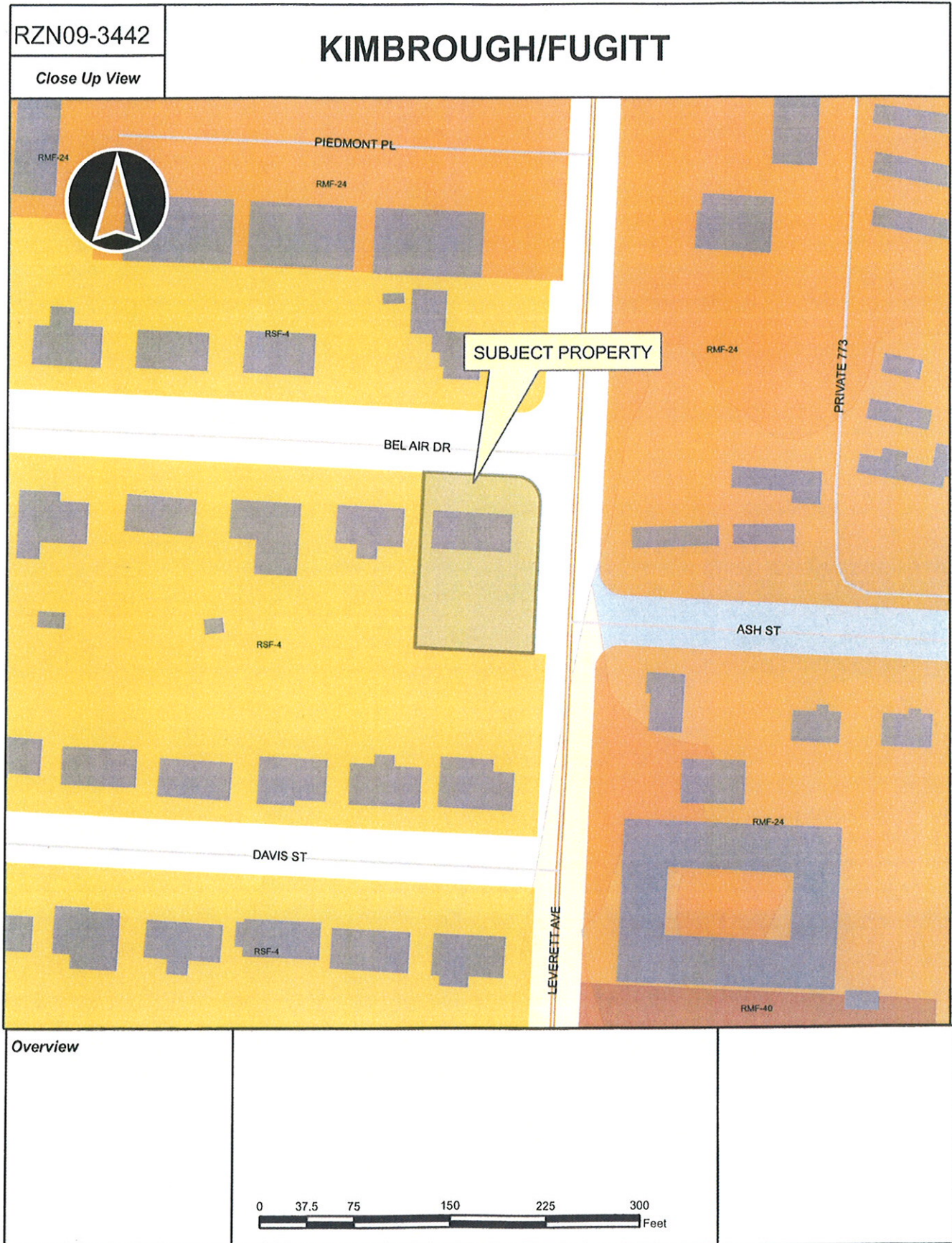


EXHIBIT "B"
RZN 09-3412

E. 5 FT. OF LOT 8 AND ALL OF LOT 9, BLOCK 2, BEL AIR DRIVE, FAYETTEVILLE,
AR.

PARCEL NO. 765-02699-00 WASHINGTON COUNTY MAP



PC Meeting of November 9, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~November 4, 2009~~ Updated November 10, 2009

RZN 09-3442: (KIMBROUGH/FUGITT/805W. BEL AIR, 366): Submitted by KIM FUGITT for property located at 805 W. BEL AIR DRIVE. The property is zoned RSF-4, SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.3 acres. The request is to rezone the subject property to RSF-8, Residential Single Family, 8 units per acre.

Planner: Dara Sanders

BACKGROUND:

Property Description: The subject property is located at the southwest corner of the Bel Air Drive/Leverett Avenue intersection and contains one single-family dwelling.

SURROUNDING LAND USE AND ZONING:

DIRECTION	LAND USE	ZONING
North	Single-family, attached and detached Multi-family residential	RSF-4, RMF-24, RMF-40
South	Single-family	RSF-4
East	Mobile home park	RMF-24
West	Single-family	RSF-4

Proposal: The applicant proposes to rezone the subject property from RSF-4, Residential Single-family, 4 units per acre to RSF-8, Residential Single-family, 8 units per acre.

Public Comment: Staff has public comment from one neighbor in opposition.

RECOMMENDATION:

Staff recommends forwarding rezoning request RZN 09-3442 to the City Council with a recommendation for approval based on the findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>November 9, 2009</u>	Tabled	☒ Forwarded	Denied
Motion: Zant	Second: Myres	Vote: 6-0-0	
CITY COUNCIL ACTION:			
	Required	<u>YES</u>	
	Approved	Denied	
Date:			

INFRASTRUCTURE:

- Streets:** This site has access to Bel Air and Leverett. Bel Air and Leverett are two lane paved city streets in this location. Street improvements will be evaluated with development submittal
- Water:** Public water is available to the property. There is a 6" public main located across Bel Air from this property. Public water may need to be extended through the property to provide domestic and fire flow for any proposed development.
- Sewer:** Sanitary sewer is available to the site. There is a 6" public main located at the rear of this property and a 15" main located in Leverett Street. Public mains may need to be extended through the property to serve any proposed development.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain.
- Police:** It is the opinion of the Fayetteville Police Department that this request will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services, traffic danger, and congestion.
- Fire:** It is the opinion of the Fayetteville Fire Department that this request will not 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 encourages a denser and primarily residential urban fabric with a range in residential types and within a complete, compact and connected neighborhood.*

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 subject property is located at a corner location and adjacent to Leverett Avenue (Collector Through Street) and is surrounded by a variety of housing types and densities, indicating single-family, small multi-family, and large multi-family properties. The proposed zoning change to RSF-8 would allow for the addition of one (1) single-family dwelling at this location. City Plan 2025 Future Land Use Plan designates this site as City Neighborhood Area, which are denser and primarily residential areas.

Staff finds that rezoning the property to RSF-8 would be consistent with the land use planning objectives, principles and policies of the City of Fayetteville to provide transitions of land uses, attainable housing, and a "wide range of residential building types" where appropriate.

Staff finds the proposal to be consistent with several of the City Plan 2025 Goals adopted by the City Council. With Goal 1, the City of Fayetteville has established infill as our highest priority. Staff finds that the applicant's proposal creates the potential for a future infill project.

Staff finds that the proposal complies with Goal 2 to discourage sprawl with compact and medium-density development that fronts onto a major transportation corridor and utilizes existing city infrastructure.

Staff finds that the proposal to increase the residential density along Leverett Avenue is consistent with Goal 4 to develop a multi-modal transportation network. Efficient transit depends upon nodes or concentrations of population and employment that can be served efficiently. Staff finds that the increase in residential density that is adjacent to a Collector Through Street and has access to nearby non-residential services and employment opportunities is consistent with transit-oriented development.

Staff also finds that the proposal is consistent with Goal 6 to create attainable housing by providing a property for an additional single family home. Should the City Council approve the request to rezone the property, the applicant could request lot split approval and/or building permit approval for the creation of an additional single-family dwelling to front onto Leverett Avenue.

While rezoning to RSF-8 to allow for the addition of a single-family dwelling on Bel Air Drive (Local Street) could affect the RSF-4 integrity of the neighborhood, due to the existing configuration of the property and the location of the single-family dwelling, a new dwelling would front onto Leverett Avenue; therefore, staff does not find that the proposal will affect the overall integrity of the neighborhood, as this property is at a corner location, adjacent to a heavily traveled north/south corridor, and serves as a buffer between the single-family neighborhood to the east and the development and street to the east.

The reasonable application of a higher density single-family zoning

classification to serve as a transition between a single-family district and a higher density or nonresidential use, or a planned zoning district designed to function as such, has been recommended by staff, supported by the Planning Commission, and approved by the City Council in the recent past.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that the rezoning request can be justified based on the Future Land Use Plan designation of "City Neighborhood Area" and the City Plan 2025 goals and objectives as adopted by the City Council. The rezoning request could lead to the construction of an additional detached single-family dwelling that is smaller than the existing detached single-family dwellings, thus contributing to the variety of residential building types in the area.

Staff does not find that the rezoning request is necessary or needed, as the property currently conforms to the existing underlying zoning and development requirements of the Unified Development Code. The property owner may still make reasonable use of the subject property within the RSF-4 zoning district including the addition of another dwelling through the Accessory Dwelling Unit process.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: City Planning staff and the Fayetteville Police Department find that the proposed zoning would not create or appreciable increase traffic danger and congestion. Even if subdivided, the property would be subject to the regulations of the City's Access Management Policy, which regulates access and curb cuts.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Staff finds that the proposed zoning would not create undesirable impacts to public services, or a residential density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property. While the RSF-8 zoning district would allow for the construction of another single-family dwelling on the subject property, the density would be significantly lower than that in the immediate vicinity and surrounding neighborhoods.

Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments are included in this report.

5. If there are reasons why the proposed zoning should not be approved in view of

considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

Date 10/13/09

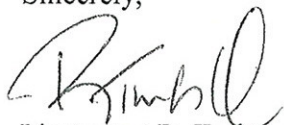
Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed RZN 09-3442: (Kimbrough / Fugitt / 805 W. Bel Air, 366) submitted by Kim Fugitt for property located at 805 W. Bel Air Drive would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. The property contains approximately 0.02 acres.

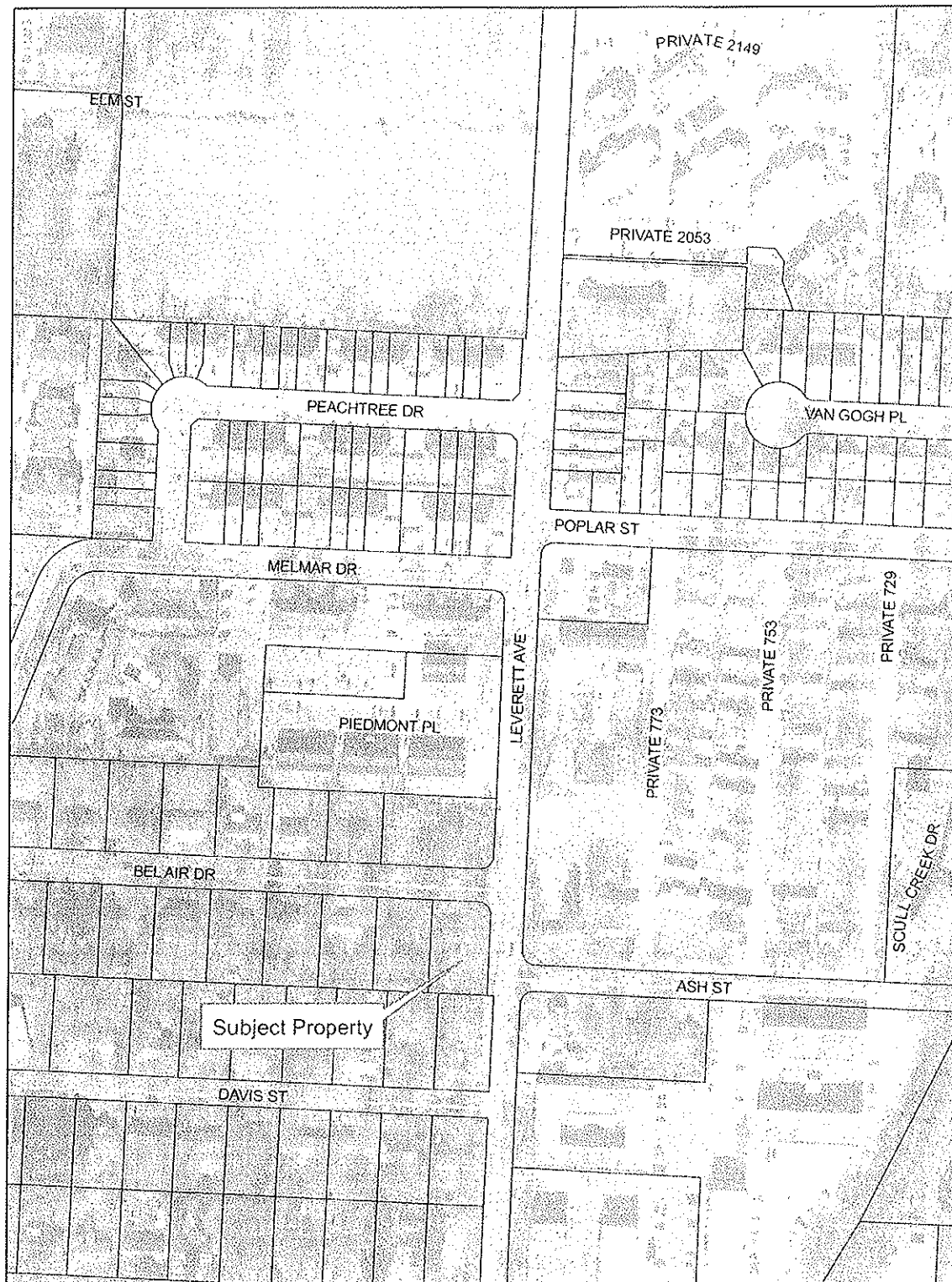
It is the opinion of the Fayetteville Police Department that this RZN will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. This RZN will not create an appreciable increase in traffic danger and congestion.

Sincerely,



Lieutenant R. Turberville
Fayetteville Police Department

RZN 09-3442 (Kimbrough)



This map indicates the variety of lot sizes and residential development in the immediate vicinity of the subject property.



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

To: Dara Sanders
From: Captain Mark Stevens
Date: November 4, 2009
Re: RZN 09-3442

This development will be protected by Engine 2 located at 708 N. Garland Ave.
This property is already developed with a rezoning request for .02 acres. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Captain Mark Stevens
Fayetteville Fire Department

4. R-PZD 09-3439: Planned Zoning District (OAKBROOKE III / TRACY HOSKINS, 361): Submitted by TRACY K. HOSKINS for property located WITHIN OAKBROOKE PHASE I AND II. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 21.50 acres. The request is for review of an R-PZD, Residential Planned Zoning District, for Zoning and Land Use only.

Planner: Jesse Fulcher

Public water is available to the property. There are 8" public mains located throughout this property. New public mains may need to be extended depending on the proposed lot layout to avoid services crossing new property lines.

Sanitary sewer is available to the site. There are 8" public mains located throughout this property. New public mains may need to be extended depending on the proposed lot layout to avoid services crossing new property lines.

The site has access to Ruppel Road. Ruppel Road is partially improved boulevard section in this area. The east half has been fully improved by the recent Links development from this property south to Wedington. The west half is paved one way southbound without curb, gutter and sidewalks. Street improvements will be evaluated with development submittal.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain.

→ **6. RZN 09-3442: (KIMBROUGH/FUGITT/805W. BEL AIR, 366): Submitted by KIM FUGGIT for property located at 805 W. BEL AIR DRIVE. The property is zoned RSF-4, SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.02 acres. The request is to rezone the subject property to RSF-8, Residential Single Family, 8 units per acre.**
Planner: Dara Sanders

Public water is available to the property. There is a 6" public main located across Bel Air from this property. Public water may need to be extended through the property to provide domestic and fire flow for any proposed development.

Sanitary sewer is available to the site. There is a 6" public main located at the rear of this property and a 15" main located in Leveret Street. Public mains may need to be extended through the property to serve any proposed development.

The site has access to Bel Air and Leverett. Bel Air and Leverett are two lane paved city street in this location. Street improvements will be evaluated with development submittal.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain

WILLIAM KIM FUGITT, AIA
NOVEMBER 13, 2020

PLANNING COMMISSION
CITY OF FAYETTEVILLE
113 W MOUNTAIN
FAYETTEVILLE, AR. 72701

RE: REZONING REQUEST AT 805 BEL AIR DR.

COMMISSIONERS:

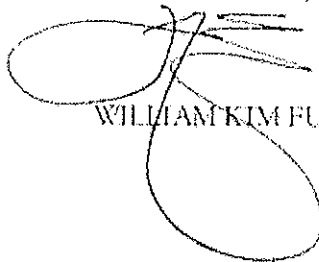
PLEASE FIND THIS LETTER TO REQUEST YOUR CONSIDERATION OF
A PROPOSED REZONING OF THE REFERENCED PROPERTY.

CURRENTLY, THE PROPERTY IS LOCATED AT THE SOUTHWEST
CORNER OF BEL AIR DR. AND LEVERETT ST., IS APPROXIMATELY 0.3
ACRES IN SIZE AND IS ZONED RSF4. THE PROPERTY IS BOUNDED ON
THE NORTH AND EAST BY RMF 24.

AS REPRESENTATIVE OF THE OWNER I AM REQUESTING THE
SUBJECT PROPERTY BE ZONED RSF8. SAID REZONING WILL ALLOW
THE OWNER TO SPLIT THE CURRENT 13,000 SF LOT INTO TWO LOTS
OF ADEQUATE SIZE AND FRONTAGE TO MEET THE REQUIREMENTS
OF RSF8. IT IS THE INTENT OF THIS ACTION TO CONSTRUCT A
SINGLE FAMILY DETACHED HOME ON THE NEWLY CREATED LOT
THAT WILL BE ACCESSED FROM LEVERETT ST.

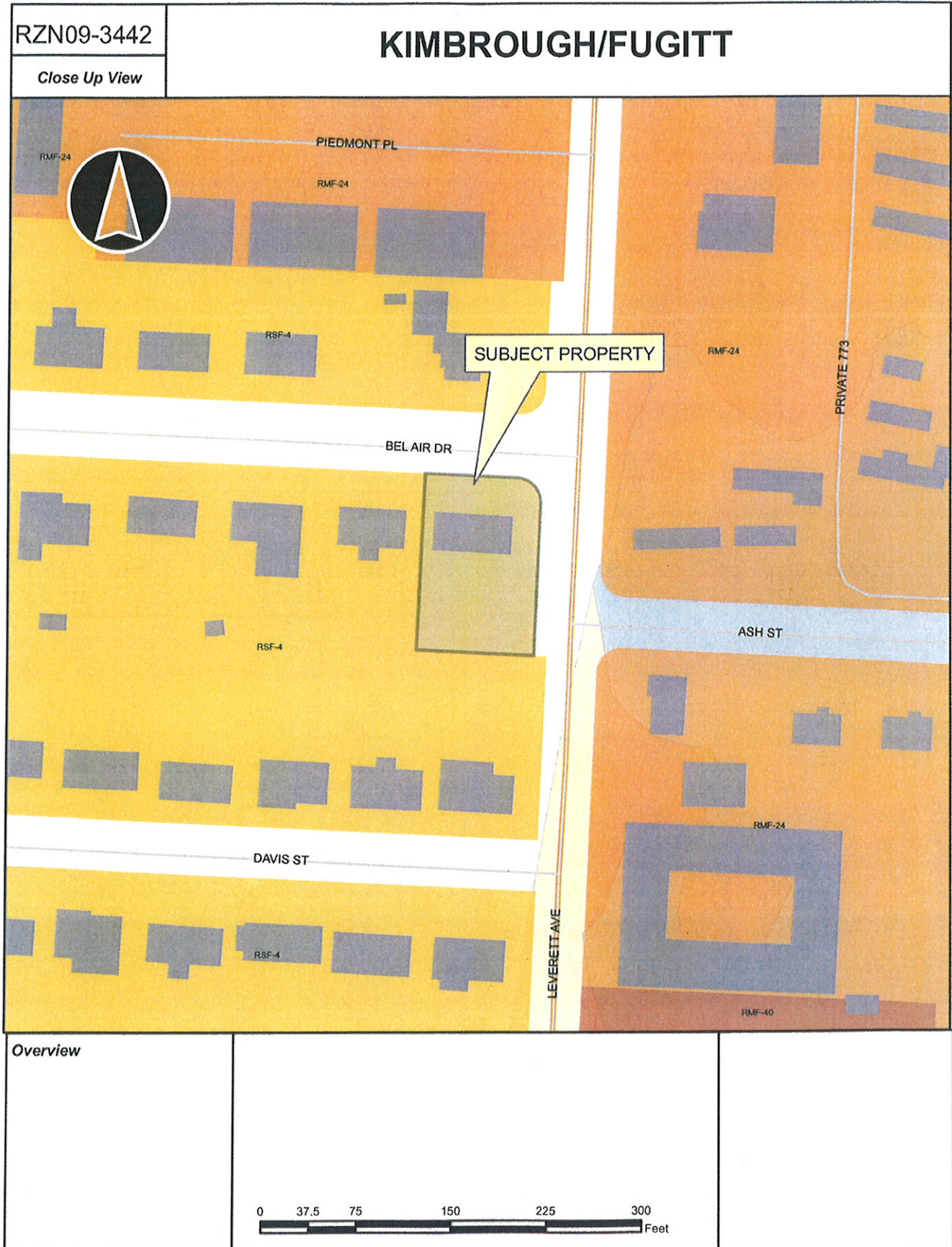
WE BELIEVE THIS ACTION TO CONFORM TO THE INTENT AND
GOALS OF THE 2025 PLAN AND CREATE NO HARDSHIP OR NEGATIVE
IMPACT ON THE NEIGHBORS LOCATED IN THE BEL AIR
SUBDIVISION. SAID SUBDIVISION WILL REMAIN SINGLE FAMILY AND
THE REQUESTED REZONING, AS IT TOO IS SINGLE FAMILY, WILL
CONTINUE THE SINGLE FAMILY NATURE OF THE AREA.

RESPECTFULLY,



WILLIAM KIM FUGITT, AIA

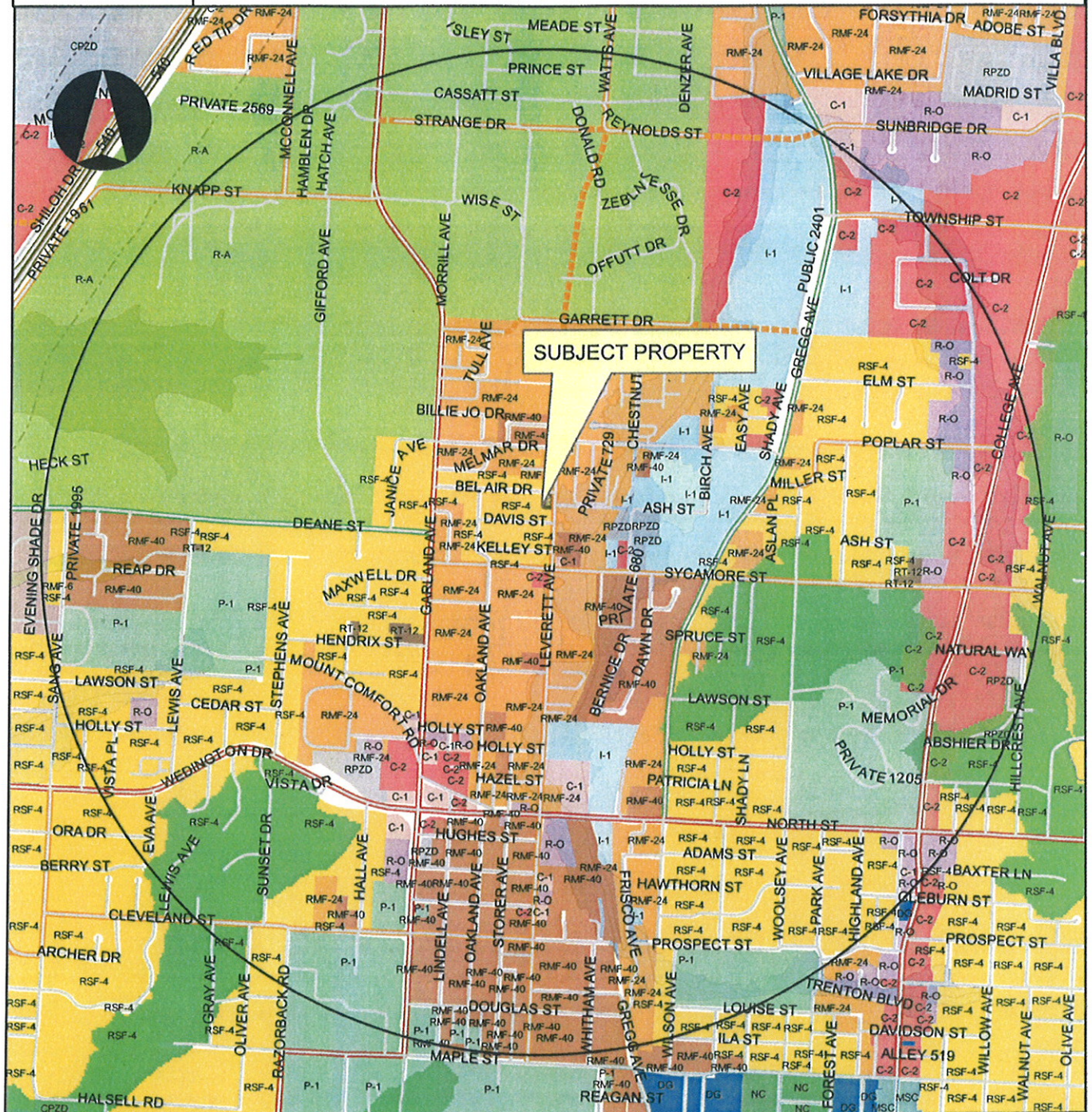
1200 E. JOYCE BLVD., FAYETTEVILLE, AR., 72701
479-466-8079, 479-521-6686, kim.fugitt@fugittarc.com



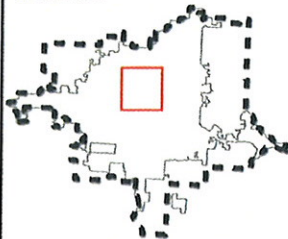
RZN09-3442

One Mile View

KIMBROUGH/FUGITT



Overview



Legend

Subject Property

RZN09-3442

Boundary

0 0.25 0.5 1 Miles

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

December 1, 2009
City Council Meeting Date

Chris Brown

Submitted By

Engineering

Division

Development Services

Department

Action Required:

An ordinance to waive requirements for bidding for services costing less than \$20,000 and to approve a contract for \$10,000 with the Illinois River Watershed Partnership to assist in the improvement of water quality in the Illinois River Watershed.

\$ 10,000.00

Cost of this request

\$ 623,097.00

Category / Project Budget

Storm Water Quality Mgmt./Nutrient Reduction

Program Category / Project Name

4470.9470.5314.00

Account Number

\$ 139,909.09

Funds Used to Date

Professional Services

Program / Project Category Name

02097.1

Project Number

\$ 483,187.91

Remaining Balance

Sales Tax Capital Improvement

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

[Signature]

City Attorney

[Signature]

Finance and Internal Service Director

[Signature]

Chief of Staff

[Signature]

Mayor

11-13-2009

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

11-13-09

Date

11-13-2009

Date

Received in City Clerk's Office

ENTERED
11/13/09

Received in Mayor's Office

ENTERED
11/13/09

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

To: Mayor and City Council

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

From: Chris Brown, City Engineer

Date: November 12, 2009

Subject: An ordinance to waive requirements for bidding for services costing less than \$20,000 and to approve a contract for \$10,000 with the Illinois River Watershed Partnership to assist in the improvement of water quality in the Illinois River Watershed.

RECOMMENDATION

Staff recommends approval of an ordinance to waive the procurement requirements for services costing less than \$20,000 and to approve a contract for \$10,000 with the Illinois River Watershed Partnership to assist in the improvement of water quality in the Illinois River Watershed.

BACKGROUND

According to their website, the Illinois River Watershed Partnership (IRWP) formed when "a diverse group of Northwest Arkansas leaders organized an Upper Illinois River Summit in September 2005 with 65 watershed stakeholders committing to personal action and agreeing that public education is the number one priority to improve and protect water quality in the Illinois River."

The IRWP officially formed in December 2005 as a non-profit organization with a board that is representative of the various stakeholders in the watershed including government, business, agriculture, conservation, construction/development, and academia.

The mission of the IRWP is to improve the integrity of the Illinois River through public education and community outreach, water quality monitoring, and the implementation of conservation and restoration practices throughout the Illinois River watershed.

DISCUSSION

A large portion of the City of Fayetteville contributes stormwater flows into the Illinois River Watershed including Clear Creek, Hamstring Creek, and Owl Creek. The new wastewater treatment plant discharges treated effluent into Goose Creek which also flows into the Illinois River. The City of Fayetteville continues to receive great benefit from the watershed education campaigns and the watershed management planning processes that have been implemented by the IRWP.

This will be the fourth year the City has contracted with the IRWP for these services. The last contract was also for \$10,000 for watershed education and planning services. Dr. Delia Haak will provide a summary of accomplishments for 2009 and plans for 2010 at the agenda session meeting on November 24th.

BUDGET IMPACT

The City of Fayetteville currently has adequate funds remaining in the Storm Water Quality Management/Nutrient Reduction Project for this contract.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF §34.23 OF THE FAYETTEVILLE CODE OF ORDINANCES AND APPROVING A CONTRACT WITH THE ILLINOIS RIVER WATERSHED PARTNERSHIP IN THE AMOUNT OF \$10,000.00 FOR WATERSHED EDUCATION AND PLANNING SERVICES

WHEREAS, the Illinois River Watershed Partnership possesses years of unique expertise and significant resources ideally suited to meet the City of Fayetteville's need for Watershed Education and Planning Services as part of the Stormwater Management Program, Phase II; and

WHEREAS, the Illinois River Watershed Partnership has successfully performed this education work in the past and can perform this work in 2010 at a significant savings to the citizens of Fayetteville.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby waives the requirements of §34.23 (Purchases and Contracts Not in Excess of \$20,000.00) of the Fayetteville Code of Ordinances and approves the attached Contract with the Illinois River Watershed Partnership in the amount of \$10,000.00 for watershed education and planning services, and authorizes Mayor Jordan to execute this Contract.

PASSED and APPROVED this 1st day of December, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CONTRACT

The Illinois River Watershed Partnership, Inc. and the City of Fayetteville, Arkansas agree to enter into the following contract on this 12th day of November, 2009.

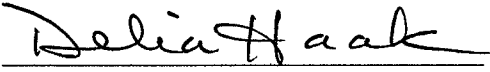
WHEREAS, The Illinois River Watershed Partnership, Inc. is a non-profit corporation whose mission is to improve the health of the Illinois River Watershed through the implementation of best management practices, water quality monitoring, public education, community outreach and ecosystem restoration; and

WHEREAS, The City of Fayetteville has responsibilities to educate its citizens about these water quality and restoration issues through mandates of the Clean Water Act and has budgeted funds for such education activities.

NOW, THEREFORE, the Illinois River Watershed Partnership and the City of Fayetteville agree as follows:

1. The City of Fayetteville agrees to purchase educational, ecosystem monitoring and restoration, and community outreach services for its citizens from the Illinois River Watershed Partnership, Inc. for the sum of Ten Thousand Dollars (\$10,000.00).
2. The Illinois River Watershed Partnership agrees to furnish a year long, extensive community outreach and educational services program to Fayetteville's citizens during the period of December 1, 2009 through December 1, 2010, and further to provide implementation of and education about best management practices for stormwater management and ecosystem restoration in the Illinois River watershed.
3. The Illinois River Watershed Partnership agrees to provide an annual written report about its programs and activities to the Fayetteville City Council due on September 30, 2010.

ILLINOIS RIVER
WATERSHED PARTNERSHIP, INC.

By: 
Executive Director
Illinois River Watershed Partnership, Inc.

CITY OF FAYETTEVILLE,
ARKANSAS

By. _____
Mayor Lioneld Jordan

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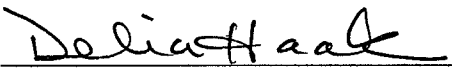
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ILLINOIS RIVER
WATERSHED PARTNERSHIP, INC.

By: 
Executive Director
Illinois River Watershed Partnership, Inc.

CITY OF FAYETTEVILLE,
ARKANSAS

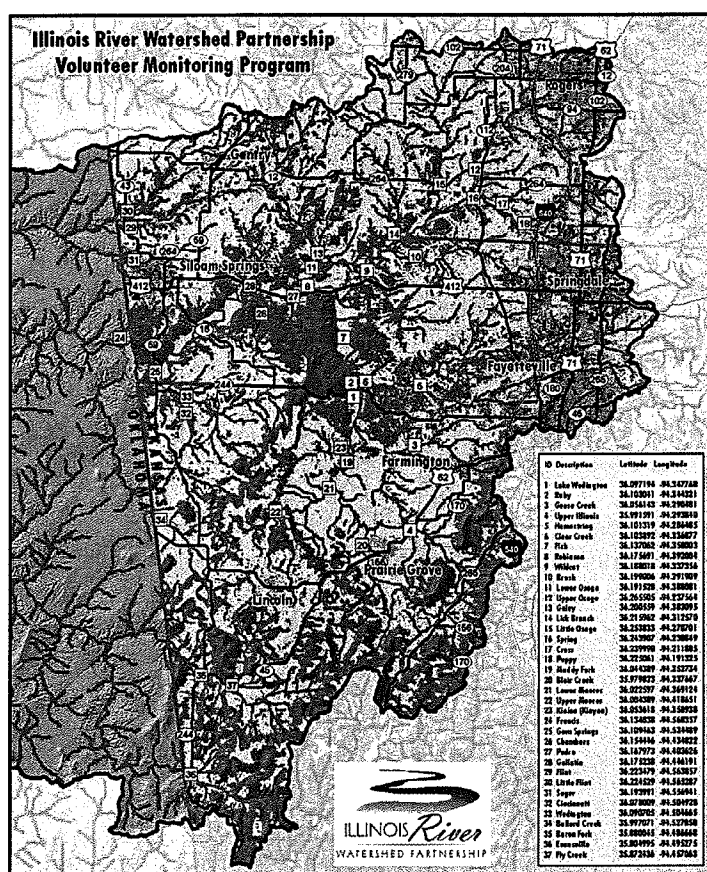
By. _____
Mayor Lioneld Jordan



ILLINOIS RIVER WATERSHED PARTNERSHIP ANNUAL UPDATE

The Illinois River Watershed Partnership has taken strides this year toward its mission of improving the integrity of the Illinois River through public education and community outreach, water quality monitoring, and the implementation of conservation and restoration practices throughout the watershed.

The partnership is also developing the Watershed Management Plan, which provides the most comprehensive scientifically sound assessment of the Upper Illinois River Watershed. The \$400,000 Watershed Management Plan will be completed in 2009.



Water Quality Monitoring

The IRWP was awarded \$135,000 from the EPA through the Arkansas Natural Resources Commission, which was used to organize Stream Teams to monitor 37 sites within the watershed. These Stream Teams take regular water samples from along the watershed and deliver them to the University of Arkansas Water Resources lab for analysis.

Education and Outreach

Throughout 2008, The IRWP reached out to hundreds of thousands of people through television, radio and print advertising in its effort to educate the public about the importance of protecting and improving the Illinois River Watershed. This year the partnership, as part of its education and outreach objective, began Watershed Wednesdays, media stories aired on 40/29 News, as well as in-school challenges. Community forums were held throughout the watershed region this year, including an Arkansas-Oklahoma bi-state water resources forum, which was hosted by Congressman John Boozman. Other community forums were held at the Arkansas Water Resources Conference, Watershed Conservation Resources Conference, Cooperative State Research, Education and Extension Services LeadAR Seminar, the Bentonville/Bella Vista Rotary Club, the Region 6 Dallas EPA, the Wal-Mart Home Office Stormwater Staff, and the South Central National Association of Conservation Districts Regional Meeting. Environmental exhibits were held at Rogers Environmental Days, Botanical Garden of the Ozarks Earth Day, Living It Green Sustainability Fair and SpringFest.



From left, Congressmen Boozman, EPA Water Chief Ben Grumbles and former Congressman Hammerschmidt.

Conservation & Restoration

The 2008 Riparian Project, held last March, saw the IRWP work with 200 volunteers to plant 3,000 seedlings along Fayetteville Hamestrang Creek, Springdale Spring Creek, Rogers Blossom Way Creek and Siloam Springs Sager Creek stream banks. The seedlings will create riparian buffers that help to preserve and protect the water quality of the streams. The 2009 Riparian Project will be held on March 28 to continue riparian projects to maintain or establish riparian buffers throughout the watershed.

The partnership also participated in a clean-up project at Hamestrang Creek, where a quarter ton of trash was collected. Two clean ups were also sponsored by the Lake Fayetteville Watershed Partnership this year with over 1 ton of trash recycled or removed.

The IRWP is looking forward to next year, when we will continue our efforts to improve the Illinois River Watershed, further reaching larger bodies of water and land.

Volunteers for the IRWP logged more than 3,000 hours this year in the effort to preserve and protect the watershed. The partnership's volunteers are passionate about the mission and the goals of the organization.

Chuck Bushong, leader of Boy Scout Troop 102, the volunteer monitors at Site 3 Goose Creek, recently summed up the feelings of many volunteers.

"I've visited many parts of our wonderful country and each has its beauty. But our corner of the world is more blessed than the rest and it's up to me to show my appreciation by caring for such blessings," Bushong said.

2008 Golden Paddle Awards

In October the IRWP presented six Golden Paddle Awards to local entities and individuals who the partnership believed deserved recognition for being leaders in watershed stewardship and/or natural resource conservation in the Illinois River watershed. The award winners exemplify good stewardship in the protection, preservation, and enhancement of the watershed.

Individuals, farms, nonprofit organizations, local governments, schools, professionals, businesses or other that are actively involved in education, projects, and/or programs to protect, preserve, or improve the water quality and wildlife habitat in the Illinois River watershed were eligible to receive the award.

BMPs Inc.



BMPs Inc. is a non-profit corporation formed in 2003 by poultry companies Cargill, George's, Peterson, Simmons and Tyson, with matching funds from the Arkansas Natural Resources Commission and Oklahoma Conservation Commission. One program currently in the forefront of BMPs' activities is the coordination of litter export from the Illinois River Watershed.

Sam's Club #8209



The new Fayetteville Sam's Club was designed to minimize disruption of Clabber Creek, an environmentally sensitive ecosystem. Sam's Club also purchased 100 acres surrounding the club and donated it to the Audubon Society to ensure long-term protection of the Clabber Creek ecosystem. The site also includes number of water quality protection measures.

The League of Women Voters of Washington County

The League of Women Voters of Washington County is a multi-issue organization with a mission to encourage the informed and active participation of citizens in the government and to influence public policy



through education and advocacy. In its current plan of action, the League includes "Protection of Ecosystems" as one of their issues of focus. The League supports the conservation of highly-ranked ecosystems through several policies.

Habitat for Humanity of Benton County U of A Community Design Center



Habitat Trails is a green affordable neighborhood development in Rogers that is designed as a sponge to work in accord with existing hydrological drainage, catchment and recharge patterns. The neighborhood also has stormwater runoff retained and treated and an ecologically-based stormwater management system.

Tree City USA Committee, Springdale



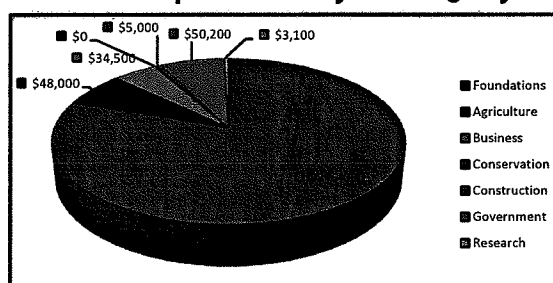
Springdale celebrated their 2008 Arbor Day by planting hundreds of green ash and sycamore seedlings along the banks of the Spring Creek, partnering with the IRWP, the Nature Conservancy, Lake Fayetteville Watershed and local teen volunteers.

Katie Teague, UA Cooperative Extension Service, Washington County



Katie Teague has been a leader in stormwater education for Northwest Arkansas. Katie was instrumental in helping bring people and resources together to create an implement educational projects including the Urban-NonPoint Source Outreach Education Campaign, Urban NPS Outreach Survey and the Rain Gardens.

2008 Sponsors by Category



2008 IRWP Sponsors

Allen Canning Company
Allen Holding Company
ARI Natural Resources Commission
Arkansas Farm Bureau
Arvest Bank
Bank of Fayetteville
Benton County Farm Bureau
Cargill, Inc.
CH2M Hill-OMI
City of Fayetteville
City of Rogers

City of Siloam Springs
City of Springdale
City of Tahlequah
Gates Corporation
J.B. Hunt
John Brown University
McKee Foods
Nabholz
Oklahoma Agri Legal Foundation
Ozark Mountain Poultry
Rogers Water Utilities

Simmons Foods
Sam's Club
SWEPCO
Tyson Foods
UA AWRC
Wal-Mart Stores
Wal-Mart Stores Stormwater
Walton Family Foundation
Washington County

City of Fayetteville Staff Review Form

C. 3
 ADM 09-3467 Park Centre
 C-PZD Amendment No. 1
 Page 1 of 38

City Council Agenda Items
 and
 Contracts, Leases or Agreements

12/1/2009

City Council Meeting Date
 Agenda Items Only

Andrew Garner

Planning

Development Services

Submitted By

Division

Department

Action Required:

ADM 09-3467: Park Centre C-PZD Amendment No. 1: Submitted by Roger Boskus for property located at the northeast corner of Zion Road and Veterans Park entry drive. The request is to approve an ordinance amending the approved C-PZD 08-2894 Park Centre, to revise the previously approved building elevations.

_____	\$ _____	_____
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

11-13-2009
 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

City Attorney

11-13-2009
 Date

Original Contract Number: _____

Finance and Internal Services Director

11-13-2009
 Date

Received in City
 Clerk's Office

ENTERED
 11-13-09

Chief of Staff

11-16-09
 Date

Received in
 Mayor's Office

ENTERED
 11-13-09 RB

Mayor

11/16/09
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Jeremy C. Pate, Development Services Director

Date: November 13, 2009

Subject: Park Centre C-PZD Amendment No. 1: Building Elevations

RECOMMENDATION

Staff and Planning Commission recommend approval of an ordinance amending the Commercial Planned Zoning District for the Park Centre (C-PZD 08-2894) to revise the building elevations.

BACKGROUND

The subject property is located at the northeast corner of Zion Road and Veterans Park entry drive and contains approximately 8.58 acres. The Park Centre C-PZD was approved by City Council on May 8, 2008. The project consists of 100,500 square feet of office, retail, and restaurant space, and 15 residential units. In moving forward with the design and construction of this project the applicant has identified a need to revise the building elevations. The request is a major modification to the Planned Zoning District zoning criteria and Large Scale Development plan to revise the approved building elevations for all of the buildings. The applicant has submitted a packet containing the previously approved building elevations and proposed elevations, and a copy of the previously approved site plan is attached to this staff report. As indicated in the applicant's letter request, the following is a list of proposed changes to the building elevations:

- The office building has more articulation and utilizes brick panels, glass, and metal.
- The retail façade now consists mostly of brick and stucco in lieu of metal panels.
- The retail façade has several steps in the façade vertically and horizontally to break up the long façade into more a neighborhood center scale.
- The retail building has a covered walkway from end to end for patrons.

DISCUSSION

On November 9, 2009 the Planning Commission unanimously forwarded this request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A COMMERCIAL PLANNED ZONING DISTRICT ENTITLED C-PZD 08-2894 PARK CENTRE TO ALLOW MODIFICATION TO THE APPROVED BUILDING ELEVATIONS, AS DESCRIBED HEREIN.

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

Section 1. That Appendices "A" and "B" of the zoning criteria booklet for C-PZD 08-2894 Park Centre are hereby amended to reflect modified building elevations as a shown on Exhibit "A".

Section 2. That this ordinance shall take effect and be in full force at such time as all of the requirements of the Planned Zoning District have been met.

Section 3. That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

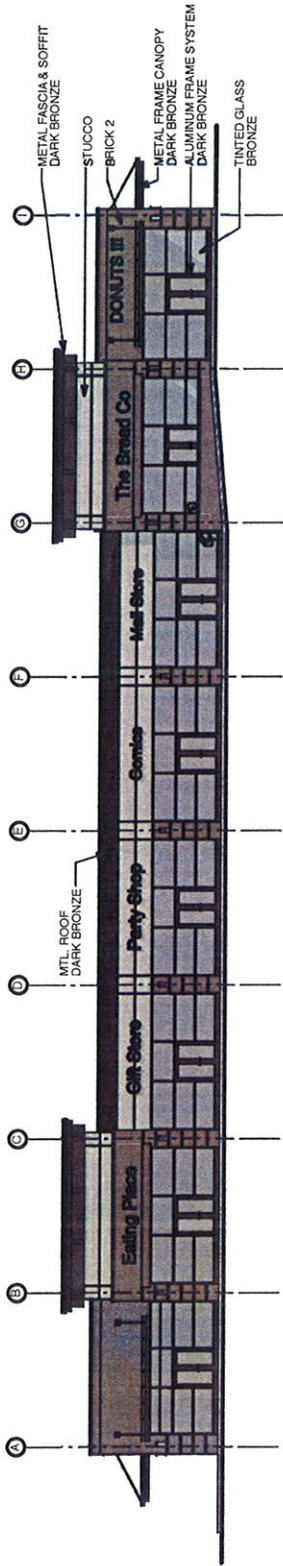
By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

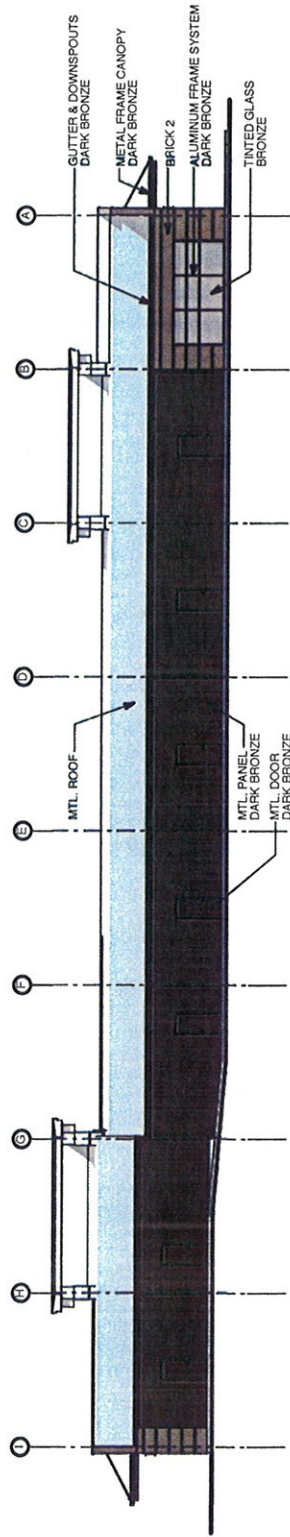
PROPOSED
APPENDIX "A"

PLANNING AREA 1
(MARKET DISTRICT)
ELEVATIONS



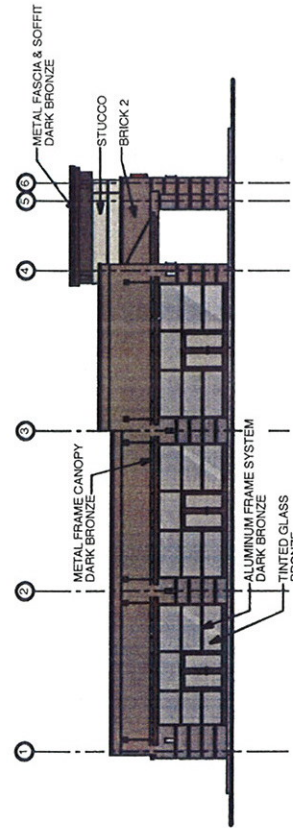
1 SOUTH ELEVATION BLDG. 2

SCALE: 1" = 30'



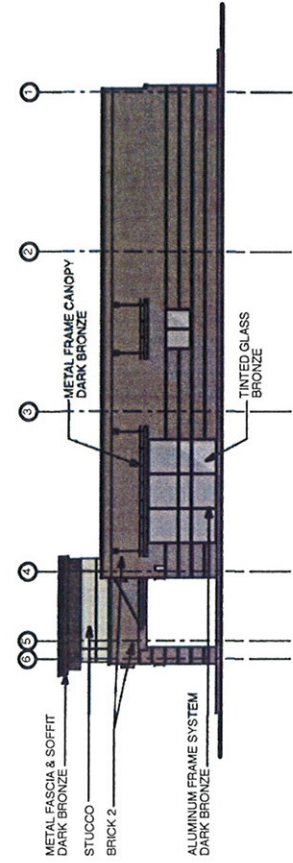
2 NORTH ELEVATION BLDG. 2

SCALE: 1" = 30'



3 WEST ELEVATION BLDG. 2

SCALE: 1" = 30'



4 EAST ELEVATION BLDG. 2

SCALE: 1" = 30'

Exhibit "A"

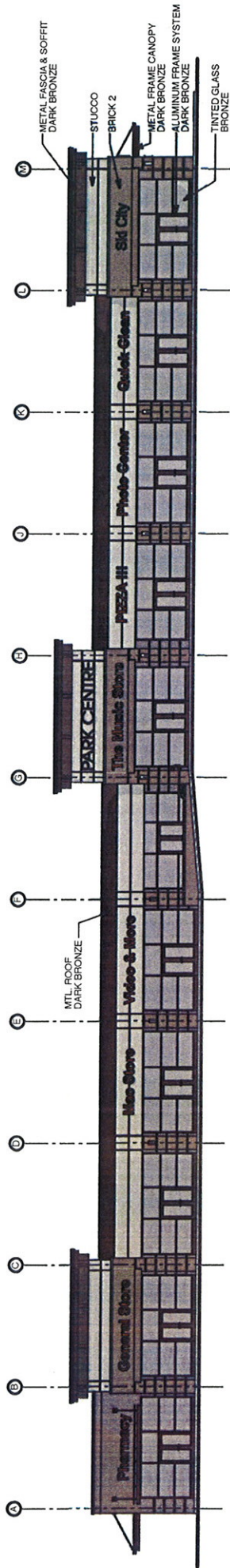
Pg. 2



Miller Boskus Lack Architects, P.A.

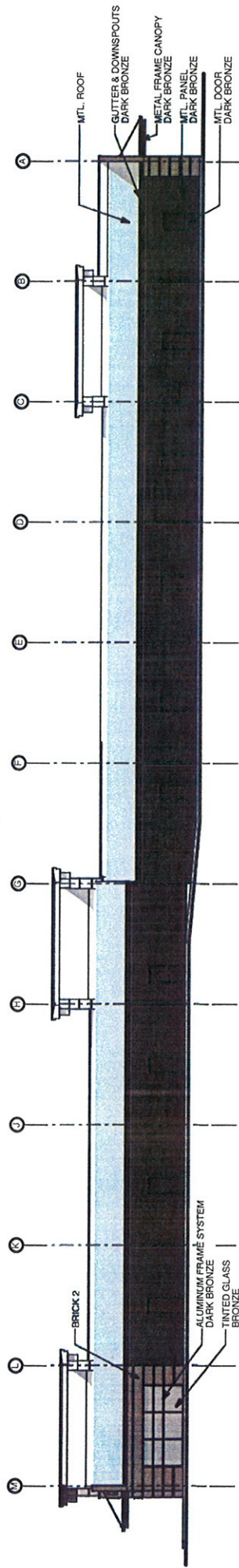
Retail Building #2

Park Centre



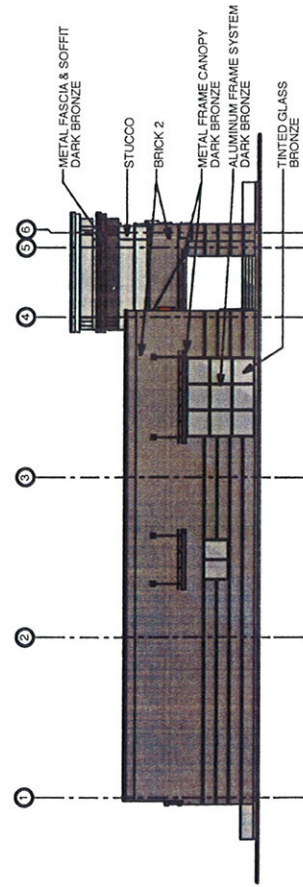
1 SOUTH ELEVATION BLDG. 3

SCALE: 1" = 30'



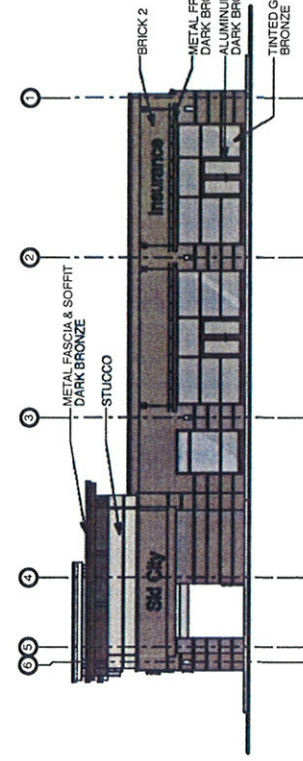
4 NORTH ELEVATION BLDG. 3

SCALE: 1" = 30'



3 WEST ELEVATION BLDG. 3

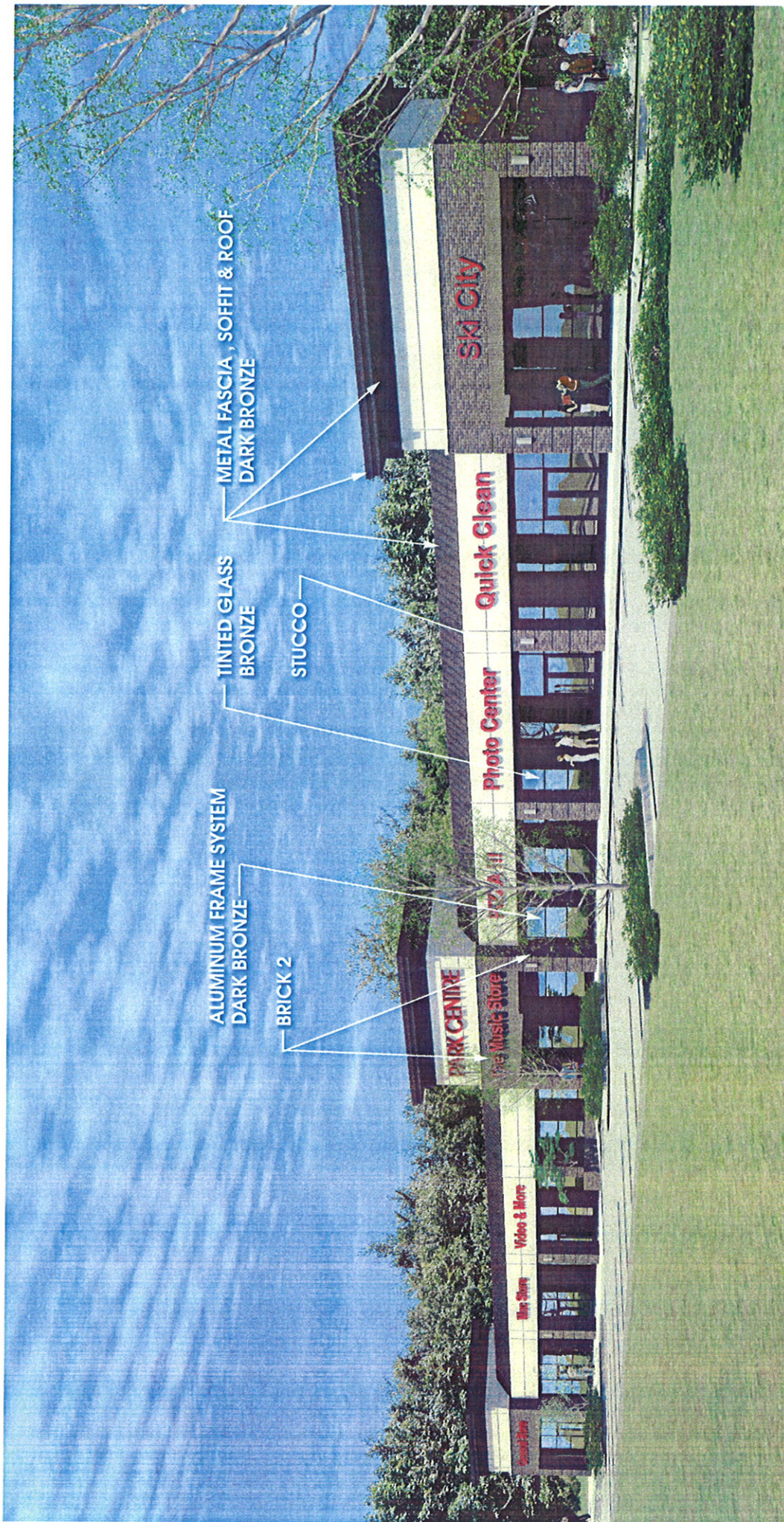
SCALE: 1" = 30'



2 EAST ELEVATION BLDG. 3

SCALE: 1" = 30'

Exhibit "A" pg. 4 of 8



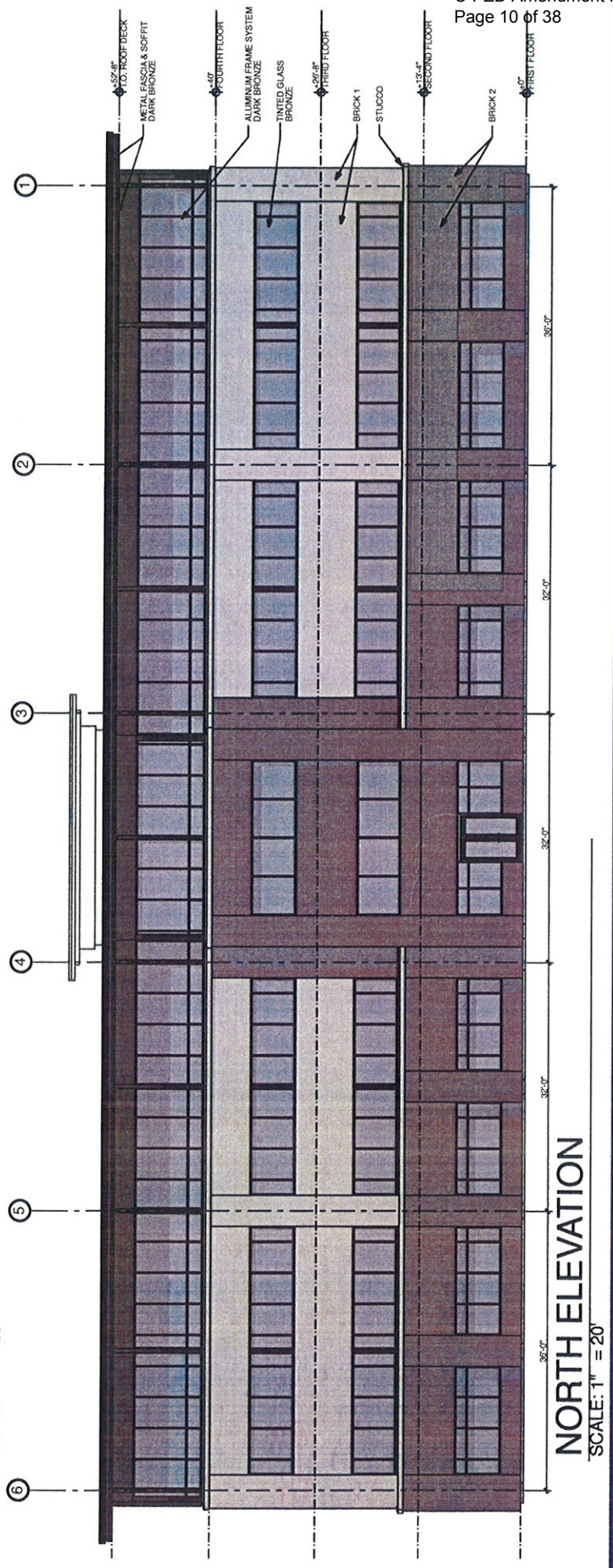
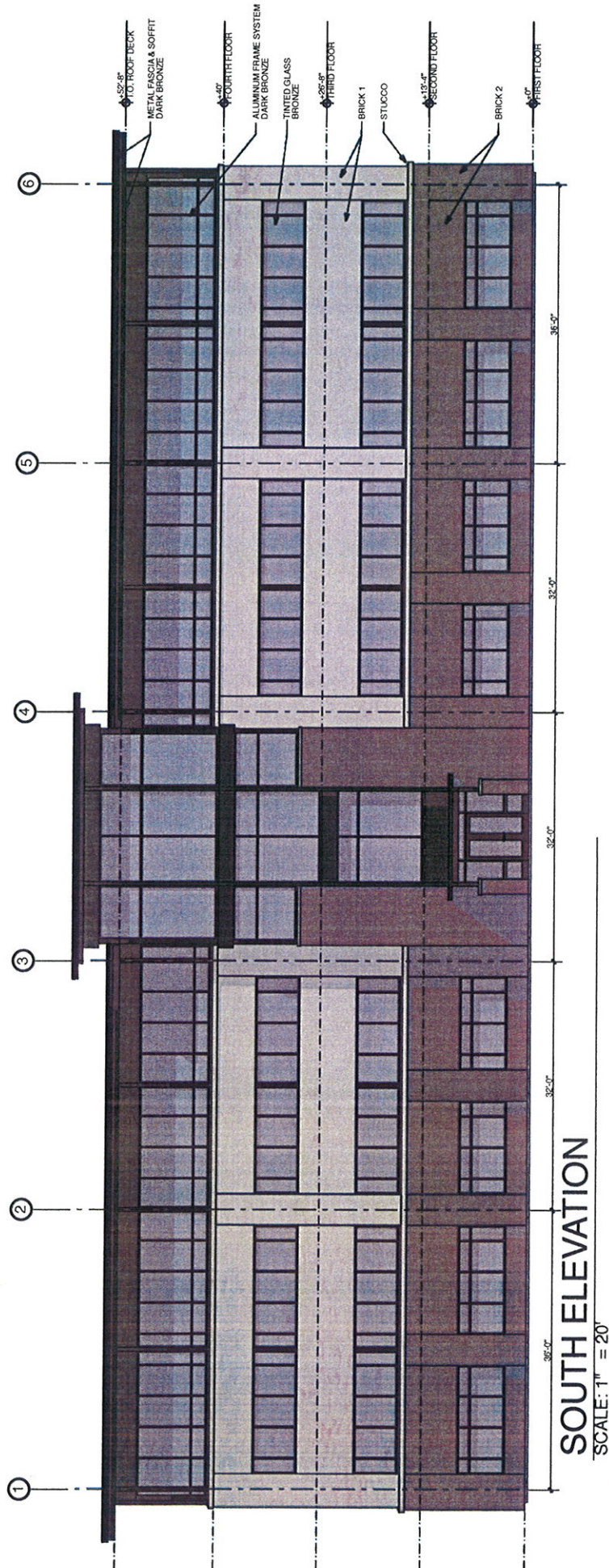
Miller Boskus Lack Architects, P.A.

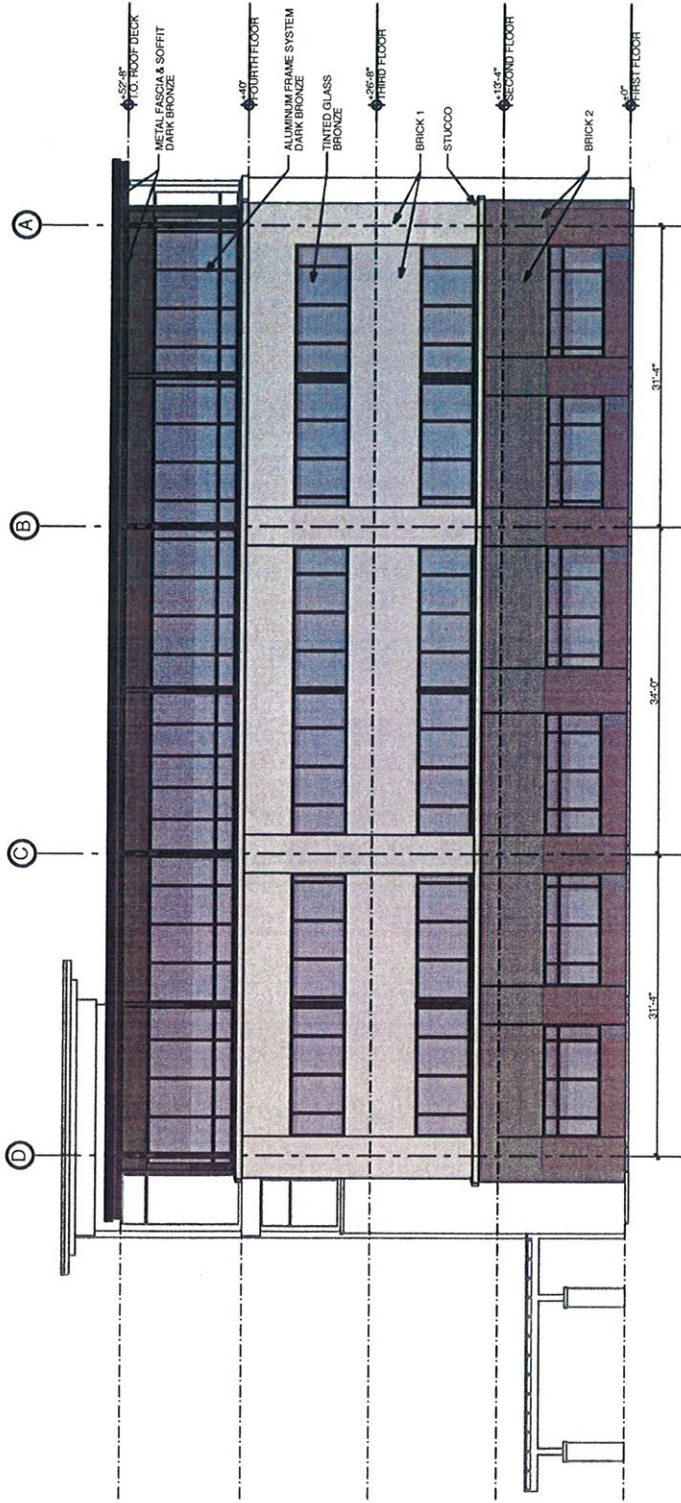
Retail Building #3

Park Centre

PROPOSED
APPENDIX "B"

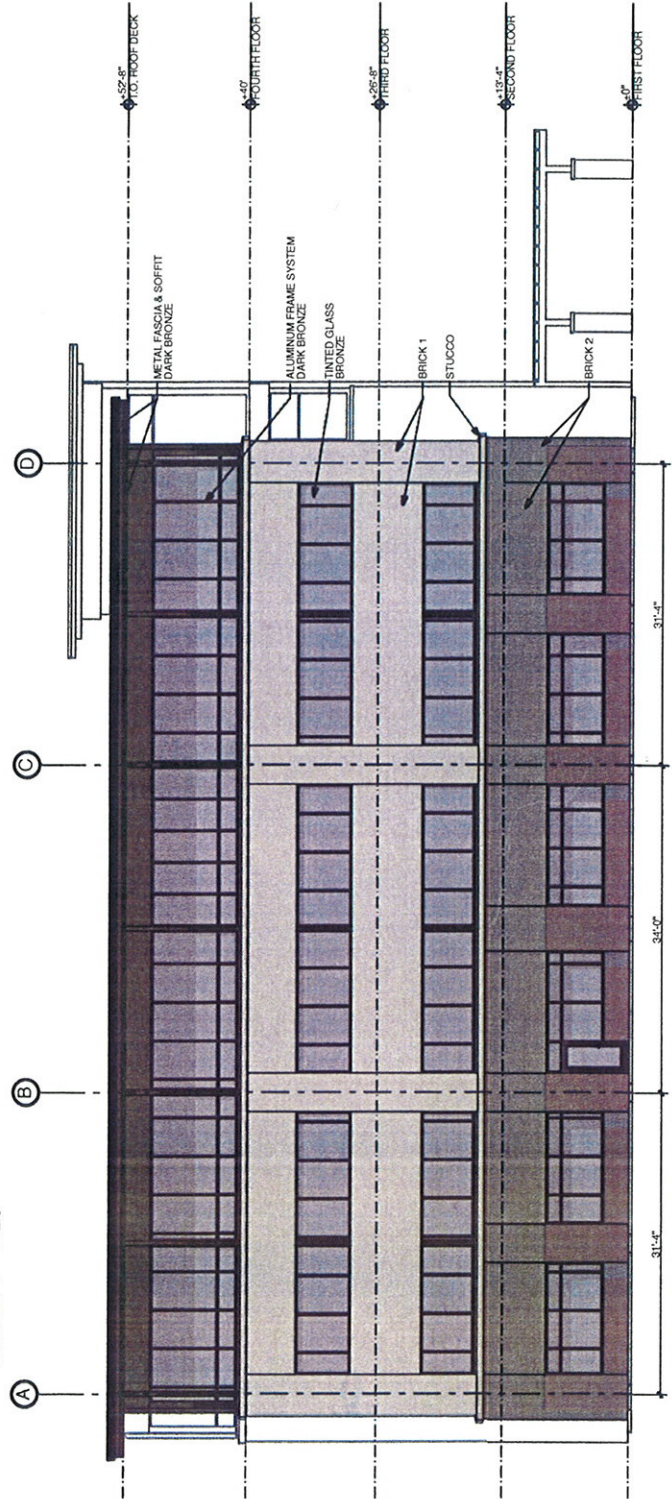
PLANNING AREA 2
(OFFICE AND RESIDENTIAL)
ELEVATIONS





EAST ELEVATION

SCALE: 1" = 20'



WEST ELEVATION

SCALE: 1" = 20'



Proposed Multi-Story Office Building

Miller Boskus Lack Architects, P.A.

Park Centre



PC Meeting of November 9, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Planning Commission Members
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Director of Development Services
DATE: ~~November 2, 2009~~ *Updated November 13, 2009*

ADM 09-3467: Administrative Item (PARK CENTRE C-PZD AMENDMENT NO. 1, 136):
Submitted by ROGER BOSKUS for property located NORTHEAST OF THE CORNER OF ZION ROAD AND THE VETERANS PARK ENTRY DRIVE. The property is zoned C-PZD 08-2894 PARK CENTRE and contains approximately 8.58 acres. The request is for an amendment to the approved C-PZD for revised building elevations.
Planner: Andrew Garner

BACKGROUND

Property Description and History: The subject property is located at the northeast corner of Zion Road and Veterans Park entry drive and contains approximately 8.58 acres. On May 6, 2008 the City Council approved C-PZD 08-2894 (Park Centre) for the construction of approximately 100,500 sq. ft. of office, retail, and restaurant space and 15 residential units. In moving forward with the design and construction of this project the applicant has identified a need to revise the building elevations.

Request: The applicant requests major modification to the Planned Zoning District zoning criteria and Large Scale Development plan to revise the approved building elevations. The applicant has submitted a packet containing the previously approved building elevations and the proposed elevations, and a copy of the previously approved site plan is attached to this staff report. As indicated in the applicant's letter request, the following is a list of proposed changes to the building elevations:

- The office building has more articulation and utilizes brick panels, glass, and metal.
- The retail façade now consists mostly of brick and stucco in lieu of metal panels.
- The retail façade has several steps in the façade vertically and horizontally to break up the long façade into more a neighborhood center scale.
- The retail building has a covered walkway from end to end for patrons.

DISCUSSION

The proposed modifications to the approved Park Centre Commerical Planned Zoning District have been determined a major modification to the approved Large Scale Development and a modification to the architectural design standards of the Planned Zoning District zoning criteria. Staff finds the proposed changes in building materials and overall appearance meet the architectural design standards for commerical structures listed in Fayetteville Unified Development Code Section 166.14 (C). The proposed

changes do this by not providing large blank, unarticulated wall surfaces and by providing a recurring, unifying theme and well-articulated elevations. The proposed change to utilize more masonry materials will transition well with the natural setting of Veteran's Park to the north and the tree preservation areas onsite. The changes to break up the scale of the buildings into smaller segments have resulted in building facades that are more human scale. These changes are consistent with the intent of the previously approved C-PZD to provide for a retail, office, and mixed use development with large areas of tree preservation and connection to Veteran's/Lake Fayetteville Park.

RECOMMENDATION

Recommended Motion: Staff recommends the Planning Commission forward ADM 09-3467 (Park Centre C-PZD Amendment No. 1) to the City Council with a recommendation for approval with the following conditions of approval:

1. Planning Commission determination of commercial design standards and recommendation on changes to the architectural design standards of C-PZD 08-2894 (Park Centre). *Staff finds that the proposed changes in building materials and overall appearance meet the architectural design standards for commercial structures listed in Fayetteville Unified Development Code Section 166.14 (C). The proposed changes do this by not providing large blank, unarticulated wall surfaces and by providing a recurring, unifying theme and well-articulated elevations. These changes are consistent with the intent of the previously approved C-PZD to provide for a retail, office, and mixed use development with large areas of tree preservation and a new connection to Veteran's/Lake Fayetteville Park.*
PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION (11-09-09).
2. After approval of the revised elevations the applicant shall submit two copies of the revised Park Centre C-PZD booklet to the Planning Division, to officially document the change in zoning criteria.

Planning Commission Action: ☒ Forwarded ☐ Tabled ☐ Denied

Motion: Zant

Second: Honchell

Vote: 5-0-0

Meeting Date: November 9, 2009

**Miller
Boskus
Lack**

Architects, P.A

October 29, 2009

City of Fayetteville
Planning Staff
113 West Mountain Street
Fayetteville, AR 72701
Attention: Andrew Garner

RE: PARK CENTRE

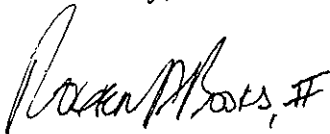
Dear Mr. Garner:

The owners of the Park Centre development are moving forward with design and construction documents to bid and hopefully construct the office and retail center. We have "re-studied" the exterior appearance and have prepared revised exterior elevations and renderings of the buildings. I believe that the revised schematics are far better than the previously submitted design and would like to obtain a revision to accept this as the design for Park Centre. The following is a list of the improvements that we have made:

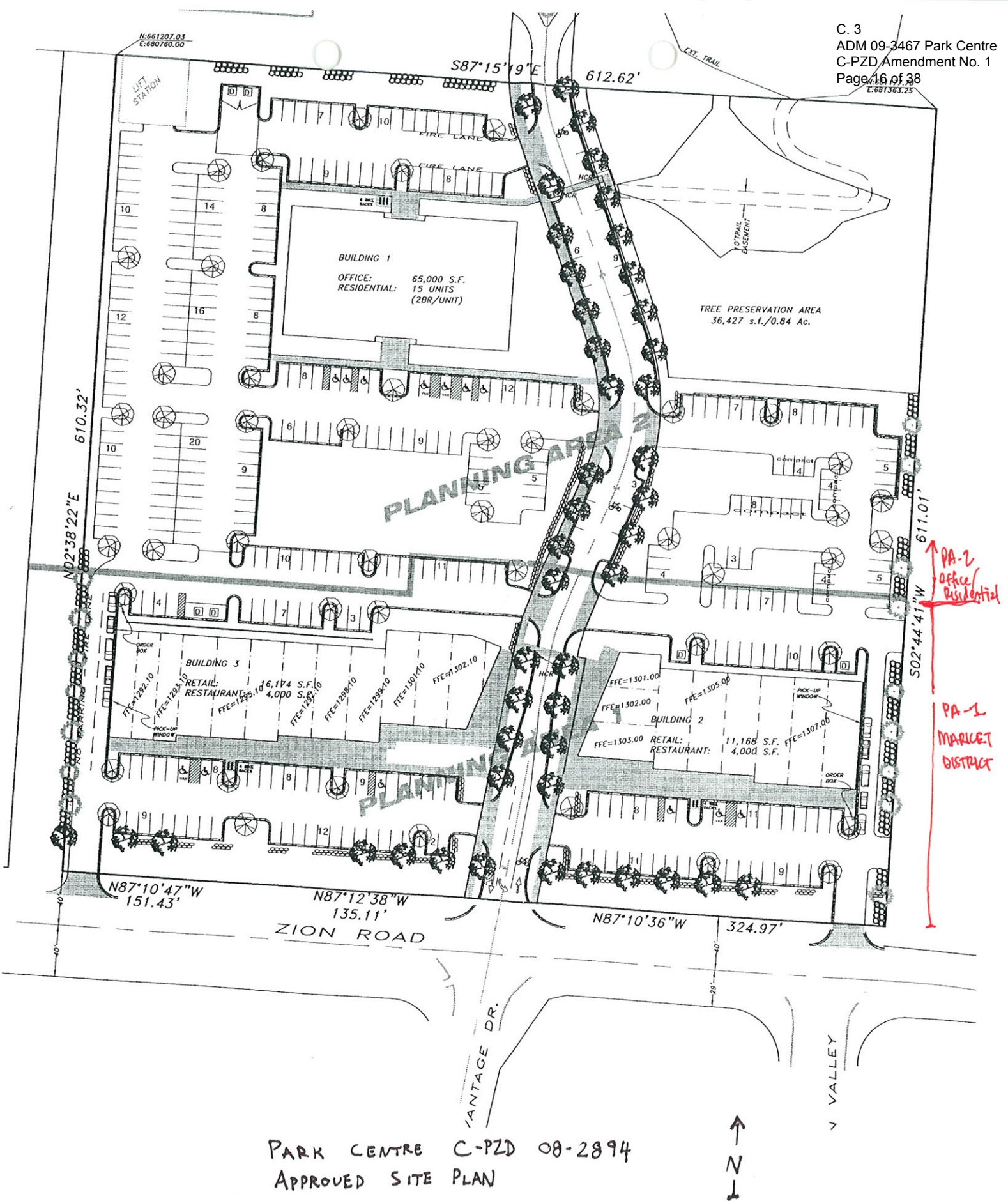
- The office building has more articulation and utilizes brick panels, glass, and metal, which will blend well with the natural surroundings and frame views of the landscape from within the building.
- The retail façade now consists mostly of brick and stucco in lieu of metal panels
- The retail façade has several steps in the façade vertically and horizontally which breaks up the long façade. The scale is more appropriate to a neighborhood center.
- The retail building has a covered walkway from end to end for patrons
- The exterior materials of all structures are timeless and enduring materials, which should look great for many years to come.

Please let me know if you need any more information. I look forward to presenting these changes to the planning commission on November 9th.

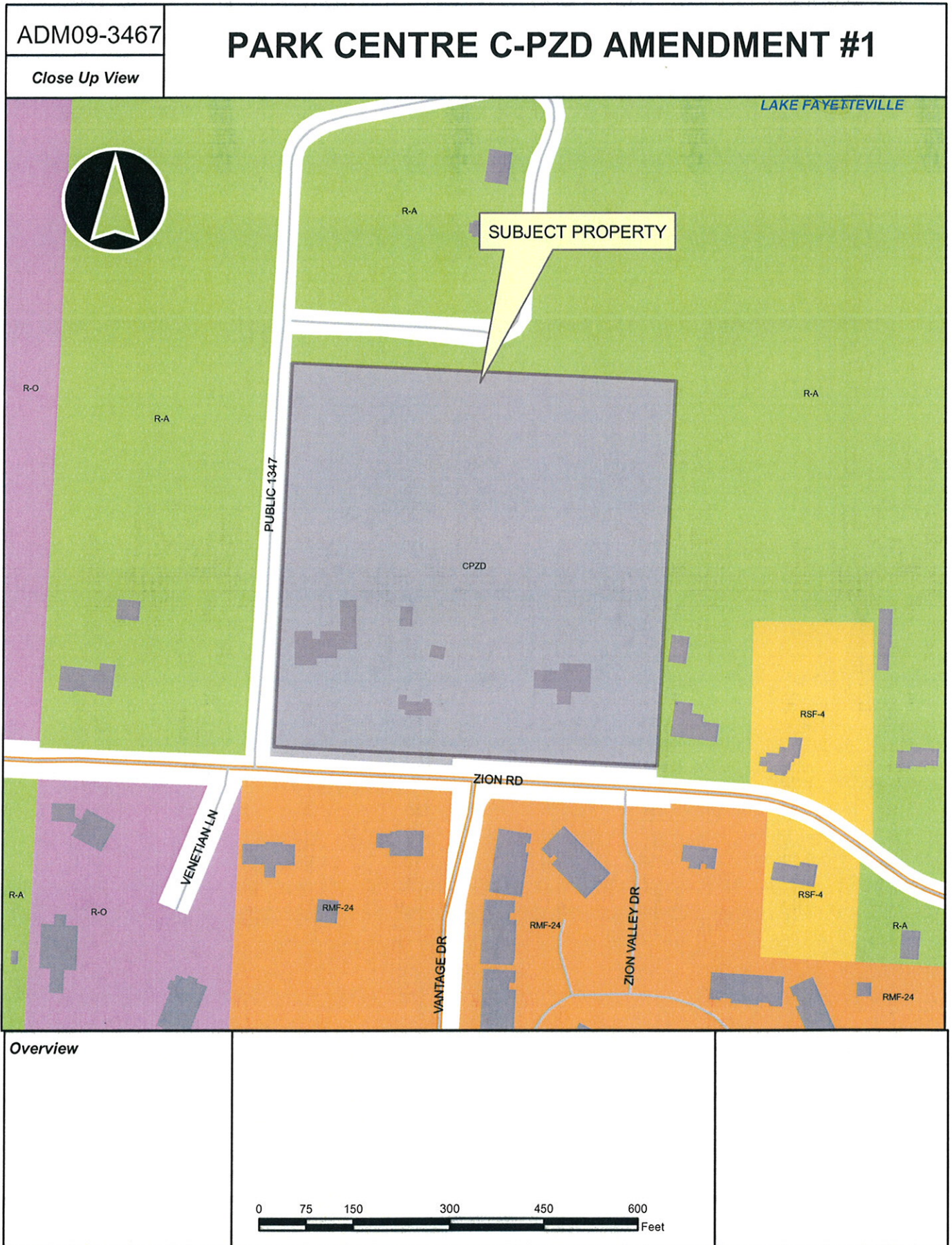
Sincerely,



Roger Boskus



PARK CENTRE C-PZD 08-2894
 APPROVED SITE PLAN

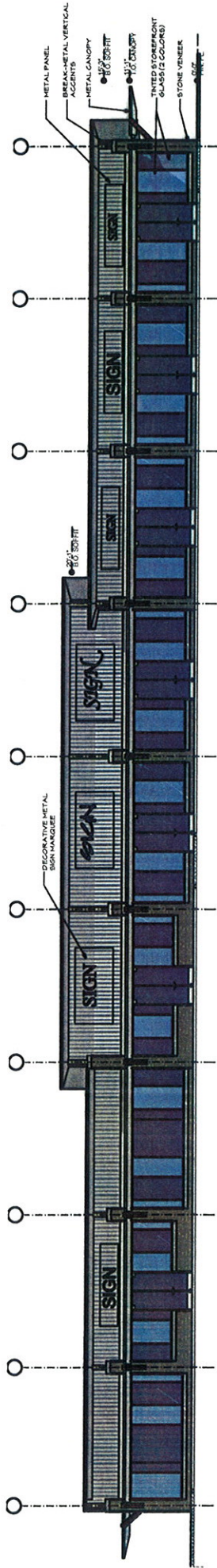


A horizontal scale bar with a black background and white markings. The markings are labeled '0', '0.25', '0.5', and '1' from left to right. The word 'Miles' is written in black text at the far right end of the bar.

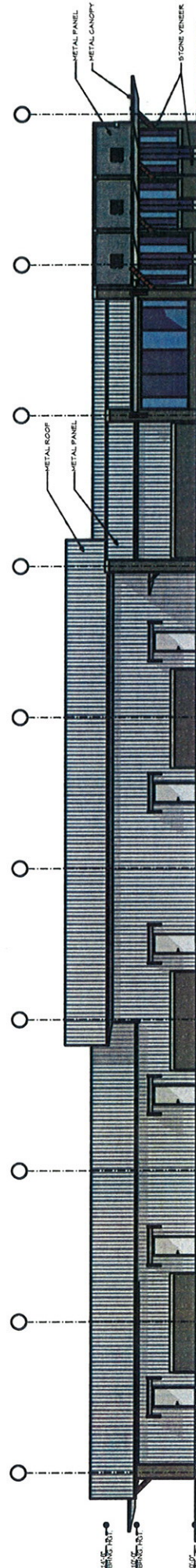
EXISTING
APPENDIX "A"

PLANNING AREA 1
(MARKET DISTRICT)
ELEVATIONS

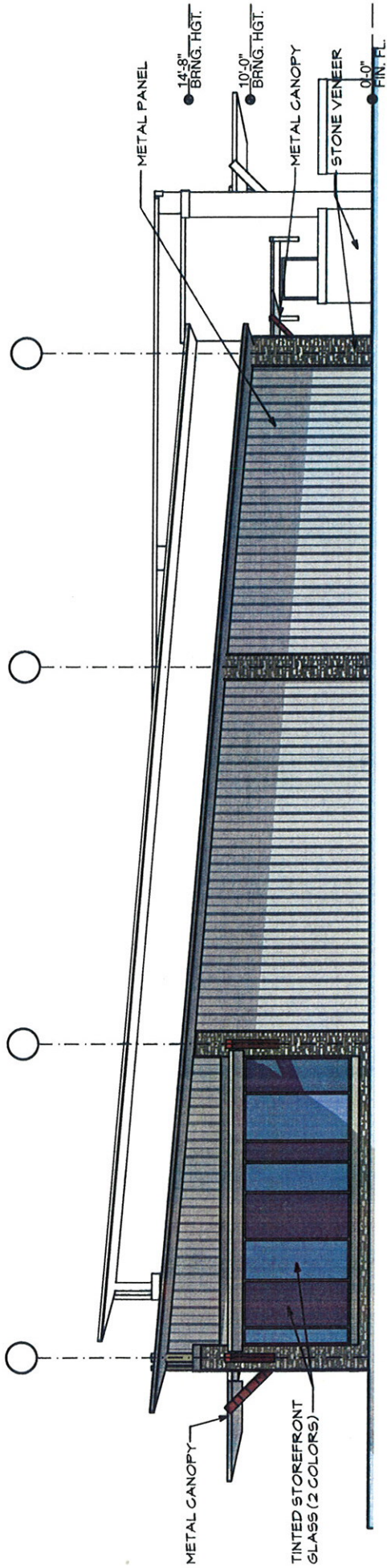
file copy
Elevations Park Centre C-PZD
Revise Bldg Elevations 11-09 PC



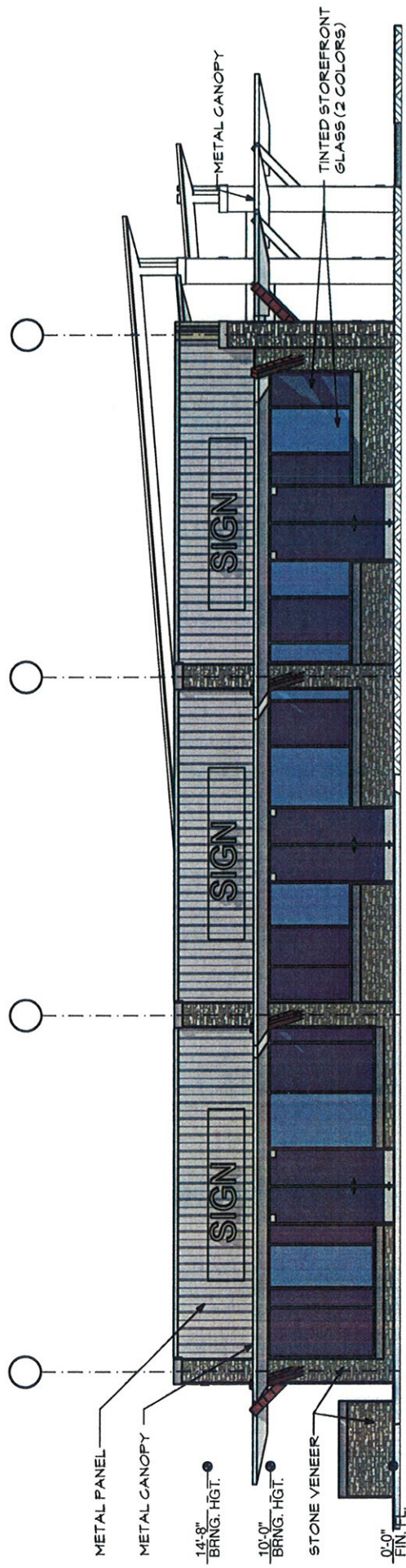
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



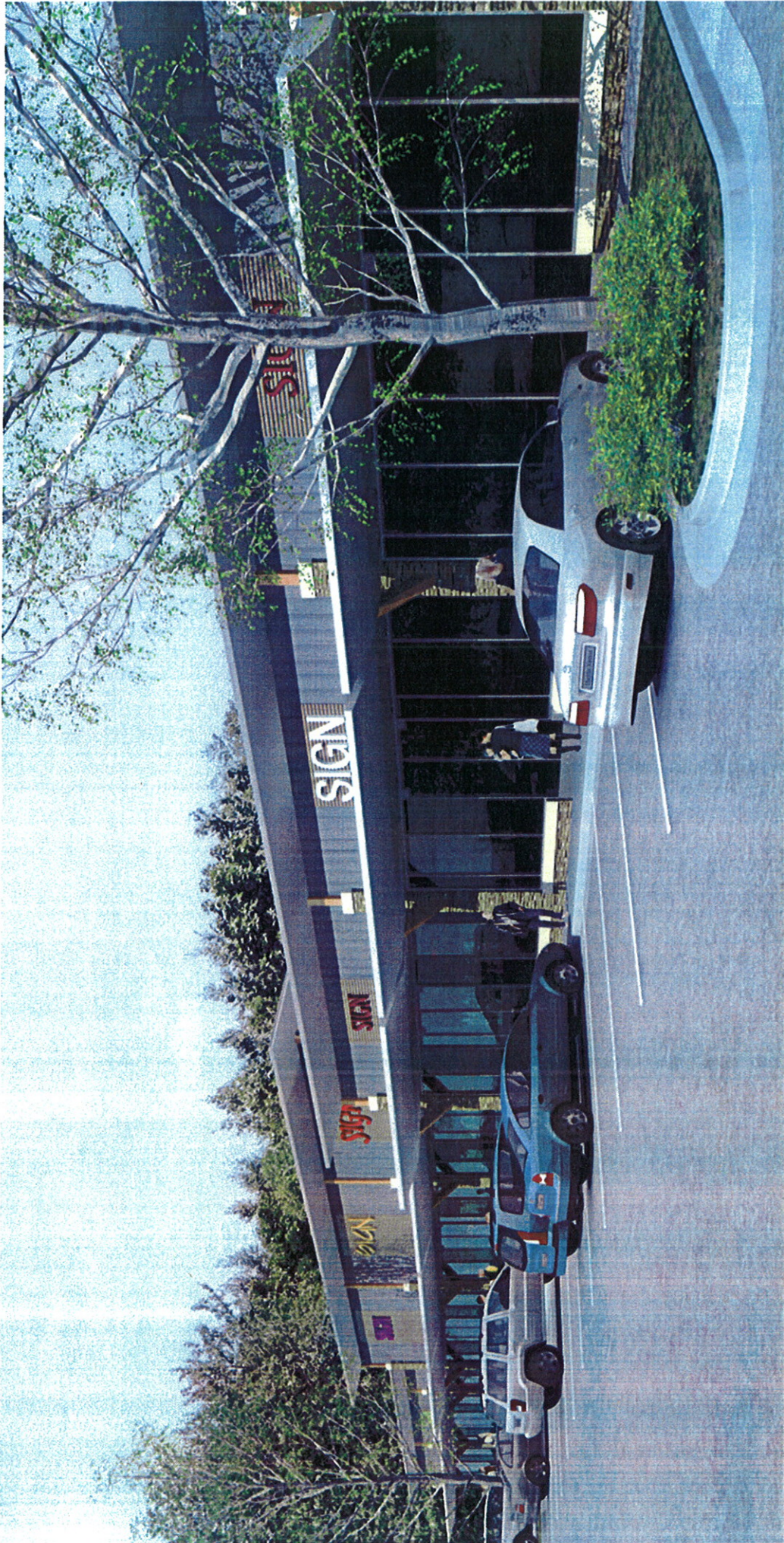
WEST ELEVATION



Miller Boskus Lack Architects, P.A.

Retail Building #2

Park Centre



Retail Building #2

Miller Boskus Lack Architects, P.A.

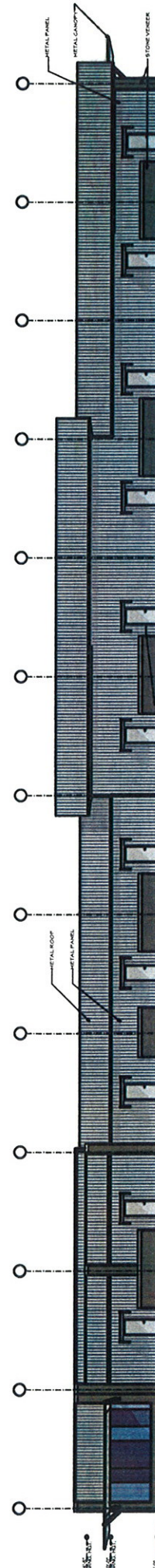
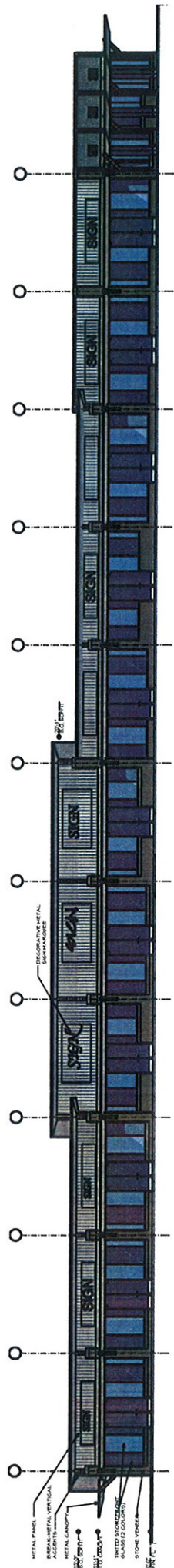
Park Centre

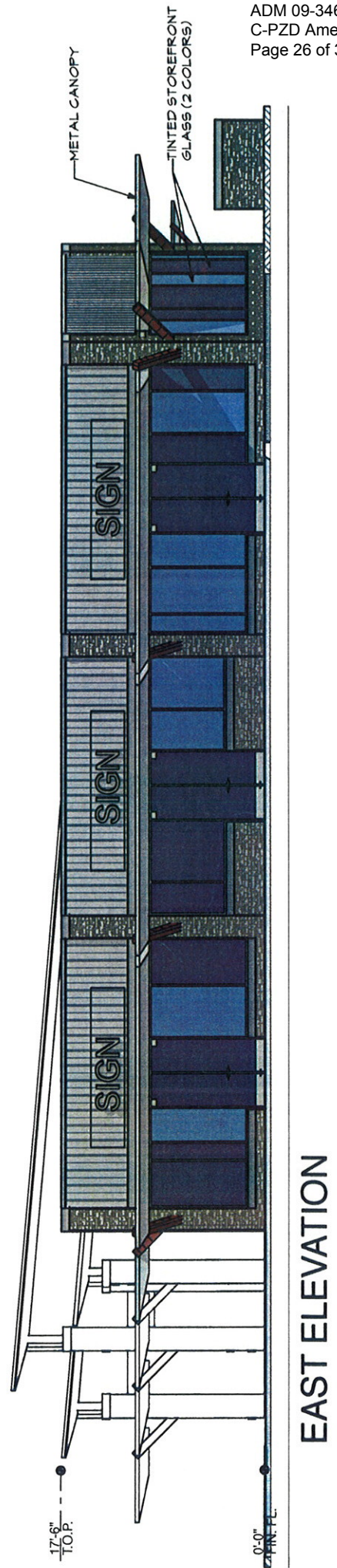
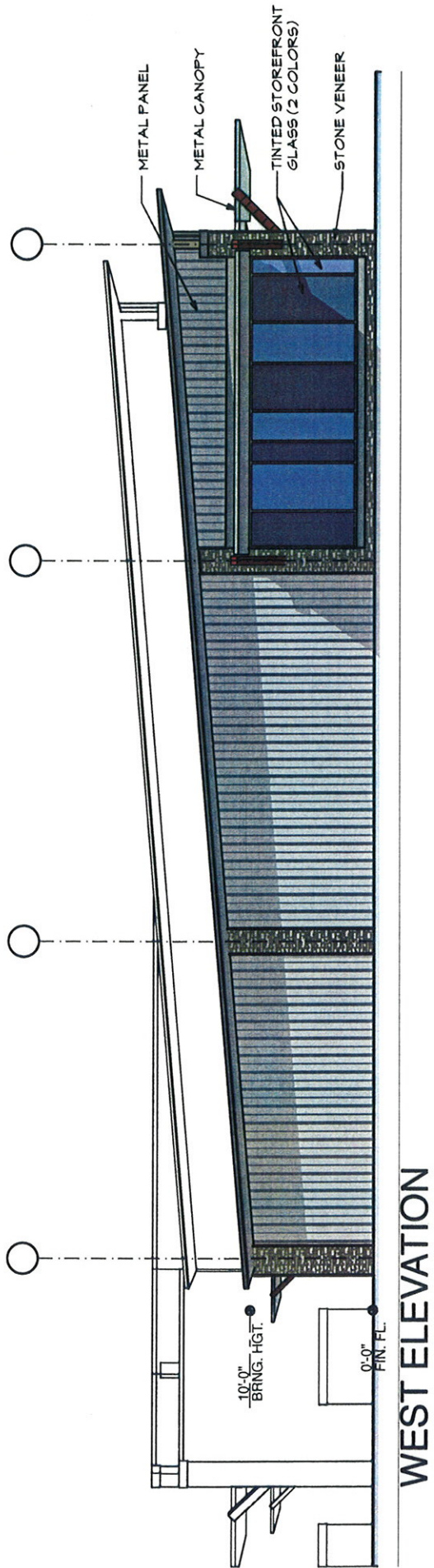


Miller Boskus Lack Architects, P.A.

Retail Building #2

Park Centre







Retail Building #3

Miller Boskus Lack Architects, P.A.

Park Centre



Miller Boskus Lack Architects, P.A.

Retail Building #3

Park Centre



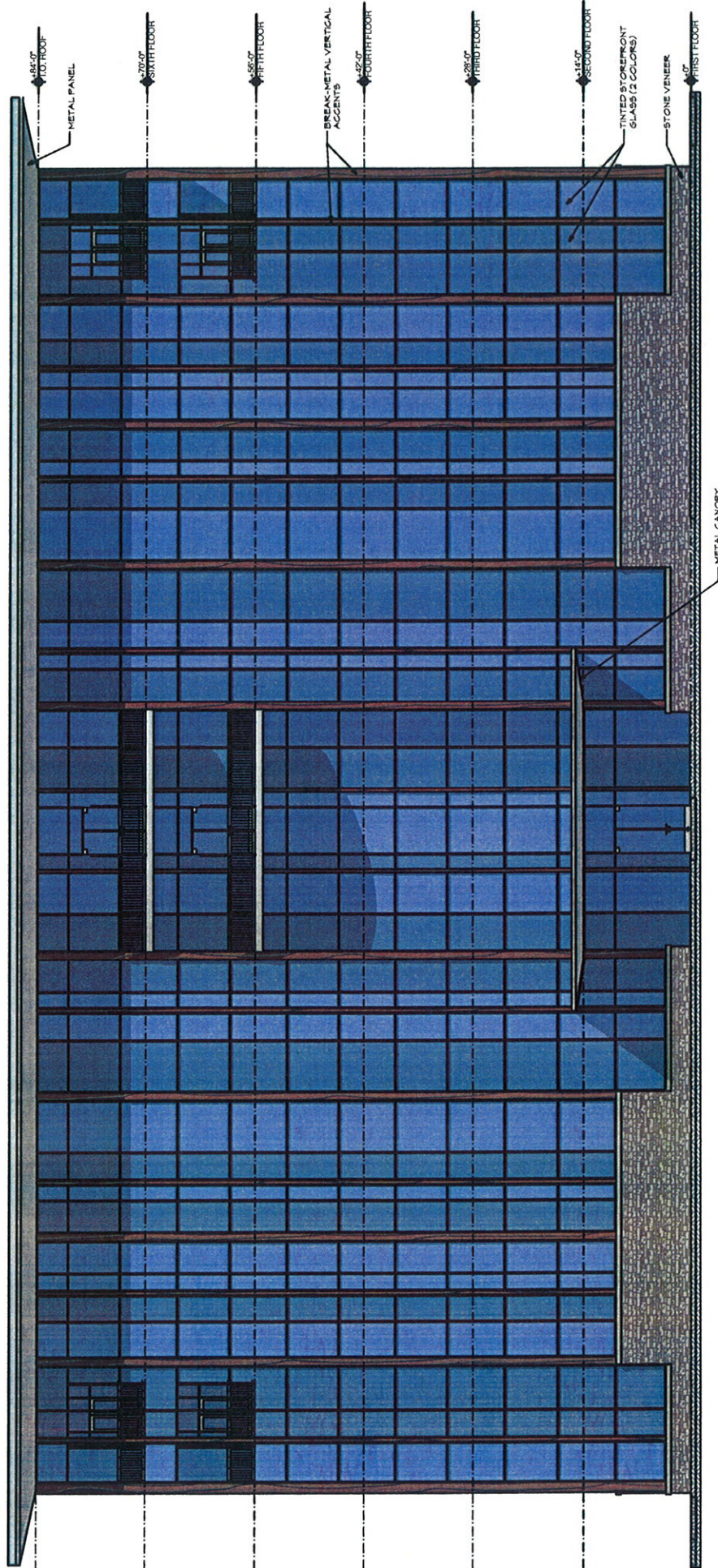
Retail Building #3

Miller Boskus Lack Architects, P.A.

Park Centre

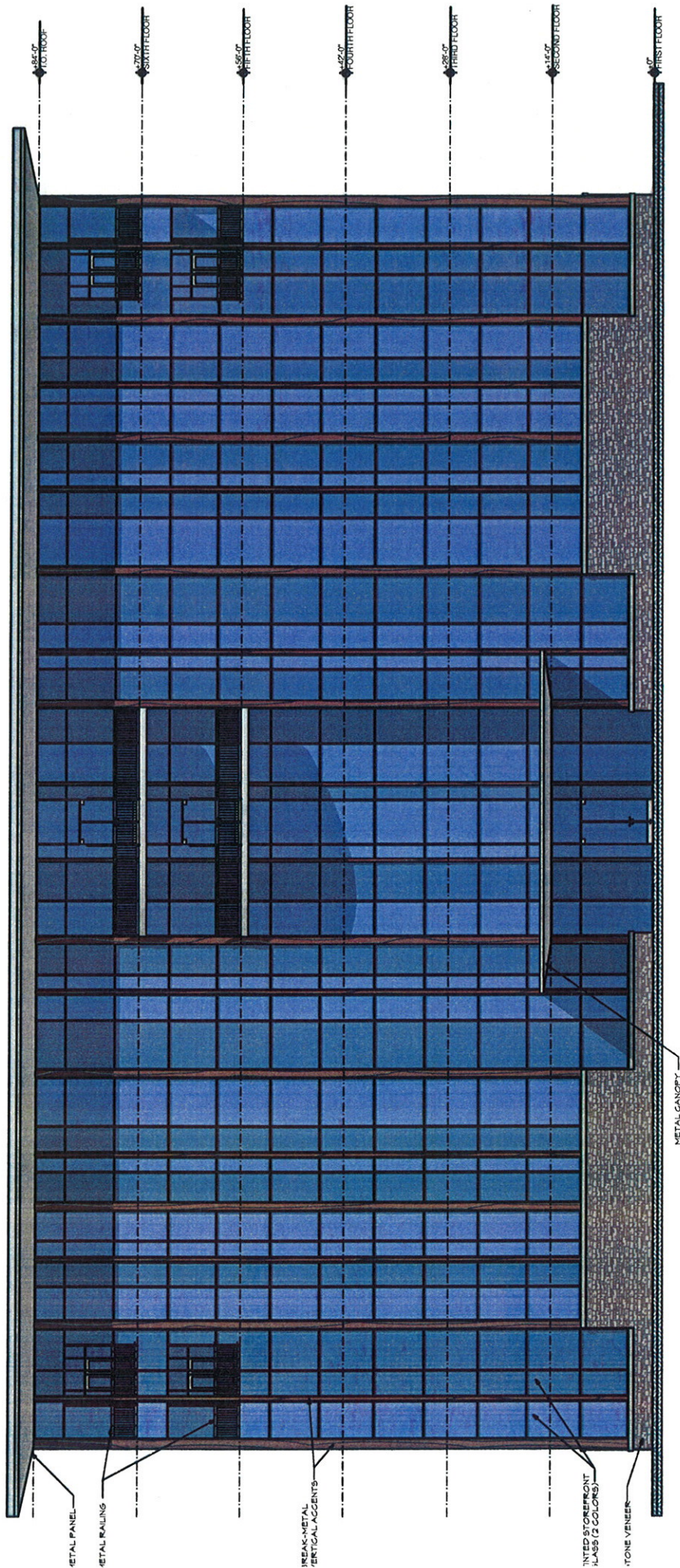
EXISTING
APPENDIX “B”

PLANNING AREA 2
(OFFICE AND RESIDENTIAL)
ELEVATIONS



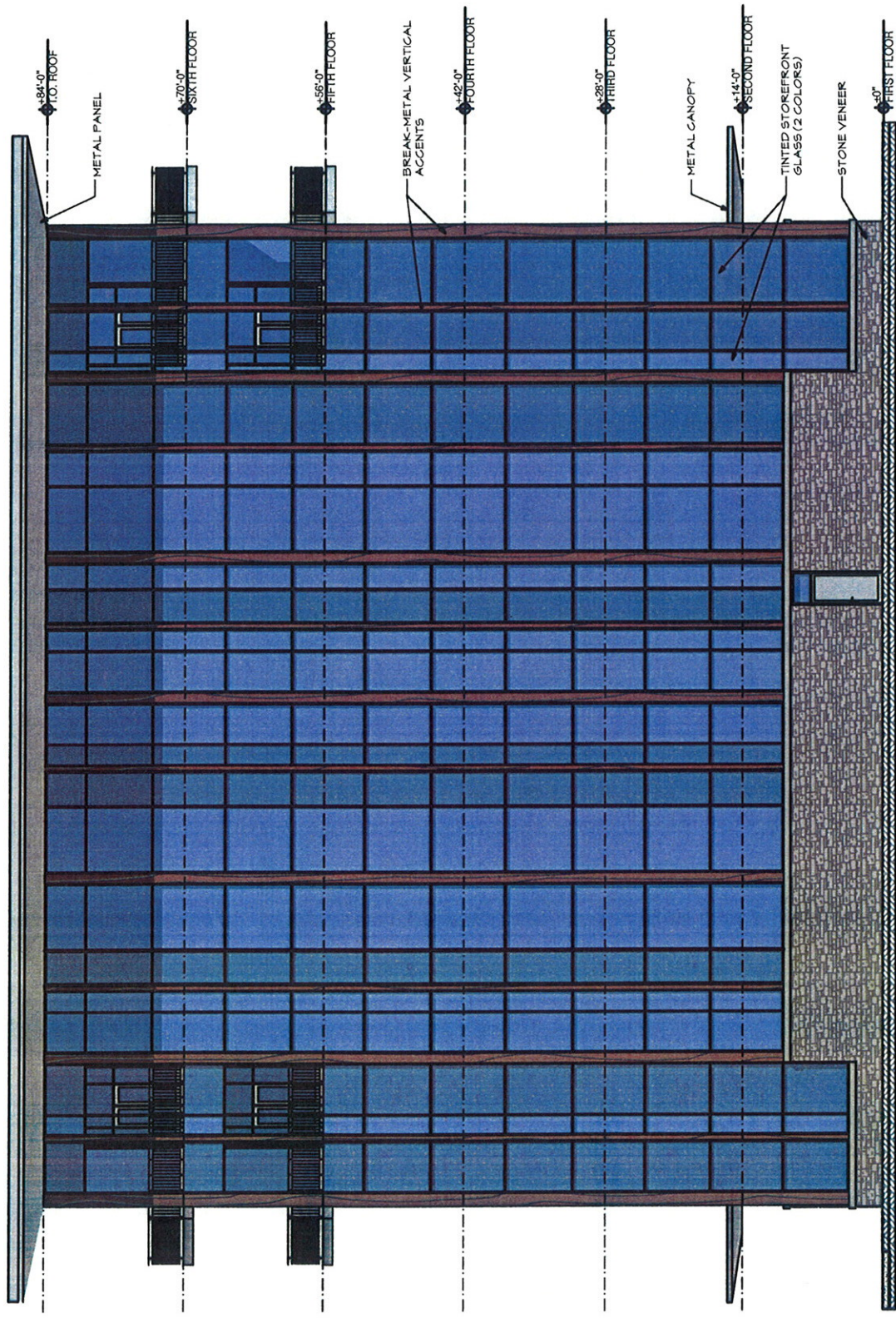
SOUTH ELEVATION

SCALE: 1" = 20'



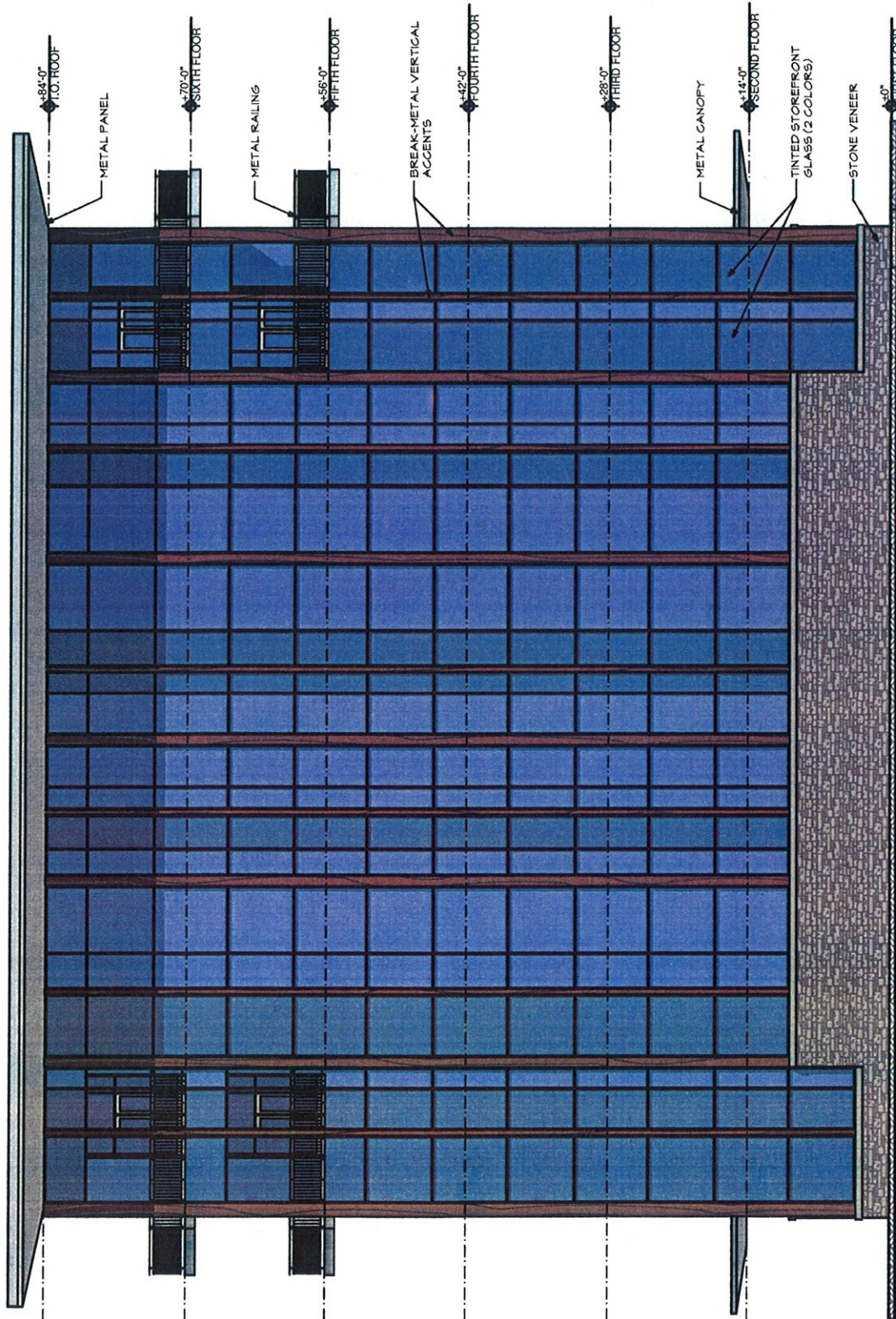
NORTH ELEVATION

SCALE: 1" = 20'



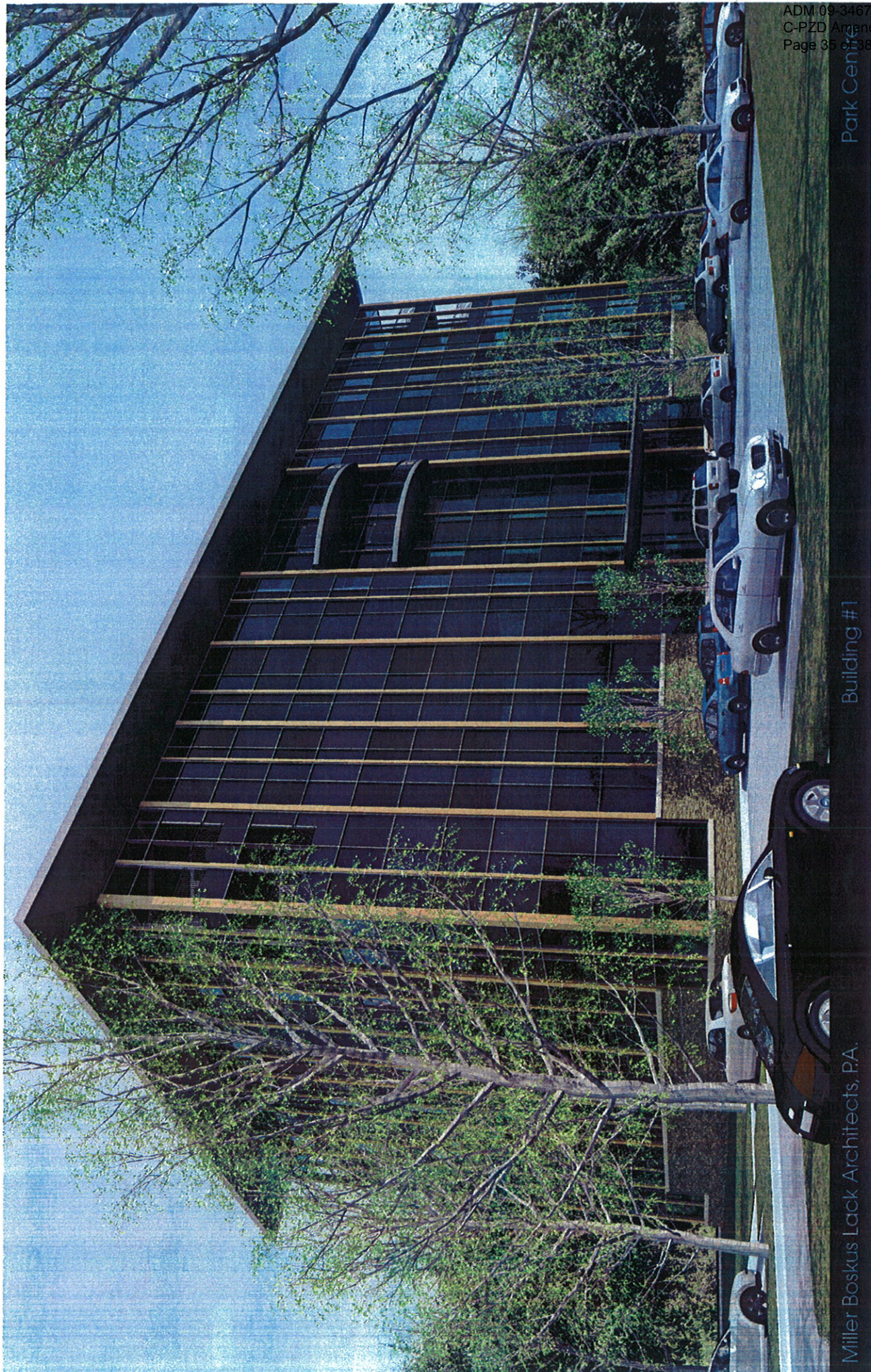
EAST ELEVATION

SCALE: 1/16" = 1'-0"



WEST ELEVATION

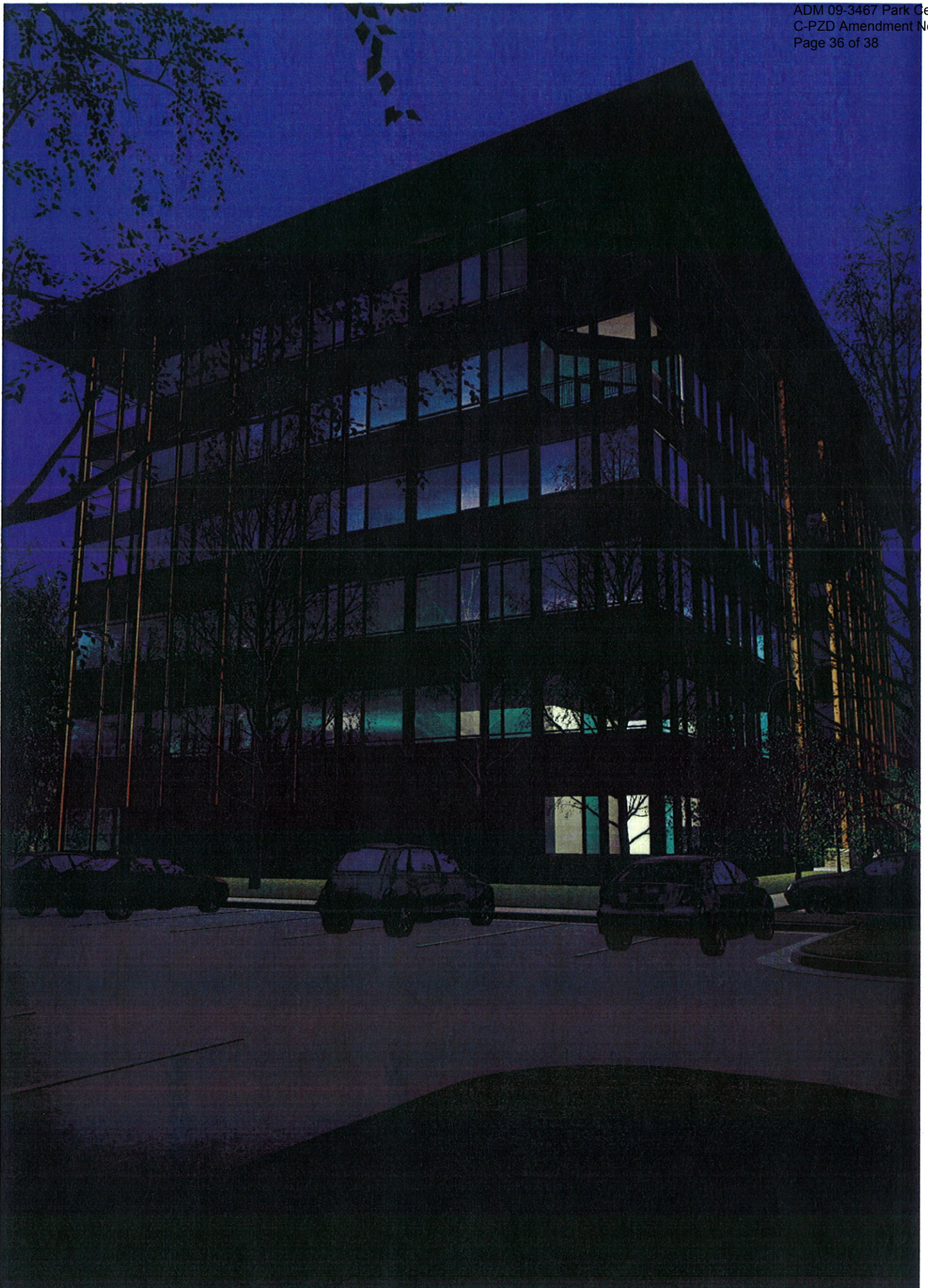
SCALE: 1/16" = 1'-0"



Building #1

Miller Boskus Lack Architects, P.A.

Park Centre





①

City Council Agenda Items
and
Contracts, Leases or Agreements

12/1/2009

City Council Meeting Date
Agenda Items Only

Sharon Crosson

Submitted By

Parking Management

Division

Transportation Services

Department

Action Required:

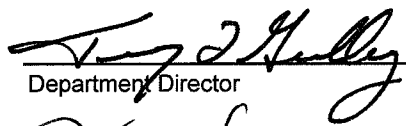
Approval of a resolution to express the City Council's support for the City Parking Division to seek leases and agreements to manage private parking lots.

_____	\$ _____	_____
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

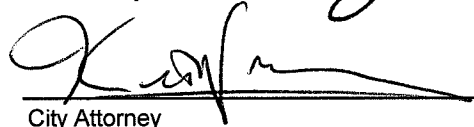
☐


Department Director

11-13-09

Date

Previous Ordinance or Resolution # _____



City Attorney

11-13-09

Date

Original Contract Date: _____

Original Contract Number: _____



Finance and Internal Services Director

11-13-2009

Date

Received in City
Clerk's Office


Chief of Staff

11-16-09

Date

Received in
Mayor's Office


Mayor

11/16/09

Date

Comments:

AGENDA REQUEST MEMO

TO: Mayor Lioneld Jordan

THROUGH: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director

FROM: Sharon Crosson, Parking and Telecom Manager

DATE: November 12, 2009

SUBJECT: Request for Approval of a Resolution to Express the City Council's Support
for the City Parking Division to Seek Leases and Agreements to Manage
Private Parking Lots

RECOMMENDATION

This resolution would basically give the City Council support to the Mayor and staff to begin negotiating Lease Agreements with private parking lot owners in the downtown and Dickson Street area that charge a parking fee for public parking. All Lease Agreements would be brought individually before the City Council for final approval.

BACKGROUND

History of Private Property Owners Enforcing Paid Parking:

In October of 2005 City staff brought forth an item for the Council to consider entering into a lease agreement with a private parking lot owner for the City to provide Parking Management and Enforcement services. The proposed lease brought forth was with Greg House and Steve Mansfield to provide parking services at the Fayetteville Depot, LLC Lot. Administrators of University Baptist Church and the University of Arkansas West Annex properties were also interested in such services and were awaiting the outcome of this lease to consider having the City manage their lots as well.

Staff recommended approval of the lease and felt the City would benefit in many ways:

- Continuity of enforcement practices for all downtown parking lots whether publicly or privately owned
- Consistency in the rate structure
- Centralization of customer service and citizen information
- Illegal and overtime parking enforced by written citation rather than the towing and/or immobilization of vehicles
- Additional revenues generated for the City of Fayetteville to apply toward the construction of a future parking deck

- A lease on the property allowing existing City staff to clean the property on a regular basis along with other public lots in the Dickson Street area.

After in depth deliberation by City Council, the proposed Lease on the Fayetteville Depot Lot failed. The single reason for the Council voting against it was a clause in the contract that stated that the City had to change Lot 55 to paid parking within 6 months. The City Council wanted this requirement stricken from the Lease and the property owners were not willing to remove it.

Since then, there have been 6 privately owned parking lots/decks in the Dickson Street and Square areas that have installed pay machines and are now enforcing their own parking rules and rates. The only method of enforcement for private property owners is to have the vehicles towed or immobilized (“booted”). Therefore, all illegal and/or overtime parked vehicles in these lots results in the vehicle being towed away to another storage location. This not only causes major frustration and inconvenience for visitors of our Entertainment District, but many times causes a very unsafe situation for those trying to locate their vehicle late at night.

Unfortunately, anytime a vehicle is towed in our Entertainment District, it makes our City look unfriendly and unwelcoming. It does not matter to the vehicle owner that it is a private lot, it still happened in the City of Fayetteville.

DISCUSSION

The private lots that have begun their own “paid parking” and private enforcement in this vicinity are:

1. Fayetteville Depot, LLC Lot
Northwest corner of West Ave. and Dickson St.
2. University Baptist Church Lot
Between Watson, Campbell and Lafayette
3. Unknown Owner (maybe Ryan Fowler – Monroe Locust, LLC ?)
Behind old Bakery Building, just off Locust St.
4. University of Arkansas Annex West Lot
Southeast corner of West Ave. and Lafayette
5. Underwood’s Parking Deck
6. Mountain Street Parking Lot
Where old Mountain Inn used to be located

1. and 2. The first two lots employ the following enforcement practices:

- The property owner purchased the pay machines.
- The pay machine monitors numbered spaces.
- Towing company has a code they enter into the machine that tells them what spaces have been paid for and those that have expired.

- There is no remote access but the pay machine will send an email in case of a machine malfunction or jam.
- Illegally parked and overtime parked vehicles are removed/towed.
- Towing service is provided by Towing Plus.
- Towing Plus gives a 30 to 40 minute grace period before towing overtime parkers.
- If the vehicle owner comes out while the driver is hooking up, they will set the car down for ½ the fee.
- Vehicles bluntly outside the lines of the numbered spaces are also in violation.
- All vehicles in violation are then towed to the Towing Plus yard located on South School Avenue.
- The cost to retrieve the vehicle ranges from \$87.40 to \$120.20, depending on the equipment needed to transport the vehicle.
- UBC requested Towing Plus to charge a flat rate of \$100.00 per vehicle towed from their property.
- Storage fee is \$35.00 per day, which is regulated by the Towing Board.
- There is not profit sharing; the property owner keeps the parking revenues and the towing company keeps all the towing fees (it is illegal to share the towing costs with the property owner).

3. It is unknown at this time how the property owner of the third lot operates as we have been unsuccessful in contacting them. We do know that they use Ed's Towing Service and assume that their procedures are very similar.

4. and 5. Private owners contract with Parking Systems of America to provide parking enforcement services. Their method of enforcement is immobilization of vehicle until all fees are paid in full. The owners of these 2 properties have requested that the City begin providing enforcement services, as they are very unhappy with the services provided by their current contractor.

Parking Rates

Fayetteville Depot, LLC Lot

	2:00am – 4:59pm	5:00pm – 1:59am
Monday/Tuesday/Wednesday	\$0.50/hr	\$0.75/hr
Thursday	\$0.50/hr	\$2.00/hr
Friday/Saturday	\$0.75/hr	\$2.00/hr
Sunday	\$0.75/hr	\$0.75/hr
Rates are subject to change on holiday and	during special events	

University Baptist Church Lot

	2:00am – 4:59pm	5:00pm – 1:59am
Monday/Tuesday/Wednesday	\$0.25/hr	\$0.75/hr
Thursday/Friday	\$0.25/hr	\$2.00/hr
Saturday	\$1.00/hr	\$2.00/hr
Sunday	UBC Parking Only	\$0.75/hr
Rates are subject to change on holiday and	during special events	

Bakery Building Lot

	6:00pm – 6:00am	
Flat rate every day	\$2.00/hr	
Rates are subject to change on holiday and	during special events	

Mountain Street Lot (old Mountain Inn)

	24/7/365	
1 hour	\$2.00	
2 hours	\$4.00	
8 hours	\$5.00	
24 hours	\$10.00	

Underwood's Parking Deck

	24/7/365	
1 hour	\$2.00	
2 hours	\$4.00	
Over 2 hours	\$5.00	
Overnight	\$5.00	

U/A Parking Meters on Maple Street

	24/7/365	20 minute limit
4 minutes	\$0.05	
8 minutes	\$0.10	
20 minutes	\$0.25	

U/A Parking Meters on Arkansas Avenue

	24/7/365	2 hour limit
Flat rate per hour	\$1.30/hr	

City of Fayetteville Parking Meters

	8:00am – 6:00pm	
Short-term meters (2 hour limit)	\$0.25/hr	
Long-term meters (10 hour limit)	\$0.15/hr	

RESOLUTION NO. _____

**A RESOLUTION TO EXPRESS THE CITY COUNCIL'S SUPPORT
FOR THE CITY PARKING DIVISION TO SEEK LEASES AND
AGREEMENTS TO MANAGE PRIVATE PARKING LOTS**

WHEREAS, the City of Fayetteville, Arkansas desires to encourage a consistent method of parking enforcement for parking in the downtown and Dickson Street areas; and

WHEREAS, the City recognizes that there is an existing problem with vehicles getting towed from downtown private lots causing a negative reputation for the City of Fayetteville; and

WHEREAS, citizens, customers, local merchants, and patrons of the Walton Arts Center have complained about downtown private parking lot towing practices; and

WHEREAS, centralizing of parking service information will be beneficial to visitors of our downtown areas; and

WHEREAS, additional revenues generated from city managed paid parking lots could be escrowed to fund a future parking deck; and

WHEREAS, if the City Parking Division can lease and manage numerous private parking lots, it can more efficiently clean and maintain all the parking lots it manages.

**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 expresses its support for the City Parking Division to seek leases of private parking lots and agreements to manage those private parking lots in the downtown and Dickson Street areas.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby agrees to adopt parking lot rate ordinances for private parking lots in an attempt to authorize the use of criminal citations (parking tickets) for cars over-parked on a private parking lot leased and managed by the City.

PASSED and APPROVED this 1st day of December, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

2

C. 5
Dickson Street Parking
Page 1 of 6City Council Agenda Items
and
Contracts, Leases or Agreements

12/1/2009

City Council Meeting Date
Agenda Items Only

Sharon Crosson

Submitted By

Parking Management

Division

Transportation Services

Department

Action Required:

Approval of a resolution to recommend that City staff prepare plans to make all City parking lots in the Dickson Street Entertainment area paid parking.

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

11-13-09
Date

Previous Ordinance or Resolution #

City Attorney

11-13-09
Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

11-16-2009
DateReceived in City
Clerk's Office

Chief of Staff

11-16-09
DateReceived in
Mayor's Office

Comments:

AGENDA REQUEST MEMO

TO: Mayor Lioneld Jordan

THROUGH: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director

FROM: Sharon Crosson, Parking and Telecom Manager

DATE: November 13, 2009

SUBJECT: Request for Approval of a Resolution to Recommend that City Staff Prepare Plans to Make all City Parking Lots in the Dickson Street Entertainment Area Paid Parking

RECOMMENDATION

This resolution would give the City Council support to the Mayor and staff to begin preparing plans to change the four (4) public parking lots in the Dickson Street area to paid parking in order to generate revenues to fund a parking deck in the Dickson Street area.

BACKGROUND

There are four public parking lots in the Dickson Street area that are currently "free to park" lots.

- Lot 50 is a 293-space lot is gated and does not open until 10:00am on weekdays and is open all weekend.
- Lot 55 has 105 spaces, is located behind Hog Haus and offers timed parking which allows you to park free for up to two hours.
- Lot 56 has 65 spaces, is located on the south side of the Walton Arts Center at the corner of Spring and West Avenue and is free all day and night.
- Lot 60 has 58 spaces, is located on the east side of the Walton Arts Center on the other side of School Avenue and is free all day and night..

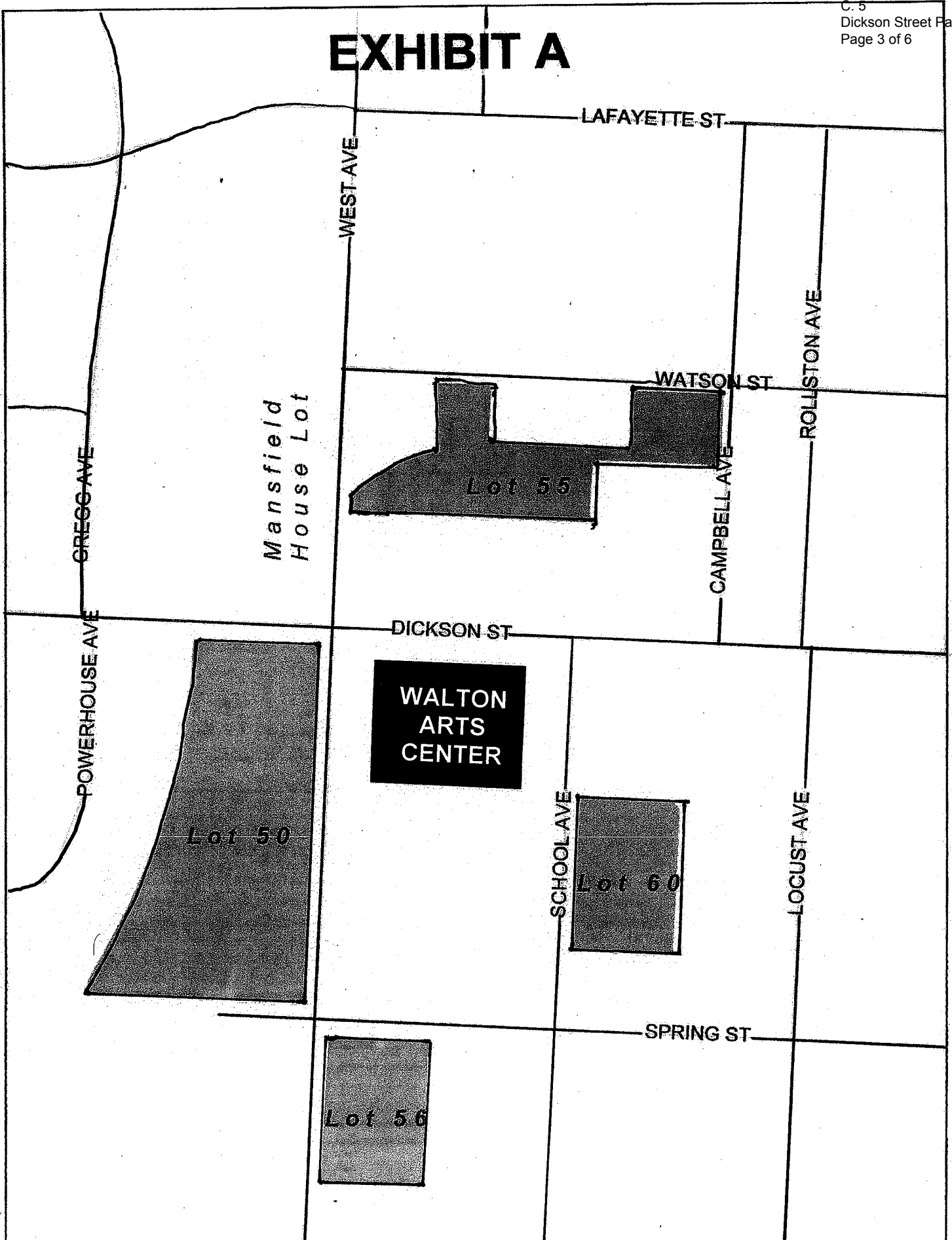
DISCUSSION

Over the past 4 years, City staff has held numerous meetings with area merchants, the Walton Arts Center, University Baptist Church, and many others about changing these lots to generate parking revenues that will be used to fund a parking deck for the area. Other private parking lot owners in this area have already changed to paid parking and have approached the City about providing parking services and enforcement on their property.

BUDGET IMPACT

The total revenues generated from converting these four lots are estimated at \$768,475 annually. Additional staffing and operating cost would be \$110,862, leaving a **total net revenue of \$657,613 annually.**

EXHIBIT A



2010

PARKING REVENUE PROJECTIONS

ADDITIONAL DICKSON STREET PARKING LOTS - PUBLIC AND PRIVATE

Parking Lots		Location	Number of Spaces	Citation Revenue 5 days/week Currently \$5.00 Fine 7am - 5pm MTWTF 50 hours/week Avg. \$118/space	Citation Revenue 6 days/week Escalated Fines \$10 \$20 \$30 7am - 8pm MTW 7am - 2am TFS 96 hours/week Avg. \$236/space	Citation Revenue 7 days/week 10am - 8pm Sun 7am - 8pm MTW 7am - 2am TFS 112 hours/week Avg. \$275/space	Parking Fee Revenue 300 days/year 16 hours/day \$0.50/hr + \$1.00/hr 50% capacity City Lots = 100% Revenue Private Lots = 10% Revenue
Currently metered areas			711	\$84,150	\$167,796	\$195,525	
Lot 50 - City owned		West of WAC	293	\$34,574	\$69,148	\$80,575	\$351,600
Lot 55 - City owned		Behind Brew Pub	105	\$12,390	\$24,780	\$28,875	\$126,000
Lot 56 - City owned		South of Grubs	65	\$7,670	\$15,340	\$17,875	\$78,000
Lot 60 - City owned		East of WAC	58	\$6,844	\$13,688	\$15,950	\$69,600
Fayetteville Depot Lot		Dickson and West	156	\$18,408	\$36,816	\$42,900	\$18,720
University Baptist Church		Lafayette and West	320	\$37,760	\$75,520	\$88,000	\$38,400
U of A West Annex		Watson and West	62	\$7,316	\$14,632	\$17,050	\$7,440
Bakery Building		Locust St.	33	\$3,894	\$7,788	\$9,075	\$3,960
Underwood' Deck		Dickson and Powerhouse	267	\$31,506	\$63,012	\$73,425	\$32,040
Mountain Street Lot		Mountain and College Ave	65	\$7,670	\$15,340	\$17,875	\$7,800
Revenues:			1,424	\$84,150	\$336,064	\$391,600	\$733,560
Expenses:					+ 2.0 FTE's \$89,511	+ 2.5 FTE's \$110,862	

Net Annual Revenues - 6 days/week	\$980,113
Net Annual Revenues - 7 days/week	\$1,014,298

2010

GENERAL FUND BUDGET RELIEF

CITY OWNED LOTS CONVERTED TO PAID PARKING

Parking Lots	Location	Number of Spaces	Citation Revenue 5 days/week Currently \$5.00 Fine 7am - 5pm MTWTF 50 hours/week Avg. \$118/space	Citation Revenue 6 days/week Escalated Fines \$10 \$20 \$30 7am - 8pm MTW 7am - 2am TFS 96 hours/week Avg. \$236/space	Citation Revenue 7 days/week 10am - 8pm Sun 7am - 8pm MTW 7am - 2am TFS 112 hours/week Avg. \$275/space	Parking Fee Revenue 300 days/year 16 hours/day \$0.50/hr + \$1.00/hr 50% capacity City Lots = 100% Revenue Private Lots = 10% Revenue
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Lot 60 - City owned	East of WAC	58	\$6,844	\$13,688	\$15,950	\$69,600
Revenues:		521	\$84,150	\$122,956	\$143,275	\$625,200
Expenses:				+ 2.0 FTE's \$89,511	+ 2.5 FTE's \$110,862	

Net Annual Revenues - 6 days/week	\$658,645
Net Annual Revenues - 7 days/week	\$657,613

General Fund Budget	\$205,000.00
Less Citation Revenues	-\$84,150.00
Less On-Street Meter Revenues	-\$56,989.00
General Fund Budget Relief:	\$63,861.00

RESOLUTION NO. _____

**A RESOLUTION TO RECOMMEND THAT CITY STAFF PREPARE
PLANS TO MAKE ALL CITY PARKING LOTS IN THE DICKSON
STREET ENTERTAINMENT AREA PAID PARKING**

WHEREAS, in order to provide sufficient revenue to finance a parking deck in the Dickson Street area, the existing City parking lots serving the Dickson Street Entertainment area should be changed from free parking to paid parking.

**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 recommends that City Staff prepare plans and any necessary ordinances to change City owned parking lots in the Dickson Street Entertainment area from free parking to paid parking.

PASSED and APPROVED this 1st day of December, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AGENDA REQUEST

FOR: COUNCIL MEETING OF DECEMBER 1, 2009

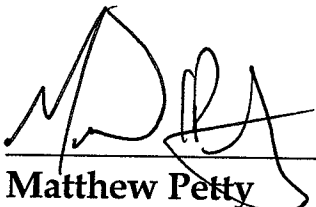
FROM:

MATTHEW PETTY, ALDERMAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

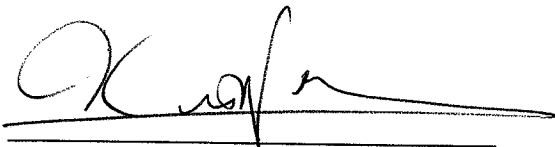
A Resolution Expressing The City Council's Support For Residential Parking Permits In The Dickson Street Area And Requesting The Administration To Present Such A System For City Council Approval

APPROVED FOR AGENDA:



Matthew Petty
Alderman

11-18-2009
Date



City Attorney
(as to form)

11-18-09
Date

From: Matthew Petty <matt@matthewpetty.org>
To: Kit Williams <kwilliams@ci.fayetteville.ar.us>
Date: 11/18/2009 10:35 AM
Subject: re: resolution for residential parking permits

Hi Kit - Here's the draft I worked up:

*A RESOLUTION ASKING
THE ADMINISTRATION TO INVESTIGATE
A SYSTEM FOR RESIDENTIAL PARKING PERMITS*

WHEREAS, the City of Fayetteville is investigating paid parking plans for the downtown district; and

WHEREAS, the implementation of any paid parking plan may adversely affect on-street parking in surrounding neighborhoods;

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

Section 1: That the City Council requests the administration of the City of Fayetteville, Arkansas will investigate permitting plans for residential parking in similar cities and present a recommendation to the Council in a timely fashion

-Matthew Petty

Get social with me on Facebook <<http://facebook.com/matthew.petty>>,
Twitter<<http://twitter.com/mpetty>>,
and LinkedIn <<http://www.linkedin.com/in/matthewpetty>>
View my calendar<<http://www.google.com/calendar/hosted/matthewpetty.org/embed?src=matt%40matthewpetty.org&>>if
you need an
appointment.
Chat with me using Google Talk and this email address...
...or call me at the office: 479 595 8303, or text my mobile: 479 871 9212
Latest post: I'm one. <<http://matthewpetty.org/articles/2009/11/im-one>>

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE CITY COUNCIL'S
SUPPORT FOR RESIDENTIAL PARKING PERMITS IN
THE DICKSON STREET AREA AND REQUESTING THE
ADMINISTRATION TO PRESENT SUCH A SYSTEM FOR
CITY COUNCIL APPROVAL**

WHEREAS, the City of Fayetteville is investigating paid parking plans for the Dickson Street area; and

WHEREAS, the implementation of any paid parking plan for the Dickson Street area may adversely affect on-street parking in the surrounding neighborhoods.

**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 expresses the City Council's support for residential parking permits in the Dickson Street area and requests that the Administration present such a residential parking permit system to the City Council for its approval.

PASSED and APPROVED this 1st day of December, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Agenda Session 11-24-09

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

**Tentative Agenda
City of Fayetteville, Arkansas
City Council Meeting
December 1, 2009**

A meeting of the Fayetteville City Council will be held on December 1, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Third Quarter 2009 Report of Financial Condition of the City – City Clerk

A. Consent:

1. Approval of the November 17, 2009 City Council meeting minutes.
2. **2009 Series Bond Issue – Streets & Trails:** A resolution adjusting the 2009 city budget to appropriate the proceeds of the 2009 Sales Tax Bond Issue for streets and trails.
3. **Fayetteville Animal Shelter Donation:** A resolution accepting a donation of \$25,000.00 to the Fayetteville Animal Shelter from the estate of Kathryn B. Stout, and approving a budget adjustment recognizing the donation.

NB#1

4. **Bid # 09-67 Royal Overhead Door Inc.:** A resolution awarding Bid 09-67 and approving purchase of three overhead rolling service doors from Royal Overhead Door, Inc. in the amount of \$36,507.00 for use at the Noland Wastewater Treatment Plant; approving a \$2,500.00 contingency; and approving a budget adjustment of \$3,007.00.

Agenda Additions:

B. Unfinished Business:

1. **Old Wire Annexation Appeal:** An ordinance annexing that property described in annexation petition ANX 09-3409 (CC2009-4), for property located at 3231 North Old Wire Road, the northwest corner of Old Wire Road and Rom Orchard Road, containing approximately 39 acres. *This ordinance was left on the First Reading at the October 6, 2009 City Council meeting. This ordinance was left on the Second Reading at the October 20, 2009 City Council meeting. This ordinance was left on the Third Reading at the November 3, 2009 City Council meeting and Tabled to the November 17, 2009 City Council meeting. This ordinance was left on the Third Reading at the November 17, 2009 City Council meeting and Tabled to the December 1, 2009 City Council meeting.*

Left on the Third Reading

C. New Business:

1. **RZN 09-3442 (Kimbrough):** An ordinance rezoning that property described in rezoning petition RZN 09-3442, for approximately 0.3 acres, located at 805 West Bel Air Drive from RSF-4, Residential Single-Family, 4 units per acre, to RSF-8, Residential Single-Family, 8 units per acre.
2. **Illinois River Watershed Partnership:** An ordinance waiving the requirements of §34.23, of the Fayetteville Code of Ordinances and approving a contract with the Illinois River Watershed Partnership in the amount of \$10,000.00 for Watershed Education and Planning Services.
3. **ADM 09-3467 Park Centre C-PZD Amendment No. 1:** An ordinance amending a commercial planned zoning district entitled C-PZD 08-2894 Park Centre to allow modification to the approved building elevations, as described herein.
4. **Private Parking Lot Agreements:** A resolution to express the City Council's support for the City Parking Division to seek leases and agreements to manage private parking lots.
5. **Dickson Street Parking:** A resolution to recommend that City staff prepare plans to make all City parking lots in the Dickson Street entertainment area paid parking.
6. **Residential Parking Permits – Dickson Street Area:** A resolution expressing the City Council's support for residential parking permits in the Dickson Street area and requesting the administration to present such a system for City Council approval.

Announcements:

1. City Council Tour: ~~November 30, 2009~~

NONE

Adjournment:

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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.

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Pre-Agenda Meeting

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



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Ward 1 Position 2 – Brenda Thiel
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Tentative Agenda City of Fayetteville, Arkansas City Council Meeting December 1, 2009

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- NB 4 / 5. **Private Parking Lot Agreements:** A resolution to express the City Council's support for the City Parking Division to seek leases and agreements to manage private parking lots.

- NB 5 / 6. **Dickson Street Parking:** A resolution to recommend that City staff prepare plans to make all City parking lots in the Dickson Street entertainment area paid parking.

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- ~~4. **Amend Chapter 51: Removed at pre agenda meeting by Don Marr**~~

Announcements:

1. City Council Tour: November 30, 2009

Adjournment:

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