

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith



ALDERMEN

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

Final Agenda City of Fayetteville Arkansas City Council Meeting April 15, 2014

A meeting of the Fayetteville City Council will be held on April 15, 2014 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the April 01, 2014 City Council meeting minutes. **APPROVED**
2. **Bid #LS-2014 Joe Perme Construction, Inc.:** A resolution to award Bid #LS-2014 to Joe Perme Construction, Inc. for Community Development Block Grant (CDBG) rehabilitation at Lifesource International (602 S. School) and to approve a purchase order in the amount of \$26,050.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 76-14

3. **Bid #14-20 Flint Trading, Inc.:** A resolution to award Bid #14-20 and to authorize the purchase of preformed thermoplastic pavement markings from Flint Trading, Inc. for a unit price of \$4.03 per square foot as needed through the end of 2014.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 77-14

4. **Continental Flooring Company:** A resolution to approve a change order to the agreement with Continental Flooring Company in the amount of \$10,250.00 for the installation of vinyl plank flooring in the Transportation Division office.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 78-14

5. **United States Conference of Mayors Award:** A resolution to accept the United States Conference of Mayors first place award of \$10,000.00 for the Prescription Drug Abuse Awareness Program, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 79-14

6. **Mitchell, Williams, Selig, Gates & Woodyard, PLLC Amendment No. 2:** A resolution to approve Amendment No. 2 to the contract with Mitchell, Williams, Selig, Gates & Woodyard, PLLC in the amount of \$20,000.00 for additional legal services related to the White River water quality standards petition to the Arkansas Pollution Control and Ecology Commission.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 80-14

B. Unfinished Business: None

C. New Business:

1. **RZN 14-4618 (Southwest Corner of Paddock Lane and Happy Hollow Rd/Paddock SD):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4618, for approximately 9.60 acres, located at the southwest corner of Paddock Lane and Happy Hollow Road from R-PZD, Residential Planned Zoning District, to RSF-8, Residential Single Family, 8 units per acre and NC, Neighborhood Conservation.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5676

2. **RZN 14-4645 (North of Alberta St. and West of the Coves/The Coves):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4645, for approximately 10.22 acres, located north of Alberta Street and west of The Coves from R-PZD, Residential Planned Zoning District, to RSF-8, Residential Single Family, 8 units per acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5677

3. **ADM 14-4648 (Forest Hills PZD):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to amend the architectural design standards for Planning Area One.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5678

4. **ADM 14-4635 (UDC Amend 151, 166.21, 166.22, 166.23):** An ordinance to amend §§151.01 Definitions, 166.21 Downtown Design Overlay District, 166.22 Parking Garages in Downtown Core, Mainstreet Center and Downtown General Zoning Districts, and 166.23 Urban Residential Design Standards of the Unified Development Code to better align these code sections with the goals and policies of the Downtown Master Plan and City Plan 2030.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5679

5. **ADM 14-4652 (UDC Amendment Chapter 156 Variances):** An ordinance to amend §156.03 Development and §172.04 (F) Parking Lot Design Standards of the Unified Development Code to clarify that variances of §172.04 (F) Parking Lot Design Standards may be requested.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5680

6. **Repeal §97.016:** An ordinance to repeal §97.016 Fee For City Park Ballfields and enact a replacement §97.016 Fee For City Park Athletic Facilities and Trails for Tournaments and Special Events.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5681

7. **Amend §114.03:** An ordinance to amend §114.03 First Thursday Fayetteville (A) and (B) to change the starting time for First Thursday from 4:00 p.m. to 3:00 p.m.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5682

8. **RJN Group, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with RJN Group, Inc. for professional engineering services to be used for completion of utilities projects currently in progress in an amount not to exceed \$56,000.00, and approving a budget adjustment.

THIS ORDINANCE WAS TABLED INDEFINITELY

9. **Walton Arts Center Council, Inc. Agreement:** A resolution to approve an agreement with the Walton Arts Center Council, Inc. to reimburse the Walton Arts Center for their leasing expenses during the construction of the Spring Street Parking Deck in a monthly amount of \$6,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 81-14

- 10. Amend the Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council to change the beginning time of the regular City Council meetings from 6:00 p.m. to 5:30 p.m.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 82-14

D. City Council Agenda Session Presentations:

- 1. Houses at Willow Bend Presentation** – Fayetteville Partners for Better Housing and Chico Building and Land, LLC
- 2. Four Housing Narratives to Anchor an Arts District:** University of Arkansas Community Design Center

E. City Council Tour:

F. Announcements:

Adjournment: 7:07 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

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Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

City Council Meeting:

April 15, 2014

Adjourn: 7:07 p.m.

Subject:	Roll				
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan	✓			

9-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

Subject:	Consent				
Motion To:					
Motion By:		<i>Approve</i>			
Seconded:		<i>Long</i>			
		<i>Gray</i>			
<i>Minutes</i> <i>Approved</i> <i>Approved</i> 7/10-14 thru 8/0-14	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

Subject:	None				
Motion To:					
Motion By:					
Seconded:					
Unfinished Business	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

Subject:	RZN 14-4618 (Southwest Corner of Paddock Lane and Happy Hollow Rd/Paddock SD)				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Gray		
Seconded:		Tennant	Marsh		
C. 1 New Business <u>passed</u> 50710	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:	RZN 14-4645 (North of Alberta St. and West of the Coves/The Coves)				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Adams	Tennant		
Seconded:		Tennant	Marsh		
C. 2 New Business <u>passed</u> 5077	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:		ADM 14-4648 (Forest Hills PZD)			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Tennant		
Seconded:		Marsh	Adams		
C. 3 New Business <u>passed</u> 5078	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:		ADM 14-4635 (UDC Amend 151, 166.21, 166.22, 166.23)			
Motion To:		Amend to reduce the number of green Screens	Amend fence height from 6 to 8 feet	2nd Read	3rd Read
Motion By:		Marsh	Marsh	Gray	Petty
Seconded:		Kinion	Kinion	Marsh	Marsh
C. 4 New Business 5079	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Schoppmeyer	✓	✓	✓	✓
	Adams	✓	✓	✓	✓
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Mayor Jordan				
		8-0	8-0	8-0	8-0

City Council Meeting:

Subject:	ADM 14-4635 (UDC Amend 15), 166.21, 166.22,				
Motion To:		Pass			166.23
Motion By:					
Seconded:					
<u>passed</u>	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

Subject:		ADM 14-4652 (UDC Amendment Chapter 156 Variances)			
Motion To:		Amend as Proposed by City attorney	2nd Read	3rd Read	Pass
Motion By:		Long	Tennant	Gray	
Seconded:		Adams	Schoppmeyer	Tennant	
C. 5 New Business <u>passed</u> 5080	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Schoppmeyer	✓	✓	✓	✓
	Adams	✓	✓	✓	✓
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Mayor Jordan				
		8-0	8-0	8-0	8-0

Subject:		Repeal §97.016 Fee for City Park Ballfields			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Tennant	Gray		
Seconded:		Gray	Adams		
C. 6 New Business <u>passed</u> 5081	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	7-1	

Subject:		Amend §114.03 <i>First Thursday</i>			
Motion To:			<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>
Motion By:			<i>Tennant</i>	<i>Marsh</i>	
Seconded:			<i>Marsh</i>	<i>Long</i>	
C. 7 New Business <i>passed</i>	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
<i>5682</i>	Mayor Jordan				

*8-0**8-0**8-0*

Subject:		RJN Group, Inc.			
Motion To:			<i>Table Indefinitely</i>		
Motion By:			<i>Tennant</i>		
Seconded:			<i>Marsh</i>		
C. 8 New Business <i>Table Indef.</i>	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

8-0

Subject:		Walton Arts Center Council, Inc. Agreement			
Motion To:		Approve			
Motion By:		Tennant			
Seconded:		Gray			
C. 9 New Business <u>passed</u> 81-14	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

80

Subject:		Amend the Rules of Order and Procedure				Change to begin immediately
Motion To:		Approve				
Motion By:		Marsh				
Seconded:		Tennant				
C. 10 New Business <u>passed</u> 82-14	Marsh	✓				
	Kinion	✓				
	Petty	N				
	Tennant	✓				
	Schoppmeyer	✓				
	Adams	✓				
	Long	✓				
	Gray	✓				
	Mayor Jordan					

7-1



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: April 17, 2014

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of April 15, 2014

1. **Bid #LS-2014 Joe Perme Construction, Inc.:** A resolution to award Bid #LS-2014 to Joe Perme Construction, Inc. for Community Development Block Grant (CDBG) rehabilitation at Lifesource International (602 S. School) and to approve a purchase order in the amount of \$26,050.00.
2. **Bid #14-20 Flint Trading, Inc.:** A resolution to award Bid #14-20 and to authorize the purchase of preformed thermoplastic pavement markings from Flint Trading, Inc. for a unit price of \$4.03 per square foot as needed through the end of 2014.
3. **Continental Flooring Company:** A resolution to approve a change order to the agreement with Continental Flooring Company in the amount of \$10,250.00 for the installation of vinyl plank flooring in the Transportation Division office.
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City Attorney Kit Williams
City Clerk Sondra E. Smith



ALDERMEN

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City Council Meeting
April 15, 2014**

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Roll Call

Pledge of Allegiance

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Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council

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

FROM: Jesse Fulcher, Senior Planner

DATE: March 27, 2014

SUBJECT: **RZN 14-4618: Rezone (SOUTHWEST CORNER OF PADDOCK LANE AND HAPPY HOLLOW RD/PADDOCK SD, 526):** Submitted by BLEW AND ASSOCIATES for property located AT THE SOUTHWEST CORNER OF PADDOCK LANE AND HAPPY HOLLOW ROAD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 9.60 acres. The request is to rezone 6.17 acres to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE and 3.37 acres to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to rezone the subject property from R-PZD, Paddock Road to RSF-8, Residential Single-family and NC, Neighborhood Conservation.

BACKGROUND:

The subject property is located at the southwest corner of Happy Hollow Road and Paddock Road. The Paddock Lane PZD was approved by the City Council in 2006 and allows for the development of 33 single-family units and 25 multi-family units, an overall density of 5.91 units per acre. It took several years for construction to be completed, but the final plat was approved in 2010. Development of the property in conformance with the PZD is permitted, but no units have been constructed.

DISCUSSION:

On March 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0.

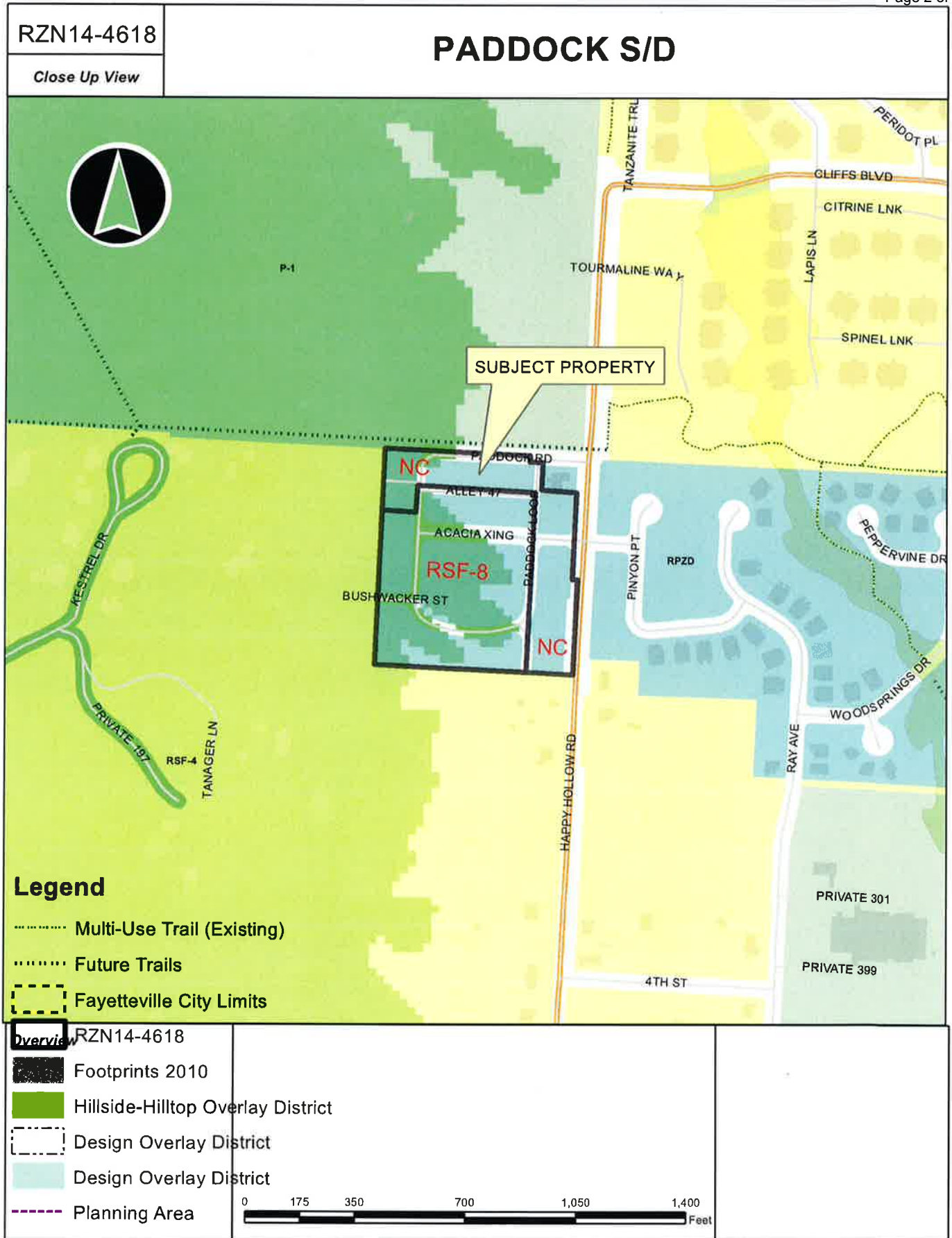
BUDGET/STAFF IMPACT:

None

Attachments:

- Draft ordinance, exhibits and staff report

EXHIBIT "A"

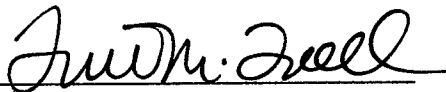


6. The Walton Arts Center shall invoice the City of Fayetteville monthly for reimbursement provided herein. Payments by the City of Fayetteville shall be made within thirty (30) days of the receipt of the Walton Arts Center invoice.
7. Freedom of Information Act: City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If an FOIA request is presented to Fayetteville, the Walton Arts Center will do everything possible to provide the documents in a prompt and timely manner as prescribed in the FOIA (Ark. Code Ann. § 25-19-101, *et seq.*). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
8. Jurisdiction: Legal jurisdiction and venue for the resolution of any legal or equitable disputes arising under this Agreement lie exclusively in the Circuit Court of Washington County, Arkansas.

**CITY OF FAYETTEVILLE,
ARKANSAS**

**THE WALTON ARTS CENTER
COUNCIL, INC.**

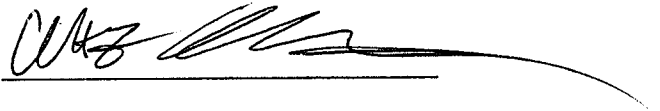
By: _____
LIONELD JORDAN, Mayor

By: 
Authorized Agent

Date: _____

Date: 4-8-14

Attest: _____
Sondra E. Smith, City Clerk

Witness: 

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith



ALDERMEN

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**City of Fayetteville Arkansas
City Council Meeting
April 1, 2014**

A meeting of the Fayetteville City Council was held on April 1, 2014 at 6:00 PM 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 Adella Gray, Sarah Marsh, Mark Kinion, Justin Tennant, Martin Schoppmeyer, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, Deputy City Clerk Lisa Branson, Staff, Press, and Audience.

ABSENT: Alderman Matthew Petty and Alderman Rhonda Adams

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions:

Alderman Long moved to add the following to the agenda: NWA Area Agency Contract. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Alderman Adams were absent.

NWA Area Agency Contract: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and The Area Agency on Aging of Northwest Arkansas in the amount of \$55,735.47 to provide public recreation services for the senior citizens of Fayetteville from April 1, 2014 until December 31, 2014.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks & Recreation Director gave a brief description of the ordinance.

Don Marr, Chief of Staff: The city already has a relationship with this agency. Our lease of the Senior Center is with this agency.

Jerry Mitchell, Executive Director of the Area Agency on Aging: We have had a contractual relationship with the Northwest Arkansas Economic Development District for about 35 years to provide activity centers services in nine counties. The District did notify us that they want to terminate that contract and we have moved forward very quickly to get everything transitioned over.

Tom Frazier, stated he is a member and a volunteer at the Senior Center. He stated there is no more important thing in this country than to honor our seniors in whatever way we can. He believes it is morally imperative. He continued to speak in favor of the ordinance.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Alderman Adams were absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray: I am delighted that we have this seamless transition. I am happy that we have the program available and it is a great program. I encourage citizens in our city to go visit sometime.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Alderman Adams were absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This is the same contract, just shorter than what we had with the previous contractor. No taxpayer money has been wasted. It will cost exactly the same as what it would have when you approved it last year. Thank you Connie for your hard work.

Alderman Tennant: My brother, Jason Tennant is a former chairman of this board for Area Agency on Aging and currently sits on their foundation board. I still plan to vote because I don't see any conflict.

Mayor Jordan: I am very supportive of the Senior Center. We got this notice and we had to do some pretty quick work. It was a labor of love. Thank you Connie, Mr. Mitchell and Kit.

Tom Frazier: What is the plan after the contract ends?

City Attorney Kit Williams: You will need to talk to our Parks & Recreation Director. There will be a new selection process for next year.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Petty and Alderman Adams were absent.

Ordinance 5674 as Recorded in the office of the City Clerk

Alderman Marsh moved to add the following to the agenda: Proposed Highway 16W and I-540 Interchange Improvements. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Alderman Adams were absent.

Proposed Highway 16 and I-540 Interchange Improvement: A resolution to express the City Council's agreement with the recommendations of Mayor Jordan, Development Director Jeremy Pate and City Engineer Chris Brown concerning the proposed Highway 16W and I-540 interchange improvements and the Highway 62 and I-540 interchange improvements.

Alderman Long: We had an input session at Asbell Elementary and city staff had some great public input. We want the Highway Department to know how much we appreciate their willingness to work on the interchanges. We want to impress upon them the importance of what Fayetteville's recommendations are.

Don Marr, Chief of Staff gave an explanation of the time sensitive nature of the item and why it needed to be walked on at the City Council meeting.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. He invited citizens to email their comments and provide input to staff and City Council members.

Don Marr, Chief of Staff: The administration has become aware of a business group that is forming an opposition to the cinder median rise plan. This is why we think it is important for feedback on our preferred option.

Alderman Marsh: Thank you for putting these recommendations together. I appreciate the part about cycling, multi-use trails and transit. It is important and consistent with our City Plan 2030. I support these recommendations to the Highway and Transportation Department.

Alderman Tennant: Thank you for putting this together. The 62 and I-540 Interchange for the most part is the entrance to our city that a lot of people see. There is definitely reason to question and continue to push for what our citizens and our city would like best.

Alderman Tennant moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Alderman Adams were absent.

Resolution 67-14 as recorded in the office of the City Clerk.

Consent:

Approval of the March 18, 2014 City Council meeting minutes.

Approved

Bid #14-17 to Chevrolet of Fayetteville: A resolution to award Bid #14-17 to Chevrolet of Fayetteville for the purchase of one (1) Chevrolet 2500HD pickup truck with topper and Jotto cargo slide in the total amount of \$34,350.00 for use by the Fire Department.

Resolution 68-14 as recorded in the office of the City Clerk.

Bid #14-18 Hilbilt Sales Corp. – Arkansas: A resolution to award Bid #14-18 to Hilbilt Sales Corp. - Arkansas of Benton, Arkansas for the purchase of one (1) Clement Industries Starlite hydraulic end dump trailer in the total amount of \$43,559.78 for use by the Westside Wastewater Treatment Plant.

Resolution 69-14 as recorded in the office of the City Clerk.

Bid #14-19 Lewis Ford Sales, Inc.: A resolution to award Bid #14-19 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas for the purchase of three (3) Ford F250 4x4 pickup trucks with Meyer snow plows in the total amount of \$98,707.86 for use by the Parks and Transportation Divisions.

Resolution 70-14 as recorded in the office of the City Clerk.

Williams Tractor of Fayetteville: A resolution to approve the purchase of one (1) Hustler Trimstar mower and four (4) Hustler Super Z mowers from Williams Tractor of Fayetteville in the total amount of \$58,627.21 pursuant to a state procurement contract, and to approve a budget adjustment.

Resolution 71-14 as recorded in the office of the City Clerk.

Professional Turf Products: A resolution to authorize the purchase of two (2) Toro Sand Pro 5040 Bunker Rakes and one (1) Toro Lip Broom from Professional Turf Products of Lenexa, Kansas in the total amount of \$38,979.00 pursuant to National IPA Contract #120535 for use by the Parks and Recreation Division.

Resolution 72-14 as recorded in the office of the City Clerk.

North Point Ford: A resolution to authorize the purchase of one (1) Ford F-250 extended cab pickup truck from North Point Ford of North Little Rock in the amount of \$21,191.00 pursuant to a state procurement contract for use by the Water and Sewer Division, and to approve a budget adjustment.

Resolution 73-14 as recorded in the office of the City Clerk.

Fayetteville Advertising and Promotion Commission: A resolution to approve a five year agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel, and Restaurant taxes collected for the A & P Commission for a fee of 2% of such collections.

Resolution 74-14 as recorded in the office of the City Clerk.

Alderman Marsh moved to accept the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Alderman Adams were absent.

Unfinished Business:

ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06): An ordinance to Amend §161.32 Planned Zoning District and §166.06 Planned Zoning District of the Unified Development Code to clearly separate the zoning and development approvals for Planned Zoning Districts and to simplify and reduce current regulations. ***This ordinance was left on the First Reading at the March 18, 2014 City Council meeting.***

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Alderman Adams were absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: Jeremy Pate, Andrew Garner, Jesse Fulcher and I worked together to try to ensure that future decisions by the City Council would be strengthened and supported by the courts if they are ever challenged. There was some confusion with the current ordinance the last time that there was an appeal. I saw the danger that existed in the current PZD ordinance that did combine both development approval and the zoning approval in one vote. What you have before you separates the planned zoning district as a zoning decision from the preliminary plat or large scale development that would be based on that zoning decision. The accompanying development proposal which will be a large scale development or preliminary plat usually must be approved by the Planning Commission and it will be contingent upon what you all do in deciding whether or not to approve the Planned Zoning District. This strengthens your approval power if you are challenged in the future. I am much more confident that you will be sustained.

We haven't had a Planned Zoning District applied for in a long time. There is one now on the horizon and it could be filed with the Planning Department tomorrow. I ask that you amend this ordinance to place an Emergency Clause in the ordinance so that it is effective upon your passage.

Jeremy Pate discussed the ordinance being amended to include an Emergency Clause.

Alderman Gray moved to amend the ordinance to add an Emergency Clause. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Alderman Adams were absent.

City Attorney Kit Williams read the ordinance with the Emergency Clause.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Alderman Adams were absent.

City Attorney Kit Williams read the ordinance.

Alderman Long: Planned Zoning Districts are something we need to look at very carefully. If we are going to make this change and developers come to us with their request for a PZD, we need to apply the extra scrutiny on the front side we normally would have throughout the entire PZD process. Now, when it comes to development approvals, those would be through the Planning Commission and we want to make sure that we get all of our constituents input on the front side.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Petty and Alderman Adams were absent.

Ordinance 5675 as Recorded in the office of the City Clerk

Alderman Marsh moved to pass the Emergency Clause. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Alderman Adams were absent.

Emergency Clause passed

New Business:

Garver, LLC Amendment No. 2: A resolution to approve Amendment No. 2 to the contract with Garver, LLC in an amount not to exceed \$69,825.00 for additional design services on the Spring Street Parking Deck Project, and to approve a budget adjustment.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. Staff is recommending approval.

Alderman Marsh moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Alderman Adams were absent.

Resolution 75-14 as recorded in the office of the City Clerk.

City Council Agenda Session Presentations:

Update on Resolution for Funding Energy Improvements to City Buildings and HEAL Program– Peter Nierengarten and Paul Becker

City Council Tour: None

Announcements:

Don Marr, Chief of Staff: The Farmers' Market opens this Saturday, April 5, 2014.

The Mayor's Town Hall meeting is April 21, 2014 at the Boys & Girls Club at 7:00 p.m.

Ward 3 Recycling and Trash bulky cleanup will be April 5, 2014 from 7:00 a.m. to 2:00 p.m. The locations are the Recycling and Trash Facility at 1560 South Happy Hollow Road and Vandergriff Elementary at 2975 East Township Street.

The comment period ends this Friday, April 4, 2014 about Highway 62, Martin Luther King or Highway 16W, Wedington.

April 3rd-5th, 2014 is the 12th annual Blues in the Natural State Festival. Information can be found on the A & P website, experiencefayetteville.com for locations and details.

City Attorney Kit Williams: Mayor Jordan, City Clerk Sondra Smith, Deputy City Clerk Lisa Branson, Jeremy Pate and I met with Chambers Bank. The mayor gave them \$3 million and received back deeds to 328 acres of land. Jeremy is working with the Walton Family Foundation on a grant to get \$1.5 million back. We are working with the Fayetteville Natural Heritage Association to try and get \$300,000.00 to sell development rights. We are now the owners of Mt. Kessler and thanks to the City Council for approving that.

Mayor Jordan: Thank you all very much.

Adjournment: 6:44 p.m.

Amended 4-15-14 at City Council
New Ordinance Meeting

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 156.03 **DEVELOPMENT** AND § 172.04 (F) **PARKING LOT DESIGN STANDARDS** OF THE UNIFIED DEVELOPMENT CODE TO CLARIFY THAT VARIANCES OF § 172.04 (F) **PARKING LOT DESIGN STANDARDS** MAY BE REQUESTED

WHEREAS, § 172.04 (F)(c) speaks of a waiver of Parking Lot Design Standards when a variance from such standards is preferable.

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 repeals § 156.03 (A) in its entirety and enacts a new § 156.03 (A) as shown below:

“156.03 Development, Parking and Loading

Certain variances of the development, parking and loading regulations may be applied as follows:

(A) General requirements.

- (1) *Undue hardship.* If the provisions of **Development**, Chapter 166, or **Parking and Loading**, Chapter 172 are shown by the developer to cause undue hardship as they apply to this proposed development (including, but not limited to financial, environmental, or regulatory) and that the situation is unique to the subject property, the City Planning Commission may grant a variance, on a temporary or permanent basis, to the development from such provision, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of the development or parking and loading regulations. No variance shall be granted for any property which does not have access to an improved street.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 172.04 by repealing § 172.04 (F)(c) *Waivers*.

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith



ALDERMEN

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
April 15, 2014**

A meeting of the Fayetteville City Council will be held on April 15, 2014 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the April 01, 2014 City Council meeting minutes.
2. **Bid #LS-2014 Joe Perme Construction, Inc.:** A resolution to award Bid #LS-2014 to Joe Perme Construction, Inc. for Community Development Block Grant (CDBG) rehabilitation at Lifesource International (602 S. School) and to approve a purchase order in the amount of \$26,050.00.

3. **Bid #14-20 Flint Trading, Inc.:** A resolution to award Bid #14-20 and to authorize the purchase of preformed thermoplastic pavement markings from Flint Trading, Inc. for a unit price of \$4.03 per square foot as needed through the end of 2014.
4. **Continental Flooring Company:** A resolution to approve a change order to the agreement with Continental Flooring Company in the amount of \$10,250.00 for the installation of vinyl plank flooring in the Transportation Division office.
5. **United States Conference of Mayors Award:** A resolution to accept the United States Conference of Mayors first place award of \$10,000.00 for the Prescription Drug Abuse Awareness Program, and to approve a budget adjustment.
6. **Mitchell, Williams, Selig, Gates & Woodyard, PLLC Amendment No. 2:** A resolution to approve Amendment No. 2 to the contract with Mitchell, Williams, Selig, Gates & Woodyard, PLLC in the amount of \$20,000.00 for additional legal services related to the White River water quality standards petition to the Arkansas Pollution Control and Ecology Commission.

B. Unfinished Business: None

C. New Business:

1. **RZN 14-4618 (Southwest Corner of Paddock Lane and Happy Hollow Rd/Paddock SD):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4618, for approximately 9.60 acres, located at the southwest corner of Paddock Lane and Happy Hollow Road from R-PZD, Residential Planned Zoning District, to RSF-8, Residential Single Family, 8 units per acre and NC, Neighborhood Conservation.
2. **RZN 14-4645 (North of Alberta St. and West of the Coves/The Coves):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4645, for approximately 10.22 acres, located north of Alberta Street and west of The Coves from R-PZD, Residential Planned Zoning District, to RSF-8, Residential Single Family, 8 units per acre.
3. **ADM 14-4648 (Forest Hills PZD):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to amend the architectural design standards for Planning Area One.
4. **ADM 14-4635 (UDC Amend 151, 166.21, 166.22, 166.23):** An ordinance to amend §§151.01 Definitions, 166.21 Downtown Design Overlay District, 166.22 Parking Garages in Downtown Core, Mainstreet Center and Downtown General Zoning Districts, and 166.23 Urban Residential Design Standards of the Unified Development Code to better align these code sections with the goals and policies of the Downtown Master Plan and City Plan 2030.

5. **ADM 14-4652 (UDC Amendment Chapter 156 Variances):** An ordinance to amend §156.03 Development and §172.04 (F) Parking Lot Design Standards of the Unified Development Code to clarify that variances of §172.04 (F) Parking Lot Design Standards may be requested.
6. **Repeal §97.016:** An ordinance to repeal §97.016 Fee For City Park Ballfields and enact a replacement §97.016 Fee For City Park Athletic Facilities and Trails for Tournaments and Special Events.
7. **Amend §114.03:** An ordinance to amend §114.03 First Thursday Fayetteville (A) and (B) to change the starting time for First Thursday from 4:00 p.m. to 3:00 p.m.
8. **RJN Group, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with RJN Group, Inc. for professional engineering services to be used for completion of utilities projects currently in progress in an amount not to exceed \$56,000.00, and approving a budget adjustment.
9. **Walton Arts Center Council, Inc. Agreement:** A resolution to approve an agreement with the Walton Arts Center Council, Inc. to reimburse the Walton Arts Center for their leasing expenses during the construction of the Spring Street Parking Deck in a monthly amount of \$6,000.00.
10. **Amend the Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council to change the beginning time of the regular City Council meetings from 6:00 p.m. to 5:30 p.m.

D. City Council Agenda Session Presentations:

1. **Houses at Willow Bend Presentation** – Fayetteville Partners for Better Housing and Chico Building and Land, LLC
2. **Four Housing Narratives to Anchor an Arts District:** University of Arkansas Community Design Center

E. City Council Tour:

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

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City of Fayetteville Item Review Form

2014-0150

Legistar File Number

April 15, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Yolanda Fields

Submitted By

Development Services

Department

Action Required:

Approval of the purchase order for building updates to LifeSource building at 602 S. School as part of the Community Development Block Grant subrecipient program

Does this item have a cost? ☒ Yes

\$26,050.00

Cost of this request

\$27,000.00

Category or Project Budget

Program or Project Name

2180.4990.5390.51

Account Number

\$0.00

Funds Used to Date

Program or Project Category

\$950.00

Remaining Balance

Community Development

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Staff recommends approval of PO

 3/27/14

Paul A. Barber 3-27-2014

Ann. Man 3-31-14




CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Jeremy Pate, Dir. Community Development

From: Yolanda Fields, Dir. Community Resources

Date: March 25, 2014

Subject: Approval of Purchase Order for CDBG Public Facilities Project at LifeSource

PROPOSAL:

LifeSource International (602 S. School) applied for and received funding through the Community Development Block Grant subrecipient program for building improvements. This project was approved by the City Council as part of the CDBG 2013 Action Plan in the amount of \$27,000 per Resolution #35-13. The improvements being made are listed below:

- Add new walls to make rooms permanent
- Drywall trim and paint new walls
- Add baby changing stations
- Add electrical plugs
- Apply new commercial tile floors to designated rooms
- Replace garage door

There were six contractors requesting bids for this project, with five actually submitting bids. Joe Perme Construction Inc. was awarded the bid for the project.

RECOMMENDATION:

Staff recommends the approval of the purchase order for this project located at 602 S. School.

BUDGET IMPACT:

Project cost is approximately \$26,050.

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #LS-2014 TO JOE PERME CONSTRUCTION INC. FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REHABILITATION AT LIFESOURCE INTERNATIONAL (602 S. SCHOOL) AND TO APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$26,050.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #LS-2014 to Joe Perme Construction Inc. for Community Development Block Grant (CDBG) rehabilitation at LifeSource International (602 S. School) and approves a purchase order, attached as Exhibit "A", in the amount of \$26,050.00.

PASSED and APPROVED this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:	Date: A. 2
P.O Number:	B. 3/25/2014 Joe Perme Construction, Inc.
	Expected Delivery Date: Page 4 of 28
	ASAP

Vendor #:	Vendor Name:	Mail
16969	Joe Perme Construction Inc.	Yes: No:

Address:	Fob Point:	Taxable	Quotes Attached
1874 S. Doral Dr.		Yes: No:	Yes: X No:

City:	State:	Zip Code:	Ship to code:	Divison Head Approval:
Fayetteville	AR	72701		

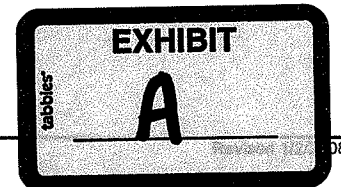
Requester:	Requester's Employee #:	Extension:
Cherrell Lee	3386	8260

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Building improvements to LifeSource at 602 S. School	1		26,050.00	\$26,050.00	2180.4990.5390.51			
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:	\$26,050.00
Tax:	
Total:	\$26,050.00

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



RECEIPT OF BIDS

OWNER(S): City of FayettevilleADDRESS: 602 S. School Ave. PROJECT No: LS-2014PROJECT TITLE: Public Facilities Rehabilitation at LifeSourceBID CLOSING DAY/DATE/TIME: March 17, 2014, 4:00 P.M.CONTRACTOR: Kim Hoadley Construction Co. BID AMOUNT: \$32,935* DQ - no bid bond presentCONTRACTOR: Mahan ConstructionBID AMOUNT: \$34,452

-PA1 - 2,800
 -PA2 - 1,325
 -PA3 - 3,327
\$27,027

CONTRACTOR: Rip Gresham ConstructionBID AMOUNT: \$34,654.85

-PA1 - \$2185
 -PA2 - \$736
 -PA3 - \$4025
\$27,708.85

CONTRACTOR: Joe Perme ConstructionBID AMOUNT: \$32,250

-PA1 - \$3,500
 -PA2 - \$2,700
\$26,050

CONTRACTOR: Handy John's Restoration
Construction + RemodelingBID AMOUNT: \$37,079.98

-PA1 - \$3,754.80
 -PA2 - \$1,783.40 = \$31,541.78
 -PA3 - \$1,763.06 = \$29,578.72

Certified by: [Signature]Date: 3/17/2014Witness: [Signature]Date: 3/17/2014

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: LS-2014 **DATE ISSUED:** 03-3-2014

DATE AND TIME OF OPENING: Monday, 4:00 pm, March 17, 2014

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 602 S. School Ave., Fayetteville, AR 72701

ATTENTION

The City has the right to select which of the items listed below will be completed based on the amount of funds available.

*In blanks below please quote price for each item and the total for project at the bottom.

A) Walls for Rooms:	<u>4,100⁰⁰</u>
B) Electrical:	<u>300⁰⁰</u>
C) Doors & Trim:	<u>1,800⁰⁰</u>
D) Paint:	<u>2,400⁰⁰</u>
E) Baby Changing Stations:	<u>900⁰⁰</u>
F) Floors (Kitchen):	<u>2,700⁰⁰</u>
F) Floors (Green Shading minus kitchen):	<u>13,300⁰⁰</u>
F) Floors (Pink Shading):	<u>3,500⁰⁰</u>
G) Garage Door:	<u>600.00</u>
H) Cleanup:	<u>350.00</u>
I) Other:	<u>2,300⁰⁰</u>

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

MY TOTAL BID PRICE FOR THIS PROJECT IS \$ 32,250⁰⁰

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: Joe Perme Construction Phone # 479-409-1101

Commercial Contractor's License number 0061550313

Street address or P O Box 1874 S. Doral Dr.

City / State / Zip Code Fayetteville, AR 72701

Printed Name: Joe Perme

Signature: [Signature] Title: Vice-President

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: LS-2014 **DATE ISSUED:** 03-3-2014

DATE AND TIME OF OPENING: Monday, 4:00 pm, March 17, 2014

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 602 S. School Ave., Fayetteville, AR 72701

ATTENTION

The City has the right to select which of the items listed below will be completed based on the amount of funds available.

*In blanks below please quote price for each item and the total for project at the bottom.

A) Walls for Rooms:	<u>8278.00</u>
B) Electrical:	<u>1552.50</u>
C) Doors & Trim:	<u>4777.10</u>
D) Paint:	<u>4025.00</u>
E) Baby Changing Stations:	<u>1759.50</u>
F) Floors (Kitchen):	<u>736.00</u>
F) Floors (Green Shading minus kitchen):	<u>6045.55</u>
F) Floors (Pink Shading):	<u>2185.00</u>
G) Garage Door:	<u>1725.00</u>
H) Cleanup:	<u>2012.50</u>
I) Other:	<u>909.00</u>

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

MY TOTAL BID PRICE FOR THIS PROJECT IS \$ 34654 ⁸⁵/_{xx}

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: R.P. GRESHAM CONSTRUCTION Phone # 501-454-4849

Commercial Contractor's License number 0153160510

Street address or P O Box 4809 Willowridge Way

City / State/ Zip Code Rogers, AR 72758

Printed Name: J.S. GRESHAM

Signature: [Signature] Title: MANAGING MEMBER



THE CITY OF FAYETTEVILLE, ARKANSAS

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: LS-2014 DATE ISSUED: 03-3-2014

DATE AND TIME OF OPENING: Monday, 4:00 pm, March 17, 2014

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 602 S. School Ave., Fayetteville, AR 72701

ATTENTION

The City has the right to select which of the items listed below will be completed based on the amount of funds available.

*In blanks below please quote price for each item and the total for project at the bottom.

A) Walls for Rooms:	<u>\$8,255.00</u>
B) Electrical:	<u>\$1,980.00</u>
C) Doors & Trim:	<u>\$1,650.00</u>
D) Paint:	<u>\$3,300.00</u>
E) Baby Changing Stations:	<u>\$1,082.00</u>
F) Floors (Kitchen):	<u>\$1,325.00</u>
F) Floors (Green Shading minus kitchen):	<u>\$7,255.00</u>
F) Floors (Pink Shading):	<u>\$2,800.00</u>
G) Garage Door:	<u>\$775.00</u>
H) Cleanup:	<u>\$3,080.00</u>
I) Other:	<u>\$4,950.00</u>



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

MY TOTAL BID PRICE FOR THIS PROJECT IS \$ 34,452.00

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: **Mahan Construction Inc.** Phone # **501-335-7777**Commercial Contractor's License number **0075900414**Street address or P O Box **643 Rabbit Ridge Road,**City / State / Zip Code **Bee Branch, AR 72013**Printed Name: **Rick Redden**Signature: Title: **Estimator / Project Manager**

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: LS-2014 **DATE ISSUED:** 03-3-2014

DATE AND TIME OF OPENING: Monday, 4:00 pm, March 17, 2014

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 602 S. School Ave., Fayetteville, AR 72701

ATTENTION

The City has the right to select which of the items listed below will be completed based on the amount of funds available.

*In blanks below please quote price for each item and the total for project at the bottom.

A) Walls for Rooms:	<u>\$3,766.50</u>
B) Electrical:	<u>\$2,520.85</u>
C) Doors & Trim:	<u>\$2,187.39</u>
D) Paint:	<u>\$1,763.06</u>
E) Baby Changing Stations:	<u>\$1,719.30</u>
F) Floors (Kitchen):	<u>\$1,983.40</u>
F) Floors (Green Shading minus kitchen):	<u>\$13,219.50</u>
F) Floors (Pink Shading):	<u>\$3,754.80</u>
G) Garage Door:	<u>\$1,973.18</u>
H) Cleanup:	<u>\$2,342.00</u>
I) Other:	<u>\$1,850.00</u>

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

MY TOTAL BID PRICE FOR THIS PROJECT IS \$ 37,079.98

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

HANDY JOHN'S RESTORATION

Name of Firm: Construction & Remodeling Co. Phone # (479) 857-8976

Commercial Contractor's License number _____

Street address or P O Box 605 east L street

City / State/ Zip Code Russellville AR 72801

Printed Name: Juan Garcia

Signature: Juan Garcia Title: Owner

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: LS-2014 **DATE ISSUED:** 03-3-2014

DATE AND TIME OF OPENING: Monday, 4:00 pm, March 17, 2014

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 602 S. School Ave., Fayetteville, AR 72701

ATTENTION

The City has the right to select which of the items listed below will be completed based on the amount of funds available.

***In blanks below please quote price for each item and the total for project at the bottom.**

A) Walls for Rooms:

6200⁰⁰

B) Electrical:

2431⁰⁰

C) Doors & Trim:

2600⁰⁰

D) Paint:

1580⁰⁰

E) Baby Changing Stations:

600⁰⁰

F) Floors (Kitchen):

853⁰⁰

F) Floors (Green Shading minus kitchen):

11448⁰⁰

F) Floors (Pink Shading):

3813⁰⁰

G) Garage Door:

1450⁰⁰

H) Cleanup:

1000⁰⁰

I) Other: Band 3%

960⁰⁰

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

MY TOTAL BID PRICE FOR THIS PROJECT IS \$ 32,935⁰⁰

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: Kim Hoadley Const. Co. Phone # 479-236-2300

Commercial Contractor's License number AR0068030414

Street address or P O Box 2848 N Quail Creek Dr

City / State/ Zip Code Fayetteville AR

Printed Name: Kim Hoadley

Signature: [Signature] Title: President



THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

CITY OF FAYETTEVILLE

**113 W. Mountain St.
Fayetteville, AR 72701**

INVITATION TO BID

Bid# LS-2014

**Community Resources Division
(479) 575-8240**

BID#: LS-2014

DATE ISSUED: 03-3-2014

**DATE & TIME OF OPENING: Monday, March 17, 2014
4:00pm**

CONTACT: Kyle Belt—(479) 575-8240

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

INVITATION TO BID

DATE ISSUED: March 3, 2014

RECEIPT OF BIDS: Monday, 4:00 pm, March 17, 2014
Community Resources Division
125 West Mountain Street
Fayetteville, AR 72701

COMMUNITY DEVELOPMENT PROGRAMS ADMINISTRATOR:
Kyle Belt
CDBG Programs Administrator
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone (479) 575-8240

BRIEF SCOPE OF PROJECT: Apply new commercial tile floors to many of the rooms. Add new walls to make rooms permanent. Drywall, trim, and paint new walls. Add baby changing equipment. Add electrical plugs. Replace garage door.

PROJECT NUMBER: LS-2014

PROJECT LOCATION: 602 S. School Ave., Fayetteville, AR 72701

CITY OF FAYETTEVILLE: The City of Fayetteville encourages participation of small, minority and women owned business enterprises in the procurements of goods, services, and construction, either as a general contractor or subcontractor. The City is an affirmative action / equal opportunity employer. Section 55.55 prohibits discrimination against qualified individuals because of their handicapped status.

GENERAL: A copy of the Specifications is available at the Community Resources Division's office.

******* Attention! New Requirements! *******

- **New permitting requirements, please see attached**
- **Any bid of \$20,000 or over must be accompanied by a certified check or bid bond in an amount not less than five percent (5%) of the amount bid.**
- **A one hundred percent (100%) performance and payment bond is required with a contract awarded amount of over \$20,000 and filed with the Washington County Circuit Clerk.**
- **A State of Arkansas Commercial Contractor's License is required for ALL bids.**

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

SPECIAL TERMS AND CONDITIONS

1. All bids shall be submitted in a sealed envelope and must be submitted on forms provided by the city. No employees of the Community Resources Division are allowed to fill out bid sheets for Contractors.
2. The company or contractor name and project # shall be stated on the face of the sealed bid envelope.
3. Bidders shall include all applicable local, state, and federal sales tax in the bid. The responsibility of payment shall remain with the successful bidder.
4. Prices shall include all labor, materials, profit, insurance, etc., to cover the furnishing of the items of the bid.
5. Bids received after the date and time set for receiving bids will not be considered.
6. The City of Fayetteville reserves the right to accept or reject any and all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City of Fayetteville. The City of Fayetteville shall be able to purchase more or less than the quantity indicated subject to availability of funds.
7. The bid price shall remain good and firm for a period of thirty (30) calendar days from bid opening date; however, the prices may remain firm for a longer period of time if mutually agreeable between bidder and the City of Fayetteville.
8. All products delivered shall comply with applicable standards of quality.
9. Any exceptions to the requirements of the City of Fayetteville must be noted on the Bid Form or on an attached form.
10. In the event of two or more identical low bids, the contract may be awarded arbitrarily or for any reason to any such bidders, at the discretion of the City of Fayetteville.
11. **The Contractor is to supply the City with evidence of the following:**
 - 1) **Current and valid Certificate of Liability Insurance that includes coverage for**
 - a) **Workman's Compensation and Employer Liability in accordance with the laws of the State of Arkansas,**
 - b) **Commercial General Liability that covers public liability and property damage and**
 - c) **Automobile Liability, if applicable. All premiums and costs**

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

shall be paid by the Contractor. In no way will the Owner be responsible in case of accident.

2) Current and valid license from the State of Arkansas Contractors Licensing Board.

12. Specifications furnished with this invitation are intended to establish a desired quality or performance level, or other minimum dimensions and capacities, which will provide the best product at the lowest possible price. Other than designated brands and/or models approved as equal to designated products shall receive equal consideration.
13. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
14. Quality, time and probability of performance may be factors in making an award.
15. Any ambiguity in any bid as a result of omission, error, lack of clarity or non-compliance by the bidder with specifications, instructions, and all conditions of bidding shall be construed in the light most favorable to the City of Fayetteville.
16. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder.
17. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation of bid.
18. Bids must be hand delivered or received by mail in the Community Resources Office, 125 West Mountain St. Fayetteville, AR 72701, on or before the time of closing listed on the Bid Form. Under no circumstances will faxed bids be allowed.
19. The successful bidder will be required to provide a certificate of insurance to the Community Resources Division within ten (10) days of notice of bid award.
20. In the event a contract is entered into pursuant to the "Invitation to Bid", the bidder shall not discriminate against any qualified employee or qualified applicant for employment because of race, sex, color, creed, national origin, or ancestry. The bidder must include in any and all subcontracts a provision similar to the above.
21. The contractor must be prepared to commence work on start date per Notice to Proceed issued by the City Community Resources Division, and must complete the work within Thirty (30) calendar days.
22. A Maximum of three payments may be made on each Housing Rehabilitation Project. Upon

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

satisfactory completion of 40% of the work and submission of proper documentation, 30% of the contract amount may be released to the contractor with 10% being held as retainer. Upon satisfactory completion of 70% of the work and submission of proper documentation, 60% of the contract amount may be released to the contractor with 10% being held as retainer. Final payment shall be made after satisfactory completion and acceptance of the project. Retainers shall be released with the final payment.

23. A certificate of final inspection by the City of Fayetteville's Building Safety Division must be performed before the release of the final check.
24. Contractor must be able to meet Davis-Bacon Act requirements as applicable to project(s).
25. The City of Fayetteville reserves the right to exercise the following Deductive Alternate(s) from all complete bids submitted that will result in the lowest bid to meet the project budget if necessary:
 - a. Extra section of flooring (listed in section F of project specifications) from work to be performed that is shaded pink on project specifications.
 - b. All flooring work (listed in section F of project specifications) to be performed in kitchen area.
 - c. All work listed in section "D: Paint" of project specifications.

CDBG Public Facilities Rehabilitation

Scope of Project: Apply new commercial tile floors to many of the rooms. Add new walls to make rooms permanent. Drywall, trim, and paint new walls. Add baby changing equipment. Add electrical plugs. Replace garage door.

Owner's Name: City of Fayetteville **Phone:** 479-575-8240

CDBG Administrator: Kyle Belt **Phone:** 479-575-8240 **Fax:** 479-444-3445

Project Location: Life Source, 602 S School Ave, Fayetteville, AR

Project #LS-2014

On Site Contact: Jimmy Conduff **Phone:** 479-521-4000

Contractors Description of Work:

Minimum requirements for bidder: Proof of current Arkansas Residential Contractor's license (or Commercial Contractor's license if required by law) which is provided by the State of Arkansas Contractors Licensing Board, Certificate of Liability Insurance, and a statement of Completion of EPA/HUD Approved Lead Safety Training if applicable.

GENERAL:

The contractor will be responsible for all aspects of the construction, installation, repairs, and cleanup as stated in the Scope of Work and Specifics at the project location stated above.

Each bidder will be responsible for a complete inspection of the property at the project location before submitting bid. All the distances, measurements, procedures, and listed materials should be verified before submitting your bid to complete the work. The requirements listed here, in the description of work, are general requirements and it will be the responsibility of the winning bidder to assure the City of Fayetteville that the finished project is in compliance with all applicable codes and standards and achieves the goal of raising the efficiency of the building.

The contractor's duties and responsibilities include, but are not limited to, the following:

- 1) Purchasing of all materials.
- 2) Supervision of all employees and subcontractors.
- 3) Coordination with the City of Fayetteville CDBG Administrator, the City of Fayetteville Code Compliance Office and owners.
- 4) Project design.
- 5) Clean up and restoration of all lawns, planters, walking and driving surfaces to their original condition.
- 6) Keep job site safe for others and practice safe working practices as required.

SPECIFICS:

A: WALLS FOR ROOMS

- A - 1 Disassemble and remove the temporary room dividers in the main open assembly area. Stack neatly in a space shown by the Life Source manager if they want to keep them. If they are not wanted, then sell, donate, recycle or dispose of them as seen fit. Save the doors and the door hardware if they can be reused for the new rooms to be built.
- A - 2 Build new permanent wood framed 2x4 walls in the same vicinity using the measurements on the plan given that is on graph paper. (see Kyle Belt, the CDBG Administrator for the plan) There will be four rooms. Position the framed door openings as shown on the plan leaving room to install jambs to reuse the old slab doors if possible. Like the temporary walls, they will not extend to the ceiling. They are to be 9 foot tall walls. The bottom plate should be treated wood.
- A - 3 The walls should all be covered with ½ inch drywall, mudded, and an orange peel texture applied.

B: ELECTRICAL

- B - 1 Install electrical outlets as shown on the plan following all local codes.
- B - 2 Install an outlet for the freezer in the pantry room on the existing back wall as the plan shows. The outlet should accept a NEMA L14-20 plug for a freezer to be installed. The electrical specs show 208-230/115V, 60Hz, 1P (see Kyle Belt, the CDBG Administrator for the freezer specs to confirm its electrical needs)
- B - 3 Identify the breaker box that feeds the Life Source section and add breakers and conduit as needed to supply the power to all the outlets.

C: DOORS AND TRIM

- C - 1 Examine the existing doors that are in the temporary walls now to see which doors can be reused for the new rooms as shown on the plan. Install the doors and provide any new doors as may be deemed necessary to match the others to complete the project. If the old door jambs cannot be reused, provide new jambs. Install the old door hardware and provide any additionally needed door hardware. Add any needed door casing if wood jambs are used. The double doors should both open but one side should open with a door knob, and the other locked into place with locks that push into the floor and into the head jamb.
- C - 2 Install 1x8 poplar boards to the tops of the walls to cap them off. These will also add additional support laterally to the walls for strength. Apply minimum 2 ¼ wood trim

under all the 1x8s for a finished look.

- C - 3 Apply new commercial vinyl base to the new walls that match the existing vinyl base trim. Remove and attach existing vinyl base or provide new vinyl base to all areas that gets new flooring as needed.
- C - 4 Add any additional trim as needed to the area with the new walls such as corner trim to existing walls if needed.

D: PAINT

- D - 1 The walls should all be painted the same color using a satin finish paint. See Life Source manger to approve all the paint colors.
- D - 2 Paint the wood trim, wall cap, and jambs using enamel paint with a satin finish.
- D - 3 Stain if needed to match old doors and add a sealant to any new doors that were added.

E: BABY CHANGING STATIONS

- E - 1 Purchase two baby changing stations with the following features: high-density polyethylene construction, nylon safety straps, slim profile that fits close to wall, pneumatic cylinders for controlled opening and closing.
- E - 2 Install the changing stations using fasteners and anchors as specified in product instructions so the stations are safe and sturdy. (If blocks are needed behind the drywall for support, install them and patch the wall back to original condition) One is to be in the men's restroom and the other in the women's restroom. Both changing stations are to be opposite the wall the toilet is on.

F: FLOORS

- F - 1 Identify the two areas where new vinyl VCT commercial floor tiles are proposed to be installed and provide itemized prices for each area in bid (refer to the plan provided by Life Source manager showing new floor areas shaded in green and the other in pink, see Kyle Belt, the CDBG Administrator questions). Confirm with the Life Source manager to be sure you have the proper understanding to identify the new floor areas. Determine the footage.
- F - 2 When it is determined which of the two areas or both are in the scope of work, prepare the floors by doing any necessary stripping, sanding, cleaning, or other floor preparations needed according to manufacturer's instruction of new tiles to accept new tiles. Install new VCT tiles in those areas similar to the ones M&M Tile Company in Tontitown, AR carries in stock. Their tiles are about \$.35 each. Install according to manufacturer's

recommended instructions. The tiles should all be the same color, but have color approved by Life Source manager.

G: GARAGE DOOR

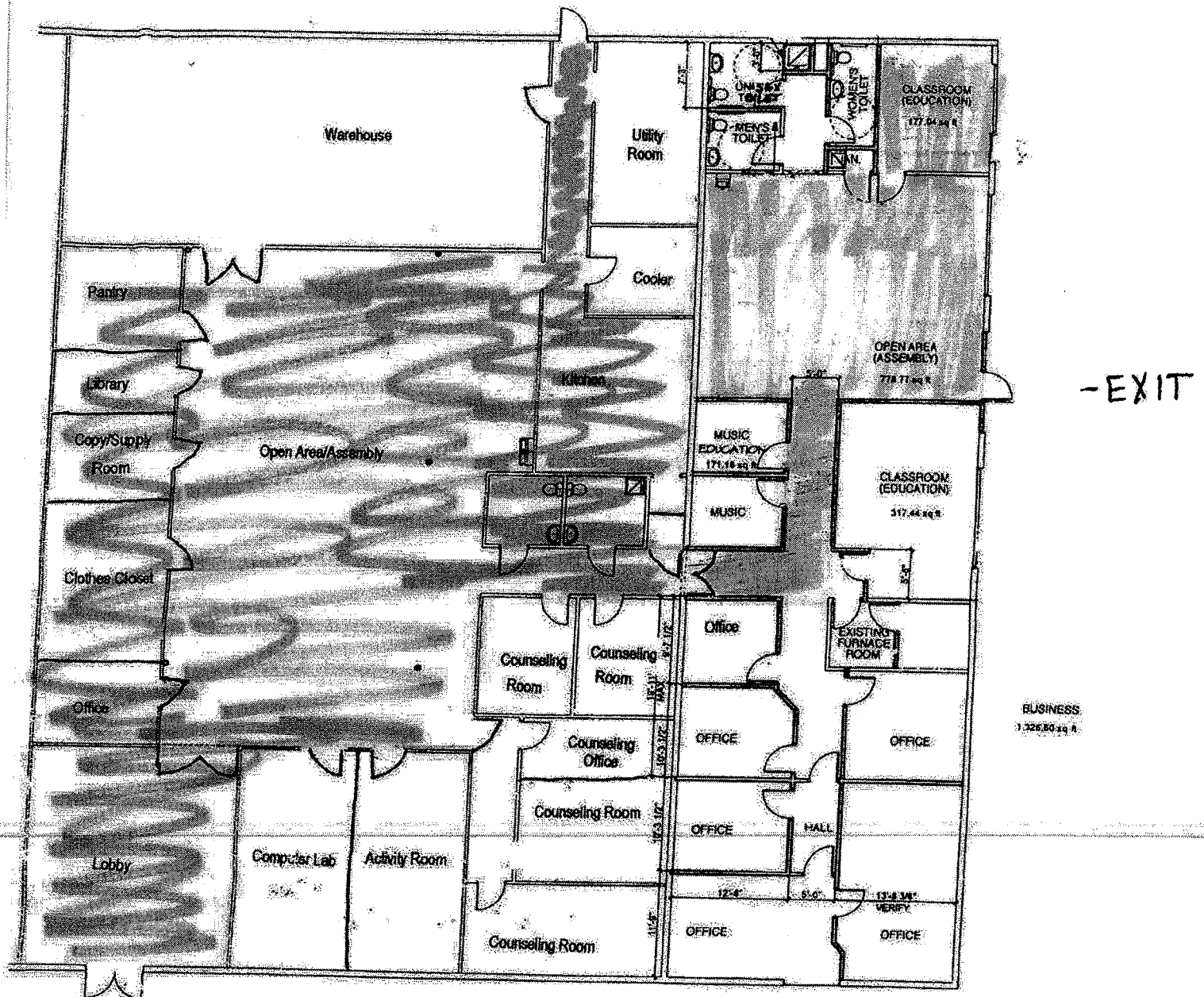
- G - 1 Remove the old damaged garage door and track on the exterior wall in the back of the Life Source center.
- G - 2 Install a new steel garage door to fit the opening that is similar in style to the old door. Install track and all necessary components for the door. The door should have a lock from the inside and be an insulated door. The door should be white.

H: CLEANUP

- H - 1 All new, used, and excess construction materials that relate to the job or a change order(s) belongs to the contractor and can be removed from the property by the contractor as needed during the project and shall be removed at completion.
- H - 2 All trash shall be hauled off by contractor and preferably recycled if possible.
- H - 3 All affected areas shall be left broom clean.
- H - 4 If lead paint is present, cleanup will be compliant with EPA/HUD Approved Lead Safety standards.

I: OTHER

- I - 1 All work or materials which are not directly noted in the Scope of Work and Specifics, but are necessary for the proper carrying out of the obvious intentions thereof, are to be understood as implied work and will be provided for by the contractor as if specifically described or drawn.
- I - 2 All work shall be performed in a workmanlike manner according to common construction practices, according to the specifications set forth in the Community Services Program's General Specification Manual, and with adherence to city, state, and national codes.
- I - 3 Any damage to the dwelling or property caused by the contractor, his/her worker(s) or delivery person, and/or their vehicles during the project shall be repaired to like new conditions.
- I - 4 Where applicable, all electrical work shall be performed by a Arkansas State licensed electrical contractor with adherence to the current National Electrical Code.



LifeSource Fire Evacuation Route

12/11/1962

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: LS-2014 **DATE ISSUED:** 03-3-2014

DATE AND TIME OF OPENING: Monday, 4:00 pm, March 17, 2014

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 602 S. School Ave., Fayetteville, AR 72701

ATTENTION

The City has the right to select which of the items listed below will be completed based on the amount of funds available.

***In blanks below please quote price for each item and the total for project at the bottom.**

- A) Walls for Rooms: _____
- B) Electrical: _____
- C) Doors & Trim: _____
- D) Paint: _____
- E) Baby Changing Stations: _____
- F) Floors (Kitchen): _____
- F) Floors (Green Shading minus kitchen): _____
- F) Floors (Pink Shading): _____
- G) Garage Door: _____
- H) Cleanup: _____
- I) Other: _____

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

MY TOTAL BID PRICE FOR THIS PROJECT IS \$_____

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: _____ Phone # _____

Commercial Contractor's License number _____

Street address or P O Box _____

City / State/ Zip Code _____

Printed Name: _____

Signature: _____ Title: _____

City of Fayetteville Item Review Form

2014-0157

Legistar File Number

April 15, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

Submitted By

Transportation Services

Department

Action Required:

A resolution awarding Bid #14-20 and authorizing the purchase of preformed thermoplastic pavement markings for a unit price of \$4.03 per square foot from Flint Trading, Inc., as needed through the end of calendar year 2014.

Does this item have a cost? ☒ Yes

Cost of this request

2100.5315.5211.00

Account Number

\$116,271.00

Category or Project Budget

\$11,431.90

Funds Used to Date

\$104,839.10

Remaining Balance

Traffic Engineering & Planning

Program or Project Name

Materials & Supplies

Program or Project Category

Street Fund

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

The cost of this request will vary depending upon services requested and the quantity of materials needed throughout the year.



3/31/14

Paul A. Burch 3-31-2014

Don Man 4-2-14

Handwritten signature

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Terry Gulley, Transportation Services Director *TAG*
DATE: March 27, 2014

SUBJECT: A resolution awarding Bid #14-20 and authorizing the purchase of preformed thermoplastic pavement markings for a unit price of \$4.03 per square foot from Flint Trading, Inc., as needed through the end of calendar year 2014.

RECOMMENDATION:

Staff recommends a resolution awarding Bid #14-20 and authorizing the purchase of preformed thermoplastic pavement markings for a unit price of \$4.03 per square foot from Flint Trading, Inc., as needed through the end of calendar year 2014.

BACKGROUND:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

DISCUSSION:

The low bid for preformed thermoplastic pavement markings was submitted by Swarco Industries, Inc. However, their product requires preheating of the application surface (275 degrees minimum) and has ambient temperature requirements that limit time of day and season for application. Therefore, the product offered by Swarco Industries, Inc. does not meet the required bid specifications. For this reason, staff recommends awarding the bid to Flint Trading, Inc.

BUDGET/STAFF IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

Attachments:

Bid #14-20 Tabulation
Bid Submittal (Flint Trading, Inc.)
Bid Submittal (Swarco Industries, Inc.)
Product Application Instructions (Swarco Industries, Inc.)

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #14-20 AND TO AUTHORIZE THE PURCHASE OF PREFORMED THERMOPLASTIC PAVEMENT MARKINGS FROM FLINT TRADING, INC. FOR A UNIT PRICE OF \$4.03 PER SQUARE FOOT AS NEEDED THROUGH THE END OF 2014

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 #14-20 and authorizes the purchase of preformed thermoplastic pavement markings from Flint Trading, Inc. for a unit price of \$4.03 per square foot as needed through the end of 2014.

PASSED and APPROVED this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid: 14-20
3/12/2014
2:00 PM
City of Fayetteville

BID 14-20, Preformed Thermoplastic Pavement Markings

BIDDER	ITEM	Qty	Price Per Square Foot	Total Bid
Flint Trading Inc	1.25 mil, White in Color	7000 sqft	\$ 4.03	\$ 28,210.00
Swarco Industries Inc	1.25 mil, White in Color	7000 sqft	\$ 3.50	\$ 24,500.00

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

CERTIFIED:

P. Vice

P. Vice, Purchasing Manager

Carly Reif

Witness

3-12-14

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 14-20, Preformed Thermoplastic Pavement Markings

DEADLINE: Wednesday, March 12, 2014 before 2:00 PM Local Time

DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Andrea Foren, CPPO, CPPB aforen@fayetteville-ar.gov, 479.575.8220

DATE OF ISSUE AND ADVERTISEMENT: Thursday, February 27, 2014

INVITATION TO BID

Bid 14-20, Preformed Thermoplastic Pavement Markings

No late bids shall be accepted. Bids shall be submitted in sealed envelopes labeled "Bid 14-20, Thermoplastic Pavement Markings" 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.

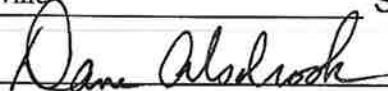
Name of Firm: Flint Trading, Inc.

Contact Person: Dane Alsabrook Title: Assistant Vice President

E-Mail: sales@flintrading.com Phone: (469) 522-5828

Business Address: 115 Todd Court

City: Thomasville State: North Carolina Zip: 27360

Signature:  Date: 3/6/2014

City of Fayetteville
Bid 14-20, Preformed Thermoplastic Pavement Markings
Bid Form

DATE REQUIRED AS A COMPLETE UNIT: Delivery shall be made within 14 calendar days from date of received Purchase Order.

F.O.B. Destination: City of Fayetteville Transportation Division, 1455 S. Happy Hollow Road, Fayetteville, AR 72701

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
1.	Preformed Thermoplastic Pavement Markings, including shipping, priced Per square foot, including shipping			
		7000 sqft.	\$ 4.03/sqft	\$ 28,210.00
	Please Specify for Unit(s) Bid:		Price per sqft.	

*MANUFACTURER: Flint Trading, Inc.

THIS BID FORM CONTINUES ON THE NEXT PAGE.

EXECUTION OF BID -

Actual specification of any deficient item shall be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation shall be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.
4. I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein is accurate and true.
5. Bidder shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment in addition to all federal, state, and local laws.
6. Bidder shall disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Response shall 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 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.

X 1.) NO KNOWN RELATIONSHIP EXISTS

2.) RELATIONSHIP EXISTS (Please explain): _____

7. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.
8. As A bidder on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
 - a. Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
 - b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

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

*NAME OF FIRM: Flint Trading, Inc.

Purchase Order/Payments shall be issued to this name

***D/B/A or Corporation Name**

***BUSINESS ADDRESS:** 115 Todd Court

*CITY: Thomasville

*STATE: NC

*ZIP: 27360

*PHONE: (336) 475-6600 FAX: (336) 475-7900
*E-MAIL: sales@flintrtrading.com
*BY: (PRINTED NAME) Dane Alsabrook
*AUTHORIZED SIGNATURE: 
*TITLE: Assistant Vice President
*DUNS NUMBER: 60-646-7819 CAGE NUMBER: N/A
*TAX ID NUMBER: 56-1736552

Acknowledge Addendums:

Addendum No. N/A Dated: Acknowledged by:
Addendum No. Dated: Acknowledged by:
Addendum No. Dated: Acknowledged by:

City of Fayetteville
Bid 14-20, Preformed Thermoplastic Pavement Markings
General Terms and Conditions

1. **SUBMISSION OF BID & BID EVALUATION:**

- a. Bids will be reviewed following the stated deadline, as shown on the cover sheet of this document.
- b. Bidders shall submit bids based on documentation published by the Fayetteville Purchasing Division.
- c. Bids shall be enclosed in sealed envelopes or packages addressed to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. The name, address of the firm and Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.
- d. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at 479.575.8220 to ensure correct receipt of bidding documents prior to opening time and date listed on the bid form.
- e. Bidders must have experience in providing products and/or services of the same or similar nature. **Failure to provide materials bid will subject bidder to disqualification for the remainder of the calendar year. Failure to deliver poor quality or incorrect materials on a consistent or more than three (3) times in a calendar year will subject bidder to disqualification for the remainder of the calendar year**
- f. Bidder is advised that exceptions to any of the terms contained in this bid must be identified in its response to the bid. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- g. Local time is defined as the time in Fayetteville, Arkansas on the due date of the deadline. Bids shall be received before time as shown by the atomic clock located in the Purchasing Division Office.
- h. Bids will be evaluated and awarded based on the best interest of the City of Fayetteville. The City reserves the right to award bids in their entirety, none, or by line item.
- i. Bids will be evaluated and awarded based on the best interest of the City of Fayetteville. The City reserves the right to award bids in their entirety, none, or by line item.
- j. **All items and services bid shall meet the Arkansas Highway Department specifications for this bid.**
- k. **Bids shall be valid for the calendar year 2014, ending December 31, 2014 on an as needed basis.**

2. **WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:**

No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this bid must be sent in writing via e-mail to the Purchasing Agent. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the bid. All such addenda shall become part of the contract documents. The City will not be responsible for any other explanation or interpretation of the proposed bid made or given prior to the award of the contract.

3. **DESCRIPTION OF SUPPLIES AND SERVICES:**

Any reference to a particular brand or manufacturer is done in an effort to establish an acceptable level of quality for this project. Brands or manufacturers that are included in bid that are of at least equal quality, size, design, and specification as to what has been specified, will be acceptable for consideration only if approved by the City of Fayetteville Purchasing Division. The City of Fayetteville reserves the right to accept or reject any requested equal.

4. **RIGHTS OF CITY OF FAYETTEVILLE BID PROCESS:**

- a. In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the following. The City of Fayetteville reserves the right to select the bid that it believes will serve the best interest of the City.
- b. The City of Fayetteville reserves the right to accept or reject any or all bids.
- c. The City of Fayetteville reserves the right to cancel the entire bid.
- d. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the invitation to bid or in bids submitted.
- e. The City of Fayetteville reserves the right to request any necessary clarifications, additional information, or data without changing the terms of the bid.

5. COSTS INCURRED BY BIDDERS:

All expenses involved with the preparation and submission of bids to the City, or any work performed in connection therewith, shall be borne solely by the bidder(s). No payment will be made for any responses received, or for any other effort required of, or made by, the bidder(s) prior to contract commencement.

6. CONFLICT OF INTEREST:

- a. The bidder represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Authority of City Employee to Contract with the City".
- b. All bidders shall promptly notify Andrea Foren, City Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance which may influence or appear to influence the bidder's judgment or quality of services being provided. Such written notification shall identify the prospective business association, interest or circumstance, the nature of which the bidder may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the bidder. The City agrees to communicate with the bidder its opinion via e-mail or first-class mail within thirty days of receipt of notification.

7. WITHDRAWAL OF PROPOSAL:

A bid may be withdrawn prior to the time set for the bid submittal, based on a written request from an authorized representative of the firm; however, a bid shall not be withdrawn after the time set for the bid unless approved by the Purchasing Division.

8. LATE PROPOSAL OR MODIFICATIONS:

Bid modifications received after the time set for the bid submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Bidders should call the Purchasing Division at (479) 575-8220 to verify receipt of their submittal documents prior to opening time and date listed.

9. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

- a. The laws of the State of Arkansas apply to any purchase made under this bid. Bidders shall comply with all local, state, and federal directives, orders and laws as applicable to this proposal and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.
- b. Pursuant to Arkansas Code Annotated §22-9-203 the City of Fayetteville encourages all *qualified* small, minority and women's business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women's business enterprises.

10. PROVISION FOR OTHER AGENCIES: N/A

11. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "bidder certifies that his or her bid is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item(s) and/or services and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action."

12. RIGHT TO AUDIT, FOIA, AND JURISDICTION:

- a. The City of Fayetteville reserves the privilege of auditing a vendor's records as such records relate to purchases between the City and said vendor.
- b. Freedom of Information Act: City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (Contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
- c. Legal jurisdiction to resolve any disputes shall be in Washington County, Arkansas with Arkansas law applying to the case.

13. CITY INDEMNIFICATION:

The successful bidder(s) agrees to indemnify the City and hold it harmless from and against any and all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed trademark, patent or copyright infringement or litigation based thereon, with respect to the goods or any part thereof covered by this order, and such obligation shall survive acceptance of the goods and payment thereof by the City.

14. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for bid apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by bidders prior to submitting a proposal on this requirement.

15. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.521.1316 (telecommunications device for the deaf), not later than seven days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.

16. PROCUREMENT POLICY FOR RECYCLED MATERIALS:

The City of Fayetteville wishes to encourage its bidders to use recycled products in fulfilling contractual obligations to the City and that such practices will serve as a model for other public entities and private sector companies.

17. PAYMENTS AND INVOICING:

The bidder must specify in their bid the exact company name and address which must be the same as invoices submitted for payment as a result of award of this bid. Further, the successful bidder is responsible for immediately notifying the Purchasing Division of any company name change, which would cause invoicing to change from the name used at the time of the original bid. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest, fees, or penalty for untimely payments. **Payments can be processed through bidder's acceptance of Visa at no additional costs to the City for expedited payment processing.** The City will not agree to any nonrefundable deposit or retainer that would remain property of the bidder even if the hourly work actually performed by the bidder would not justify such fee.

The City will pay the awarded bidder based on unit prices provided on invoicing. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made within 30 days of accepted invoice.

18. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.
- b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.
- c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.
- d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the vendor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City

19. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

- a. The Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a bidder intends to subcontract a portion of this work, the bidder shall disclose such intent in the bid submitted as a result of this bid.
- b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a firm that has disclosed its intent to assign or subcontract in its response to the bid, without exception shall constitute approval for purpose of this Agreement.

20. NON-EXCLUSIVE CONTRACT:

Award of this bid shall impose no obligation on the City to utilize the vendor for all work of this type, which may develop during the contract period. This is not an exclusive contract. The City specifically reserves the right to concurrently contract with other companies for similar work if it deems such an action to be in the City's best interest. In the case of multiple-term contracts, this provision shall apply separately to each item.

21. LOBBYING:

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for proposals, request for qualifications, bids or contracts, during the pendency of bid protest, by the bidder/proposer/protestor or any member of the bidder's/proposer's/protestor's staff, and agent of the bidder/proposer/protestor, or any person employed by any legal entity affiliated with or representing an organization that is responding to the request for proposal, request for qualification, bid or contract, or has a pending bid protest is strictly prohibited either upon advertisement or on a date established by the City of Fayetteville and shall be prohibited until either an award is final or the protest is finally resolved by the City of Fayetteville; provided, however, nothing herein shall prohibit a prospective/bidder/proposer from contacting the Purchasing Division to address situations such as clarification and/or questions related to the procurement process. For purposes of this provision lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any request for proposal, request for qualification, bid or contract through direct or indirect oral or written communication or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any request for proposal, request for qualification, bid or contract to be rejected.

22. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this bid from the bidder. When approved by the City as an amendment to the contract and authorized in writing prior to work, the Contractor shall provide such additional requirements as may become necessary.

23. ADD OR DELETE LOCATIONS OR SERVICES:

The City reserves the right to unilaterally add or delete locations and/or services, either collectively or individually, at the City's sole option, at any time after award has been made as may be deemed necessary or in the best interests of the City. In such case, the Contractor(s) will be required to provide services to this contract in accordance with the terms, conditions, and specifications.

24. INTEGRITY OF BID DOCUMENTS:

Bidders shall use the original bid form(s) provided by the Purchasing Division and enter information only in the spaces where a response is requested. Bidders may use an attachment as an addendum to the bid form(s) if sufficient space is not available on the original form for the bidder to enter a complete response. **Any modifications or alterations to the original documents by the bidder, whether intentional or otherwise, will constitute grounds for rejection of such response.** Any such modifications or alterations a bidder wishes to propose shall be clearly stated in the bidder's response and presented in the form of an addendum to the original bid documents.

25. PRICING:

- a. Prices bid shall be firm through December 31, 2014.
- b. In the event of a general price schedule **decrease** during the contract period, the City shall be guaranteed full benefit of the price reduction for all undelivered orders on the effective date of the decrease and thereafter. Contractor guarantees against increases in quoted price for the first year of the contract period. Thereafter in the event contractor's manufacturer/supplier **increases** the general price schedule, the contractor may submit a price adjustment request to the Purchasing Office (Andrea Foren – aforen@fayetteville-ar.gov). The price adjustment request will be accepted so long as the requested increase in prices does not exceed the direct price increases published in the manufacturer's revised general price schedule (for example if manufacturer's price increases \$.10/unit, he may request an adjustment not to exceed \$.10/unit in the contract award price) The contractor shall submit a letter from the manufacturer certifying the increased cost with each price adjustment request. All adjusted prices must be competitive with the prevailing market price.
- c. The City reserved the right to reevaluate bidders in their standing in the event of a vendor price increase.

26. OTHER GENERAL CONDITIONS:

- a) Bidder is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Bidder or Proposer will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the contract.
- b) **Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. Sales tax shall NOT be included in the bid price.** Applicable Arkansas sales tax laws will apply to this bid but not be considered for the bid evaluation process. The City is not a sales tax exempt entity.
- c) Each bidder should state the anticipated number of days from the date of receipt of an order for delivery of services to the City of Fayetteville.
- d) Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
- e) The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
- f) The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the City to pay for any costs incurred by bidder in preparation. It shall be clearly understood that any costs

incurred by the Proposer in responding to this request for proposal is at the bidder's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.

- g) If products, components, or services other than those described in this bid document are proposed, the bidder must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- h) **NOTE: Any uncertainties shall be brought to the attention to Andrea Foren immediately via telephone (479.575.8220) or e-mail (aforen@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.**
- i) Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Andrea Foren, City of Fayetteville, Purchasing Agent via e-mail (aforen@fayetteville-ar.gov) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.
- j) Any information provided herein is intended to assist the bidder in the preparation of proposals necessary to properly respond to this bid. The bid is designed to provide qualified Proposers with sufficient basic information to submit proposals meeting minimum specifications and/or test requirements, but is not intended to limit a bid's content or to exclude any relevant or essential data.
- k) Bidders irrevocably consent that any legal action or proceeding against it under, arising out of, or in any manner relating to this bid, or any contract entered related thereto, shall be governed by Arkansas law without regard to conflicts of law principles. Proposer hereby expressly and irrevocably waives any claim or defense in any action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.
- k) The successful bidder shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful bidder assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that it is agreed that the right of the assignee in and to any monies due or to become due to the successful bidder shall be subject to prior liens of all persons, firms and corporations for services rendered or materials supplied for the performance of the services called for in this Contract.
- l) The successful bidder's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful bidder shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in the Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville.

27. ATTACHMENTS TO BID DOCUMENTS:

- a. N/A

28. INVOICING: All invoices shall be presented to the City with the minimum information listed below.

- a. City Department that ordered the materials or services
- b. Order Date
- c. Delivery date or the date of service
- d. Name of the City Employee that requested or picked up the goods, materials, or service
- e. Bid Number that applies to the purchase and invoice. Amounts in the bid shall match invoicing.

City of Fayetteville
Bid 14-20, Preformed Thermoplastic Pavement Markings
Specifications

1. USE

- 1.1 The quantity provided in the bid form is an estimate. The City of Fayetteville reserves the right to purchase more or less depending on need.
- 1.2 Orders will be made on an as needed basis.
- 1.3 The markings must be a resilient white, yellow or other color thermoplastic product, the surface of which must contain glass beads and abrasives in an alternating pattern. The markings must be resistant to the detrimental effects of motor fuels, lubricants, hydraulic fluids, etc. Lines, legends, and symbols are capable of being affixed to bituminous and/or Portland cement concrete pavements by the use of the normal heat of a propane torch.
- 1.4 The markings must be capable of conforming to pavement contours, breaks, and faults through the action of traffic at normal pavement temperatures. The markings shall have resealing characteristics, such that it is capable of fusing with itself and previously applied thermoplastic when heated with the torch.
- 1.5 The markings shall not have minimum ambient and road temperature requirements for application, storage, or handling.

2 MANUFACTURING CONTROL AND ISO CERTIFICATION: The manufacturer must be ISO 9001:2008 certified and provide proof of current certification. The scope of the certification shall include manufacture of reflective highway markings.

3.0 MATERIAL: Must be composed of an ester modified rosin resistant to degradation by motor fuels, lubricants, etc. in conjunction with aggregates, pigments, binders, abrasives, and glass beads which have been factory produced as a finished product, and meets the requirements of the current edition of the Manual of Uniform Traffic Control Devices for Streets and Highways. The thermoplastic material conforms to AASHTO designation M249-79 (98), with the exception of the relevant differences due to the material being supplied in a performed state.

3.1 GRADED GLASS BEADS:

3.1.1. The material must contain a minimum of thirty percent (30%) intermixed graded glass beads by weight. The intermixed beads shall be clear and transparent. Not more than twenty percent (20%) consists of irregular fused spheroids, or silica. The index of refraction shall not be less than 1.50.

3.1.2. The material must have factory applied coated surface beads and abrasives in addition to the intermixed beads at a rate of ½ pound (+/- 20%) per 11 square foot. The surface beads and abrasives must be applied in an alternating arrangement across the surface of the material so that the surface is covered in what is best described as a "checkerboard" pattern of glass beads and abrasive materials. The abrasive material must have a minimum hardness of 8 (Mohs scale). These factory applied coated surface beads shall have the following specifications:

- | | |
|------------------------------------|---------------------------------|
| 1) Minimum 80% rounds | 3) Minimum SiO ₂ |
| 2) Minimum refractive index of 1.5 | 4) Minimum iron content of 0.1% |

Size Gradation		Retained, %	Passing, %
US Mesh	Um		
12	1700	0 - 2%	98 - 100%
14	1400	0 - 6%	94 - 100%
16	1180	1 - 21%	79 - 99%
18	1000	28 - 62%	38 - 72%
20	850	62 - 71%	29 - 38%
30	600	67 - 77%	23 - 33%
50	300	86 - 95%	5 - 14%
80	200	97-100%	0 - 3%

3.2 Pigments:

3.2.1. White: The material shall be manufactured with sufficient titanium dioxide pigment to meet FHWA Docket No. FHWA 99-6190 Table 5 and Table 6 as revised and corrected.

3.2.2 Red, Blue, and Yellow: The material shall be manufactured with sufficient pigment to meet FHWA Docket No. FHWA-99-6190 Table 5 and Table 6 as revised and corrected. The yellow pigments must be organic and must be heavy-metal free.

3.2.3. Other Colors: The pigments must be heavy-metal free.

3.3. Heating Indicators: The top surface of the material (same side as the factory applied surface beads) shall have regularly spaced indents. These indents shall act as a visual cue during application that the material has reached a molten state so satisfactory adhesion and proper bead embedment has been achieved and a post-application visual cue that the installation procedures have been followed.

3.4 Skid Resistance: The surface of the preformed thermoplastic material shall contain factory applied non-skid material with a minimum hardness of 8 (Mohs scale). Upon application, the material shall prove a minimum skid resistance value of 60 BPN when tested according to ASTM E 303.

3.5 Thickness: The material must be supplied at a minimum thickness of 90 mils (2.29mm) or 125 mils (3.15 mm)

3.6 Retroreflectivity: The performed retroreflective marking materials upon application shall exhibit adequate and uniform nighttime retroreflectivity. The marking materials shall have the following retroreflectivity as measured using a Delta LTL 2000 or LTL-X Retroreflectometer

_____ White preformed reflective marking materials – minimum of $275 \text{ mcd-m}^{-2}\text{-1x}^{-1}$

Note: Initial retroreflection and skid resistance are affected by the amount of heat applied during installation. When ambient temperatures are such that greater amounts of heat are required for proper installation, initial retroreflection and skid resistance levels may be affected.

3.7 Environmental Resistance: The material must be resistant to deterioration due to exposure to sunlight, water, salt, or adverse weather conditions and impervious to oil and gasoline.

3.8 Abrasives: The abrasives and surface beads must be applied in an alternating arrangement across the surface of the material so that the surface is covered in what is best described as a "checkerboard" pattern of glass beads and abrasive materials. The abrasive material must have a minimum hardness of 8 (Mohs scale).

4.0 APPLICATION

4.1 Asphalt: The materials shall be applied using the propane torch method recommended by the manufacturer. The material must be able to be applied without minimum requirements for ambient and road temperatures and without any preheating of the pavement to a specific temperature. The material must be able to be applied without the use of a thermometer. The pavement shall be clean, dry, and free of debris. Supplier must enclose application instructions with each box/package.

4.2 Portland Concrete: The same application procedure shall be used as described under Section 4.1. However, a compatible primer sealer may be applied before application to assure proper adhesion.

5.0 PACKAGING: The preformed thermoplastic markings shall be placed in protective plastic film with cardboard stiffeners where necessary to prevent damage in transit. Linear material must be cut to a maximum of 3 foot long pieces. Legends and symbols must also be supplied in flat pieces. The cartons in which packed shall be non-returnable and shall not exceed 40 inches in length and 25 inches in width, and be labeled for ease of identification. The weight of the individual carton must not exceed seventy (70) pounds. A protective film around the box must be applied in order to protect the material from rain or premature aging.

6.0 TECHNICAL SERVICES: The successful bidder shall provide technical services as required.

7.0 PERFORMANCE: The preformed thermoplastic markings shall meet state specifications and be approved for use by the appropriate state agency.



CERTIFICATE OF APPROVAL

This is to certify that the Quality Management System of:

Ennis-Flint Thomasville
111 Todd Court
Thomasville, North Carolina 27360, USA

has been approved by Lloyd's Register Quality Assurance
to the following Quality Management System Standards:

ISO 9001:2008

The Quality Management System is applicable to:

**Design, Development and Manufacture of Preformed Extruded
Thermoplastic Materials including: Retro Reflective/Reflective Skid
Resistant Preformed Pavement Marking Materials, Skid Resistant
Preformed Pavement Marking Materials, Skid Resistant Interconnected
Pavement Marking Materials, Retro Reflective Profile Skid Resistant
Preformed Thermoplastic Pavement Marking Materials, Retro Reflective
Profile Preformed Thermoplastic Pavement Marking Materials, Preformed
Thermoplastic Adhesive Materials, Preformed Detectable Materials.**

Approval
Certificate No: UQA 0113270

Original Approval: January 19, 2004
Current Certificate: January 1, 2013
Certificate Expiry: December 31, 2015

A handwritten signature in cursive script, reading 'Sara Austin'.

Issued by: Lloyd's Register Quality Assurance, Inc.



This document is subject to the provision on the reverse
1330 Enclave Parkway, Suite 200, Houston, Texas 77077, USA
This approval is carried out in accordance with the LRQA assessment and certification procedures and monitored by LRQA.
Lloyd's Register 13



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 14-20, Preformed Thermoplastic Pavement Markings

DEADLINE: Wednesday, March 12, 2014 before 2:00 PM Local Time

DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Andrea Foren, CPPO, CPPB aforen@fayetteville-ar.gov, 479.575.8220

DATE OF ISSUE AND ADVERTISEMENT: Thursday, February 27, 2014

INVITATION TO BID

Bid 14-20, Preformed Thermoplastic Pavement Markings

No late bids shall be accepted. Bids shall be submitted in sealed envelopes labeled "Bid 14-20, Thermoplastic Pavement Markings" 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.

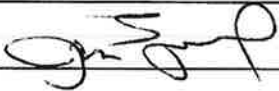
Name of Firm: Swarco Industries, Inc.

Contact Person: Jon Sproul Title: President/GM

E-Mail: roseann.meredith@swarco.com Phone: 931-388-5900

Business Address: 270 Rutherford Lane

City: Columbia State: Tennessee Zip: 38401

Signature:  Date: 3/7/2014

City of Fayetteville
Bid 14-20, Preformed Thermoplastic Pavement Markings
Bid Form

DATE REQUIRED AS A COMPLETE UNIT: Delivery shall be made within 14 calendar days from date of received Purchase Order.

F.O.B. Destination: City of Fayetteville Transportation Division, 1455 S. Happy Hollow Road, Fayetteville, AR 72701

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
1.	Preformed Thermoplastic Pavement Markings, including shipping, priced Per square foot, including shipping	7000 sqft.	\$ 3.50/sq.ft.	\$24,500.00
	Please Specify for Unit(s) Bid:		Price per sqft.	

*MANUFACTURER: Swarco

THIS BID FORM CONTINUES ON THE NEXT PAGE.

EXECUTION OF BID -

Actual specification of any deficient item shall be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation shall be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.
4. I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein is accurate and true.
5. Bidder shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment in addition to all federal, state, and local laws.
6. Bidder shall disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Response shall 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 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.

 X

1.) NO KNOWN RELATIONSHIP EXISTS

2.) RELATIONSHIP EXISTS (Please explain): _____

7. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.
8. As A bidder on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
 - a. Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
 - b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

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

***NAME OF FIRM:** Swarco Industries, Inc.

Purchase Order/Payments shall be issued to this name

***D/B/A or Corporation Name** _____

***BUSINESS ADDRESS:** 270 Rutherford Lane

***CITY:** Columbia ***STATE:** Tennessee ***ZIP:** 38401

*PHONE: 931-388-5900 FAX: 931-388-4039

*E-MAIL: roseann.meredith@swarco.com

*BY: (PRINTED NAME) Jon Sproul

*AUTHORIZED SIGNATURE: 

*TITLE: President/GM

*DUNS NUMBER: 16-055-4341 CAGE NUMBER:

*TAX ID NUMBER: 33-0169259

Acknowledge Addendums:

Addendum No. 1 Dated: 3/5/2014 Acknowledged by: 
Jon Sproul

Addendum No. Dated: Acknowledged by:

Addendum No. Dated: Acknowledged by:

City of Fayetteville
Bid 14-20, Preformed Thermoplastic Pavement Markings
General Terms and Conditions

1. SUBMISSION OF BID & BID EVALUATION:

- a. Bids will be reviewed following the stated deadline, as shown on the cover sheet of this document.
- b. Bidders shall submit bids based on documentation published by the Fayetteville Purchasing Division.
- c. Bids shall be enclosed in sealed envelopes or packages addressed to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. The name, address of the firm and Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.
- d. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at 479.575.8220 to ensure correct receipt of bidding documents prior to opening time and date listed on the bid form.
- e. Bidders must have experience in providing products and/or services of the same or similar nature. **Failure to provide materials bid will subject bidder to disqualification for the remainder of the calendar year. Failure to deliver poor quality or incorrect materials on a consistent or more than three (3) times in a calendar year will subject bidder to disqualification for the remainder of the calendar year**
- f. Bidder is advised that exceptions to any of the terms contained in this bid must be identified in its response to the bid. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- g. Local time is defined as the time in Fayetteville, Arkansas on the due date of the deadline. Bids shall be received before time as shown by the atomic clock located in the Purchasing Division Office.
- h. Bids will be evaluated and awarded based on the best interest of the City of Fayetteville. The City reserves the right to award bids in their entirety, none, or by line item.
- i. Bids will be evaluated and awarded based on the best interest of the City of Fayetteville. The City reserves the right to award bids in their entirety, none, or by line item.
- j. **All items and services bid shall meet the Arkansas Highway Department specifications for this bid.**
- k. **Bids shall be valid for the calendar year 2014, ending December 31, 2014 on an as needed basis.**

2. WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:

No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this bid must be sent in writing via e-mail to the Purchasing Agent. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the bid. All such addenda shall become part of the contract documents. The City will not be responsible for any other explanation or interpretation of the proposed bid made or given prior to the award of the contract.

3. DESCRIPTION OF SUPPLIES AND SERVICES:

Any reference to a particular brand or manufacturer is done in an effort to establish an acceptable level of quality for this project. Brands or manufacturers that are included in bid that are of at least equal quality, size, design, and specification as to what has been specified, will be acceptable for consideration only if approved by the City of Fayetteville Purchasing Division. The City of Fayetteville reserves the right to accept or reject any requested equal.

4. RIGHTS OF CITY OF FAYETTEVILLE BID PROCESS:

- a. In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the following. The City of Fayetteville reserves the right to select the bid that it believes will serve the best interest of the City.
- b. The City of Fayetteville reserves the right to accept or reject any or all bids.
- c. The City of Fayetteville reserves the right to cancel the entire bid.
- d. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the invitation to bid or in bids submitted.
- e. The City of Fayetteville reserves the right to request any necessary clarifications, additional information, or data without changing the terms of the bid.

5. COSTS INCURRED BY BIDDERS:

All expenses involved with the preparation and submission of bids to the City, or any work performed in connection therewith, shall be borne solely by the bidder(s). No payment will be made for any responses received, or for any other effort required of, or made by, the bidder(s) prior to contract commencement.

6. CONFLICT OF INTEREST:

- a. The bidder represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Authority of City Employee to Contract with the City".
- b. All bidders shall promptly notify Andrea Foren, City Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance which may influence or appear to influence the bidder's judgment or quality of services being provided. Such written notification shall identify the prospective business association, interest or circumstance, the nature of which the bidder may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the bidder. The City agrees to communicate with the bidder its opinion via e-mail or first-class mail within thirty days of receipt of notification.

7. WITHDRAWAL OF PROPOSAL:

A bid may be withdrawn prior to the time set for the bid submittal, based on a written request from an authorized representative of the firm; however, a bid shall not be withdrawn after the time set for the bid unless approved by the Purchasing Division.

8. LATE PROPOSAL OR MODIFICATIONS:

Bid modifications received after the time set for the bid submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Bidders should call the Purchasing Division at (479) 575-8220 to verify receipt of their submittal documents prior to opening time and date listed.

9. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

- a. The laws of the State of Arkansas apply to any purchase made under this bid. Bidders shall comply with all local, state, and federal directives, orders and laws as applicable to this proposal and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.
- b. Pursuant to Arkansas Code Annotated §22-9-203 the City of Fayetteville encourages all *qualified* small, minority and women's business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women's business enterprises.

10. PROVISION FOR OTHER AGENCIES: N/A

11. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "bidder certifies that his or her bid is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item(s) and/or services and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action."

12. RIGHT TO AUDIT, FOIA, AND JURISDICTION:

- a. The City of Fayetteville reserves the privilege of auditing a vendor's records as such records relate to purchases between the City and said vendor.
- b. Freedom of Information Act: City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (Contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
- c. Legal jurisdiction to resolve any disputes shall be in Washington County, Arkansas with Arkansas law applying to the case.

13. CITY INDEMNIFICATION:

The successful bidder(s) agrees to indemnify the City and hold it harmless from and against any and all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed trademark, patent or copyright infringement or litigation based thereon, with respect to the goods or any part thereof covered by this order, and such obligation shall survive acceptance of the goods and payment thereof by the City.

14. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for bid apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by bidders prior to submitting a proposal on this requirement.

15. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.521.1316 (telecommunications device for the deaf), not later than seven days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.

16. PROCUREMENT POLICY FOR RECYCLED MATERIALS:

The City of Fayetteville wishes to encourage its bidders to use recycled products in fulfilling contractual obligations to the City and that such practices will serve as a model for other public entities and private sector companies.

17. PAYMENTS AND INVOICING:

The bidder must specify in their bid the exact company name and address which must be the same as invoices submitted for payment as a result of award of this bid. Further, the successful bidder is responsible for immediately notifying the Purchasing Division of any company name change, which would cause invoicing to change from the name used at the time of the original bid. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest, fees, or penalty for untimely payments. **Payments can be processed through bidder's acceptance of Visa at no additional costs to the City for expedited payment processing.** The City will not agree to any nonrefundable deposit or retainer that would remain property of the bidder even if the hourly work actually performed by the bidder would not justify such fee.

The City will pay the awarded bidder based on unit prices provided on invoicing. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made within 30 days of accepted invoice.

18. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.
- b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.
- c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.
- d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the vendor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City

19. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

- a. The Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a bidder intends to subcontract a portion of this work, the bidder shall disclose such intent in the bid submitted as a result of this bid.
- b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a firm that has disclosed its intent to assign or subcontract in its response to the bid, without exception shall constitute approval for purpose of this Agreement.

20. NON-EXCLUSIVE CONTRACT:

Award of this bid shall impose no obligation on the City to utilize the vendor for all work of this type, which may develop during the contract period. This is not an exclusive contract. The City specifically reserves the right to concurrently contract with other companies for similar work if it deems such an action to be in the City's best interest. In the case of multiple-term contracts, this provision shall apply separately to each item.

21. LOBBYING:

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for proposals, request for qualifications, bids or contracts, during the pendency of bid protest, by the bidder/proposer/protestor or any member of the bidder's/proposer's/protestor's staff, and agent of the bidder/proposer/protestor, or any person employed by any legal entity affiliated with or representing an organization that is responding to the request for proposal, request for qualification, bid or contract, or has a pending bid protest is strictly prohibited either upon advertisement or on a date established by the City of Fayetteville and shall be prohibited until either an award is final or the protest is finally resolved by the City of Fayetteville; provided, however, nothing herein shall prohibit a prospective/bidder/proposer from contacting the Purchasing Division to address situations such as clarification and/or questions related to the procurement process. For purposes of this provision lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any request for proposal, request for qualification, bid or contract through direct or indirect oral or written communication or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any request for proposal, request for qualification, bid or contract to be rejected.

22. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this bid from the bidder. When approved by the City as an amendment to the contract and authorized in writing prior to work, the Contractor shall provide such additional requirements as may become necessary.

23. ADD OR DELETE LOCATIONS OR SERVICES:

The City reserves the right to unilaterally add or delete locations and/or services, either collectively or individually, at the City's sole option, at any time after award has been made as may be deemed necessary or in the best interests of the City. In such case, the Contractor(s) will be required to provide services to this contract in accordance with the terms, conditions, and specifications.

24. INTEGRITY OF BID DOCUMENTS:

Bidders shall use the original bid form(s) provided by the Purchasing Division and enter information only in the spaces where a response is requested. Bidders may use an attachment as an addendum to the bid form(s) if sufficient space is not available on the original form for the bidder to enter a complete response. **Any modifications or alterations to the original documents by the bidder, whether intentional or otherwise, will constitute grounds for rejection of such response.** Any such modifications or alterations a bidder wishes to propose shall be clearly stated in the bidder's response and presented in the form of an addendum to the original bid documents.

25. PRICING:

- a. Prices bid shall be firm through December 31, 2014.
- b. In the event of a general price schedule **decrease** during the contract period, the City shall be guaranteed full benefit of the price reduction for all undelivered orders on the effective date of the decrease and thereafter. Contractor guarantees against increases in quoted price for the first year of the contract period. Thereafter in the event contractor's manufacturer/supplier **increases** the general price schedule, the contractor may submit a price adjustment request to the Purchasing Office (Andrea Foren – aforen@fayetteville-ar.gov). The price adjustment request will be accepted so long as the requested increase in prices does not exceed the direct price increases published in the manufacturer's revised general price schedule (for example if manufacturer's price increases \$.10/unit, he may request an adjustment not to exceed \$.10/unit in the contract award price) The contractor shall submit a letter from the manufacturer certifying the increased cost with each price adjustment request. All adjusted prices must be competitive with the prevailing market price.
- c. The City reserved the right to reevaluate bidders in their standing in the event of a vendor price increase.

26. OTHER GENERAL CONDITIONS:

- a) Bidder is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Bidder or Proposer will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the contract.
- b) **Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. Sales tax shall NOT be included in the bid price.** Applicable Arkansas sales tax laws will apply to this bid but not be considered for the bid evaluation process. The City is not a sales tax exempt entity.
- c) Each bidder should state the anticipated number of days from the date of receipt of an order for delivery of services to the City of Fayetteville.
- d) Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
- e) The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
- f) The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the City to pay for any costs incurred by bidder in preparation. It shall be clearly understood that any costs

incurred by the Proposer in responding to this request for proposal is at the bidder's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.

- g) If products, components, or services other than those described in this bid document are proposed, the bidder must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- h) **NOTE: Any uncertainties shall be brought to the attention to Andrea Foren immediately via telephone (479.575.8220) or e-mail (aforen@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.**
- i) Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Andrea Foren, City of Fayetteville, Purchasing Agent via e-mail (aforen@fayetteville-ar.gov) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.
- j) Any information provided herein is intended to assist the bidder in the preparation of proposals necessary to properly respond to this bid. The bid is designed to provide qualified Proposers with sufficient basic information to submit proposals meeting minimum specifications and/or test requirements, but is not intended to limit a bid's content or to exclude any relevant or essential data.
- k) Bidders irrevocably consent that any legal action or proceeding against it under, arising out of, or in any manner relating to this bid, or any contract entered related thereto, shall be governed by Arkansas law without regard to conflicts of law principles. Proposer hereby expressly and irrevocably waives any claim or defense in any action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.
- k) The successful bidder shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful bidder assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that it is agreed that the right of the assignee in and to any monies due or to become due to the successful bidder shall be subject to prior liens of all persons, firms and corporations for services rendered or materials supplied for the performance of the services called for in this Contract.
- l) The successful bidder's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful bidder shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in the Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville.

27. ATTACHMENTS TO BID DOCUMENTS:

- a. N/A

28. INVOICING: All invoices shall be presented to the City with the minimum information listed below.

- a. City Department that ordered the materials or services
- b. Order Date
- c. Delivery date or the date of service
- d. Name of the City Employee that requested or picked up the goods, materials, or service
- e. Bid Number that applies to the purchase and invoice. Amounts in the bid shall match invoicing.

City of Fayetteville
Bid 14-20, Preformed Thermoplastic Pavement Markings
Specifications

1. USE

- 1.1 The quantity provided in the bid form is an estimate. The City of Fayetteville reserves the right to purchase more or less depending on need.
- 1.2 Orders will be made on an as needed basis.
- 1.3 The markings must be a resilient white, yellow or other color thermoplastic product, the surface of which must contain glass beads and abrasives in an alternating pattern. The markings must be resistant to the detrimental effects of motor fuels, lubricants, hydraulic fluids, etc. Lines, legends, and symbols are capable of being affixed to bituminous and/or Portland cement concrete pavements by the use of the normal heat of a propane torch.
- 1.4 The markings must be capable of conforming to pavement contours, breaks, and faults through the action of traffic at normal pavement temperatures. The markings shall have resealing characteristics, such that it is capable of fusing with itself and previously applied thermoplastic when heated with the torch.
- 1.5 The markings shall not have minimum ambient and road temperature requirements for application, storage, or handling.

- 2 MANUFACTURING CONTROL AND ISO CERTIFICATION:** The manufacturer must be ISO 9001:2008 certified and provide proof of current certification. The scope of the certification shall include manufacture of reflective highway markings.

- 3.0 MATERIAL:** Must be composed of an ester modified rosin resistant to degradation by motor fuels, lubricants, etc. in conjunction with aggregates, pigments, binders, abrasives, and glass beads which have been factory produced as a finished product, and meets the requirements of the current edition of the Manual of Uniform Traffic Control Devices for Streets and Highways. The thermoplastic material conforms to AASHTO designation M249-79 (98), with the exception of the relevant differences due to the material being supplied in a performed state.

3.1 GRADED GLASS BEADS:

- 3.1.1. The material must contain a minimum of thirty percent (30%) intermixed graded glass beads by weight. The intermixed beads shall be clear and transparent. Not more than twenty percent (20%) consists of irregular fused spheroids, or silica. The index of refraction shall not be less than 1.50.
- 3.1.2. The material must have factory applied coated surface beads and abrasives in addition to the intermixed beads at a rate of ½ pound (+/- 20%) per 11 square foot. The surface beads and abrasives must be applied in an alternating arrangement across the surface of the material so that the surface is covered in what is best described as a "checkerboard" pattern of glass beads and abrasive materials. The abrasive material must have a minimum hardness of 8 (Mohs scale). These factory applied coated surface beads shall have the following specifications:

- | | |
|------------------------------------|---------------------------------|
| 1) Minimum 80% rounds | 3) Minimum SiO ₂ |
| 2) Minimum refractive index of 1.5 | 4) Minimum iron content of 0.1% |

Size Gradation		Retained, %	Passing, %
US Mesh	Um		
12	1700	0 - 2%	98 - 100%
14	1400	0 - 6%	94 - 100%
16	1180	1 - 21%	79 - 99%
18	1000	28 - 62%	38 - 72%
20	850	62 - 71%	29 - 38%
30	600	67 - 77%	23 - 33%
50	300	86 - 95%	5 - 14%
80	200	97-100%	0 - 3%

3.2 Pigments:

3.2.1. White: The material shall be manufactured with sufficient titanium dioxide pigment to meet FHWA Docket No. FHWA 99-6190 Table 5 and Table 6 as revised and corrected.

3.2.2 Red, Blue, and Yellow: The material shall be manufactured with sufficient pigment to meet FHWA Docket No. FHWA-99-6190 Table 5 and Table 6 as revised and corrected. The yellow pigments must be organic and must be heavy-metal free.

3.2.3. Other Colors: The pigments must be heavy-metal free.

3.3. Heating Indicators: The top surface of the material (same side as the factory applied surface beads) shall have regularly spaced indents. These indents shall act as a visual cue during application that the material has reached a molten state so satisfactory adhesion and proper bead embedment has been achieved and a post-application visual cue that the installation procedures have been followed.

3.4 Skid Resistance: The surface of the preformed thermoplastic material shall contain factory applied non-skid material with a minimum hardness of 8 (Mohs scale). Upon application, the material shall prove a minimum skid resistance value of 60 BPN when tested according to ASTM E 303.

3.5 Thickness: The material must be supplied at a minimum thickness of 90 mils (2.29mm) or 125 mils (3.15 mm)

3.6 Retroreflectivity: The performed retroreflective marking materials upon application shall exhibit adequate and uniform nighttime retroreflectivity. The marking materials shall have the following retroreflectivity as measured using a Delta LTL 2000 or LTL-X Retroreflectometer

_____ White preformed reflective marking materials – minimum of $275 \text{ mcd-m}^{-2}\cdot\text{lx}^{-1}$

Note: Initial retroreflection and skid resistance are affected by the amount of heat applied during installation. When ambient temperatures are such that greater amounts of heat are required for proper installation, initial retroreflection and skid resistance levels may be affected.

3.7 Environmental Resistance: The material must be resistant to deterioration due to exposure to sunlight, water, salt, or adverse weather conditions and impervious to oil and gasoline.

3.8 Abrasives: The abrasives and surface beads must be applied in an alternating arrangement across the surface of the material so that the surface is covered in what is best described as a "checkerboard" pattern of glass beads and abrasive materials. The abrasive material must have a minimum hardness of 8 (Mohs scale).

4.0 APPLICATION

4.1 Asphalt: The materials shall be applied using the propane torch method recommended by the manufacturer. The material must be able to be applied without minimum requirements for ambient and road temperatures and without any preheating of the pavement to a specific temperature. The material must be able to be applied without the use of a thermometer. The pavement shall be clean, dry, and free of debris. Supplier must enclose application instructions with each box/package.

4.2 Portland Concrete: The same application procedure shall be used as described under Section 4.1. However, a compatible primer sealer may be applied before application to assure proper adhesion.

5.0 PACKAGING: The preformed thermoplastic markings shall be placed in protective plastic film with cardboard stiffeners where necessary to prevent damage in transit. Linear material must be cut to a maximum of 3 foot long pieces. Legends and symbols must also be supplied in flat pieces. The cartons in which packed shall be non-returnable and shall not exceed 40 inches in length and 25 inches in width, and be labeled for ease of identification. The weight of the individual carton must not exceed seventy (70) pounds. A protective film around the box must be applied in order to protect the material from rain or premature aging.

6.0 TECHNICAL SERVICES: The successful bidder shall provide technical services as required.

7.0 PERFORMANCE: The preformed thermoplastic markings shall meet state specifications and be approved for use by the appropriate state agency.

Bid 14-20, Addendum 1



Date: Wednesday, March 05, 2014

To: All Prospective Vendors

From: Andrea Foren, CPPO, CPPB – 479.575.8220 – aforen@fayetteville-ar.gov

RE: Bid 14-20, Preformed Thermoplastic Pavement Markings

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form.

1. All items bid shall be 125 mil.
2. All items bid shall be white in color.



PERRY JOHNSON REGISTRARS, INC.

Certificate of Registration

Perry Johnson Registrars, Inc., has assessed the Quality Management System of:

Swarco Industries, Inc.

270 Rutherford Lane, Columbia, TN 38401 United States
901 North James Campbell, Columbia, TN 38401 United States
919 North James Campbell, Columbia, TN 38401 United States

*(Hereinafter called the Organization) and hereby declares that
Organization is in conformance with:*

ISO 9001:2008

This Registration is in respect to the following scope:

**Design, Manufacture, and Distribution of Thermoplastic Pavement Marking Compounds,
Foil and Rubber Backed Marking Tapes, and Spherical Glass Beads**

*This Registration is granted subject to the system rules governing the Registration referred to above, and the
Organization hereby covenants with the Assessment body duty to observe and comply with the said rules.*

For PJR:

Terry Boboige, President

Perry Johnson Registrars, Inc. (PJR)
755 West Big Beaver Road, Suite 1340
Troy, Michigan 48084
(248) 358-3388



*The use of the UKAS accreditation symbol is in respect to the activities
covered by the Accreditation Certificate Number 105.*

The validity of this certificate is dependent upon ongoing surveillance.

Effective Date:
August 20, 2012

Expiration Date:
August 19, 2015

Certificate No.:
C2012-01439

SWARCO INDUSTRIES, INC.



PREFORMED THERMOPLASTIC

HIGH PERFORMANCE PAVEMENT MARKING LINES, LEGENDS AND SYMBOLS

SWARCO Preformed Thermoplastic is a durable pavement marking system where thermoplastic lane lines, legends and symbols are supplied pre-cut and can be easily installed without specialized equipment. Preformed thermoplastic pavement marking material combines the convenience of pre-cut markings with the performance qualities of hot applied thermoplastic.

Engineered for enhanced visibility both day and night, SWARCO preformed thermoplastic pavement markings are made with SWARCO'S brilliant glass beads which are distributed throughout the material during the manufacturing process. As the material wears down additional glass beads are exposed thus ensuring exceptional retroreflectivity during the life of the preformed thermoplastic pavement marking.



FEATURES

- Available in 90 and 125 mil thickness
- Durable long term performance provides economical investment
- Last 8 to 10 times longer than standard traffic paint
- Intermix beads provide reflectivity throughout life of the line
- Easily installed, no specialized equipment required
- Legends and Symbols come pre-cut to MUTCD standards
- Can be installed at temperatures down to 32°F for a longer striping season
- Environmentally friendly with zero VOC and heavy metal free pigments.

SWARCO | First In Traffic Solutions.



SWARCO INDUSTRIES INC.

March 7, 2014

**City of Fayetteville
Purchasing Division
113 W. Mountain
Room 306
Fayetteville, AR 72701**

**Re: Bid 14-20, Preformed Thermoplastic Markings
Open Date: March 12, 2014 @2:00 p.m.**

To Whom It May Concern:

Please send an itemized written bid tabulation, regardless of the outcome, for the above-referenced bid, or fax it to me at: 931-388-4039, or e-mail me at roseann.meredith@swarco.com. Enclosed is a self-addressed, stamped envelope for your convenience in replying, if there is a charge, please advise.

Thank you for your help and time.
We appreciate the opportunity to bid for the City of Fayetteville.

Sincerely,

A handwritten signature in cursive script that reads "Roseann Meredith".

Roseann Meredith
Bid Administrator

Enclosure

City of Fayetteville, AR

First in Traffic Solutions.



SWARCO INDUSTRIES INC.

P.O. Box 89, Columbia, TN 38402

SWARCO

PO Box 89

Columbia, TN 38402

Attn: Roseann Meredith

Bid Administrator





SWARCO INDUSTRIES INC.

Preformed Thermoplastic Application Instructions

Safety Precautions:

- Protective clothing, consisting of leather boots, or work boots, or work shoes, long pants, gloves, safety glasses or a face shield and a safety vest should be worn while applying product.
- ALWAYS WEAR HEAT RESISTANT GLOVES WHEN WORKING WITH SWARCO PREFORMED THERMOPLASTIC
- Portland cement concrete surfaces may spall when heated with the propane torch; therefore safety glasses must be worn when applying to cement concrete surfaces.
- Avoid all contact with the molten material and heat torch flame. If you do get molten material on your skin, flush the area immediately with plenty of water and seek medical attention. Do not attempt to pull the molten material off of your skin.

Surface Application-General Requirements:

- Asphalt and concrete must be free of moisture, dirt, dust, and chemicals or significant oily substances.
- Concrete should be moisture free for 24 hours prior to application for best results.
- Portland cement concrete must be free of all curing compounds. Any residual salts or deicing chemicals must be removed prior to application.
- Swarco Preformed can be applied on new or old thermoplastic. When applying on old thermoplastic, scrape off any loose material. Ensure that the remaining thermoplastic surface is clean. If the old thermoplastic is oxidized (powdery surface), grind or heat it and scrape the top surface so fresh material is exposed.
- Do not apply on top of paint or cold plastic.

Temperature: Swarco Preformed Thermoplastic can be applied at ambient and surface temperatures of 32°F and rising.

Instructions for Application on Asphalt or Non-Bituminous Surfaces:



1. **Clean Surface:** Clean intended application area thoroughly. All loose particles, sand, dust, etc. must be removed. Utilize a power blower or compressed air if available, otherwise sweep completely.



2. **Layout \ Pre-mark Markings:** Position all connecting parts (lines, legends, or symbols) onto the pavement surface where marking will be placed. There should be no gaps between the adjoining segments. Outline/pre-mark the area where the marking will be placed using a chalk line or crayon. Check to ensure that proper layout and alignment is obtained before moving to step three. Once the marking has been traced, or the area delineated, remove the marking from the pavement.



3. **Surface Pre-Heat Instructions:** Using a magnum Heat Torch or similar heat source, utilize the pre-set pilot valve setting to get a blue flame with an orange or yellowish tip. Then squeeze the torch handle to achieve maximum output. Hold the torch nozzle 8-10 inches above the pavement. Using the torch in a circular motion, preheat the surface to a minimum temperature of 275°F. Extend the heating 3-6 inches outside of the pre-marked area. Do not attempt to preheat an area larger than 4' x 4' at any time. Properly heated asphalt should turn a deep solid black color. Note: concrete surfaces may spall when heated with the torch; therefore safety glasses must always be worn when applying onto Portland cement surfaces. Use the infrared thermometer to check the surface temperature for a minimal reading of 275°F across the entire target area.



4. **Place Marking:** Once the surface temperature of the targeted area reaches 275°F, immediately position the first segment with exposed glass beads up. Do not apply in pieces larger than 4' x 4' at any time. If using a torch similar to the Magnum, the applicator should utilize the preset pilot valve setting (do not squeeze handle) to get orange tipped flame to heat the material. Do not operate the Magnum torch at maximum output. Hold the torch so that the torch nozzle is 6-8 inches over the SWARCO Preformed Thermoplastic material. If material is splattering with the introduction of the torch, the flame is too close to the material or the pilot valve needs to lower the intensity and eliminate the splattering.

City of Fayetteville Item Review Form

2014-0156

Legistar File Number

April 15, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

Submitted By

Transportation Services

Department

Action Required:

Approval of a change order to increase the purchase amount of the Transportation Division floor replacement, from Continental Flooring Company, by \$10,250.00 to allow for the furnish and installation of 1/4" plywood prior to installing the new vinyl plank floor.

Does this item have a cost? ☒ Yes

\$10,250.00

Cost of this request

\$81,275.00

Category or Project Budget

Operations & Administration

Program or Project Name

2100.4100.5400.00

Account Number

\$47,037.23

Funds Used to Date

Maintenance

Program or Project Category

\$23,987.77

Remaining Balance

Street Fund

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution # 243-13

Original Contract Number:

Comments:

 3/31/14

Paul A. Beckman 3-31-2014

Angie Mann 4-2-14





LSB

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Terry Gulley, Transportation Services Director *TG*
DATE: March 25, 2014

SUBJECT: Approval of a change order to increase the purchase amount of the Transportation Division floor replacement, from Continental Flooring Company, by \$10,250.00 to allow for the furnish and installation of ¼" plywood prior to installing the new vinyl plank floor.

RECOMMENDATION:

Staff recommends approval of a change order to increase the purchase amount of the Transportation Division floor replacement, from Continental Flooring company, by \$10,250.00 to allow for the furnish and installation of ¼" plywood prior to installing the new vinyl plank floor.

BACKGROUND:

Resolution 243-13 authorized the purchase and installation of vinyl plank flooring from Continental Flooring Company for the Transportation Division office in the amount of \$38,843.00 plus any applicable bonding fees and tax pursuant to an NJPA cooperative purchasing agreement.

DISCUSSION:

Following an on-site visit by representatives from Centiva Flooring and Continental Flooring Company, it was the opinion of both representatives that the patching and installation of the new Centiva vinyl plank flooring over the existing flooring may possibly fail. Centiva Flooring will not agree to warranty this type of installation, unless the existing sub-floor can be secured. The most cost effective method of securing the sub-floor would be to install new ¼" plywood prior to installing the new vinyl plank floor.

BUDGET/STAFF IMPACT:

Continental Flooring Company provided a written quote stating a price for this additional work in the amount of \$10,250.00. The total purchase amount, including the aforementioned increase, would be \$49,093.00, plus any applicable bonding fees and tax pursuant to an NJPA cooperative purchasing agreement. Funds for this purchase are available in the Transportation Division's annual budget and work program.

Attachments:

Resolution 243-13
Continental Flooring Company Quotes
Change Order Request (PO 13-0522)

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CHANGE ORDER TO THE AGREEMENT
WITH CONTINENTAL FLOORING COMPANY IN THE AMOUNT OF
\$10,250.00 FOR THE INSTALLATION OF VINYL PLANK FLOORING IN
THE TRANSPORTATION DIVISION OFFICE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a
change order to the contract with Continental Flooring Company in the amount of \$10,250.00 for
the installation of vinyl plank flooring in the Transportation Division office.

PASSED and APPROVED this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. 243-13

A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF VINYL PLANK FLOORING FROM CONTINENTAL FLOORING COMPANY FOR THE TRANSPORTATION DIVISION OFFICE IN THE AMOUNT OF \$38,843.00 PLUS ANY APPLICABLE BONDING FEES AND TAX PURSUANT TO AN NJPA COOPERATIVE PURCHASING AGREEMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase and installation of vinyl plank flooring from Continental Flooring Company for the Transportation Division office in the amount of \$38,843.00 plus any applicable bonding fees and tax pursuant to an NJPA cooperative purchasing agreement.

PASSED and APPROVED this 3rd day of December 2013.

APPROVED:

ATTEST:

By: 
LIONEL JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer





9319 North 94th Way • Suite 1000
Scottsdale, AZ 85258
(480) 949-8509 • (800) 825-1221
FAX (480) 945-2603
www.continentalflooring.com

October 25, 2013

sent via e-mail
jcoles@ci.fayetteville.ar.us

Mr. Jeff Coles
Assistant Transportation Management
City of Fayetteville
113 W Mountain Street
Fayetteville, AR 72701

Re: **REVISED NJPA Price quote for LVT and Installation in Public Works Building
under our NJPA Contract No. 051706**

Dear Mr. Coles:

Pursuant to your Request and site inspection, Continental Flooring Company is pleased to submit the following **REVISED** NJPA Contract Quotation.

City of Fayetteville

*Install LVT and Base in Public Works Building (per attached drawing)
Fayetteville, AR*

NJPA Resilient Material:

113 Ctns. (45 sf/ctn)	Furnish Centiva "Event" Luxury Vinyl Plank or Tile Color to be determined @ \$ 133.20/Ctn.....	\$ 15,051.60
41 Pails (1 Gal/Pail.)	Furnish Centiva D 2001 Luxury Vinyl Tile adhesive @ \$ 18.77/Pail	\$ 769.57
11 Ctns. (120 sf/ctn)	Furnish Flexco 1/8" x 4-1/2" Rubber Base Color to be determined @ \$ 97.98/Ctn	\$ 1,077.78
6 Pails (1 Gal/Pail.)	Furnish Flexco 1100 Cove Base adhesive @ \$ 12.31/Pail	\$ 73.86
1 Job	Resilient Freight Charges.....	\$ 650.00

NJPA Resilient Material Sub-Total:..... \$ 17,622.81

NJPA Labor:

2,340 SF	Remove and dispose of existing Carpet @ \$ 0.61/SF	\$ 1,427.40
4,850 SF	Prepare existing sub-floor for LVT @ \$ 0.79/SF	\$ 3,831.50
5,085 SF	Installation of Vinyl Tile @ \$ 1.77/SF	\$ 9,000.45
1,320 LF	Installation of Cove Base @ \$ 0.83/LF	\$ 1,095.60

Continued Page 2

City of Fayetteville
Install LVT and Base in Public Works Building
REVISED October 25, 2013, Pg. 2

NJPA Labor (Cont.):

30 LF Provide and Install Vinyl Transitions @ \$ 4.50/LF..... \$ 135.00
NJPA Labor Sub-Total: \$ 15,489.95

Open Market Items:

1 Job Standard Furniture Moving (excludes toilets/partitions) \$ 1,650.00
1 Job Misc. Project Costs (Mobilizations, Storage, etc.)..... \$ 800.00
Open Market Sub-Total: \$ 2,450.00

Project Summary:

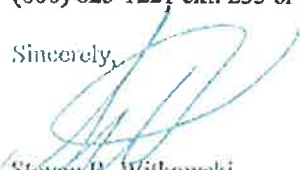
NJPA Resilient Material Sub-Total: \$ 17,622.81
NJPA Labor Sub-Total: \$ 15,489.95
Open Market Sub-Total: \$ 2,450.00
Project Sub-Total: \$ 35,562.76
Sales/Use Tax (9.75%): \$ 1,545.00
Project Total: \$ 37,107.76
Project Discount: -\$ 2,277.76
Discounted Total: \$ 34,830.00

The following items were not included in the above price quote:

- Excessive Floor Preparation (Exceeding 50 lb bag per 1,000 s.f.)
- Any applicable bonding fees or sales tax if required
- Pricing based completing project with one mobilization

Should you have any questions or require additional information, please feel free to contact me at
(800) 825-1221 ext. 235 or steve.w@continentalflooring.com.

Sincerely,


Steven R. Witkowski
Director of Bidding & Pricing Group

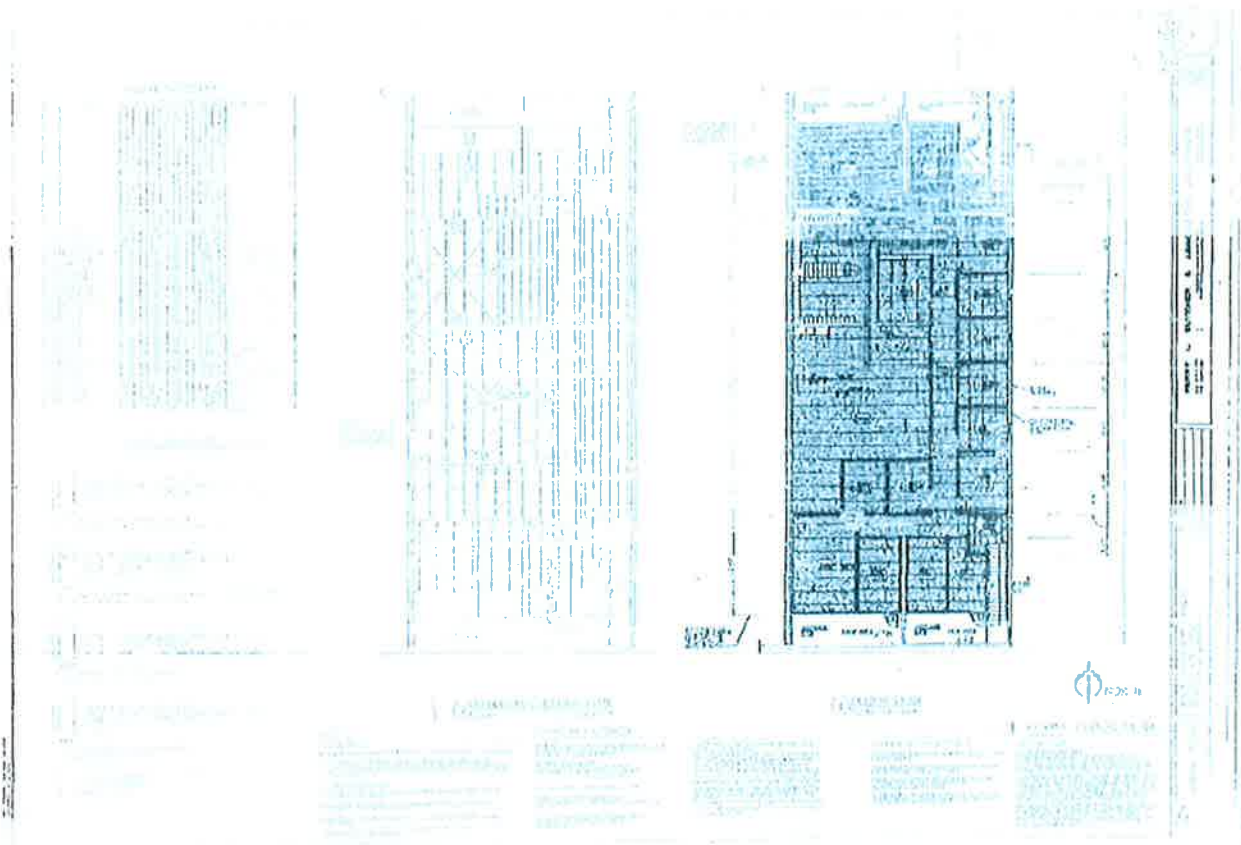
City of Fayetteville Public Works Flooring Replacement

10 October 2013 : City of Fayetteville_Public Works Flooring Replacement
Fayetteville, AR

Summary Report

Continental Flooring

Scale 1:450 (original drawing scale 1:95)



Gundlach, Ginny

From: Gulley, Terry
Sent: Friday, March 14, 2014 8:24 AM
To: Gundlach, Ginny
Subject: FW: Department of Transportation - City of Fayetteville

From: Coles, Jeff
Sent: Friday, February 21, 2014 2:41 PM
To: Gulley, Terry
Subject: FW: Department of Transportation - City of Fayetteville

Check this out

From: Kathy Taylor [<mailto:ktaylor@continentalflooring.com>]
Sent: Friday, February 21, 2014 1:44 PM
To: Coles, Jeff
Cc: Gary McMahon
Subject: Department of Transportation - City of Fayetteville

Jeff, this is being written on Gary McMahon's behalf:

Based on our site visit and visit from representative of Centiva to inspect the existing floor, it is our opinion and that of the Centiva rep, that patching and installation of the new Centiva product over the existing flooring may possibly fail. Centiva will not warranty this type of installation, unless we can secure the existing subfloor. We have three proposals:

1. Furnish and install underlayment product, called Schonox APF. In basic terms, this is a poured floor over the existing VCT floor. Our price to furnish and install this product, with required primer and AST Feather Edge will be \$17,622. The Transportation Department would be responsible for cutting doors, if required.
2. Furnish and install new ¼" plywood over existing VCT. Our material and installation cost for this process would be \$10,250.00. Transportation Department would be responsible for cutting doors, if required.
3. Patch and install, as per contract. Transportation Department issues a waiver of any possible failure of the floor, should any occur, due to the existing floors moving or failing. All other warranties shall apply.

Please let us know how you would like to proceed. Feel free to call Gary to discuss, should you care to chat about it prior to responding as well. Thank you, Jeff.

Kathy Taylor, National Project Coordinator
Continental Flooring Company
866-825-1221, ext. 221



PURCHASE ORDER

Each Package Must Be Marked
Exactly As Shown Here
City of Fayetteville, Arkansas

PURCHASE ORDER #

13-0000522-001

VENDOR NO. 8870

Continental Flooring Co
5111 N Scottsdale Rd
Suite 208
Scottsdale AZ 85250-7077

DATE 12/16/13

FOB Fyv

TERMS NET 30 DAY

Qty.	Unit of Issue	Qty. Received	Description and Account Number	Unit Price	TOTALS
1.00	LOT	_____	a) Vinyl Plank Floor Installation for in Transportation Offices Per Res #243-13 2100.4100.5400.00	34830.00	34830.00

CHANGE ORDER

PLEASE ADD:

LINE ITEM B) 1/4" Plywood Installation

ACCOUNT: 2100.4100.5400.00

AMOUNT: \$10,250.00

SHIP TO: Transportation Dept
1525 S Happy Hollow Rd

Fayetteville AR 72701

Apperson, G

Sales Tax Total: \$3395.93
Purchase Order Total: 38225.93

DEPARTMENT VERIFICATION BY DATE
RECEIVED _____
DEPT HEAD APPROVAL _____
AMOUNT TO PAY \$ _____
A/P VERIFICATION _____

PURCHASING VERIFICATION _____
PRICE CHANGE VERIFICATION _____

RETURN CHECK TO _____
SEND COPY TO _____

ADDITIONAL APPROVAL
CHECK # _____
DOES NOT MEET PURCHASING POLICY
CONTRACT PAYMENT
OTHER
APPROVED BY _____

PROJECT # _____
THIS PAYMENT \$ _____
PREVIOUS PAYMENT(S) \$ _____
TOTAL PYMT(S) \$ _____
BALANCE \$ _____

DEPT COPY

City of Fayetteville Item Review Form

A. 5
United States Conference of Mayors Award
Page 1 of 12

2014-0140

Legistar File Number

04/15/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Greg Tabor

Submitted By

Police

Department

Action Required:

Acceptance of the U. S. Conference of Mayors award for 1st Place in the small city category for our Prescription Drug Awareness Program and approval of a budget adjustment in the amount of \$10,000.

Does this item have a cost? ☒ Yes

\$10,000.00

Cost of this request

\$10,000.00

Category or Project Budget

US Mayors

Program or Project Name

1010.2920.5315.00

Account Number

Funds Used to Date

Donation

Program or Project Category

33044-2

Project Number

\$0.00

Remaining Balance

General

Fund Name

Budgeted Item? ☒ NoBudget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:



Paul A. Berlin 3-25-2014

Paul A. Berlin 3-25-2014
for Don Mann

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police 

DATE: March 20, 2014

SUBJECT: Acceptance of U. S. Conference of Mayors 1st Place Award and Budget Adjustment

RECOMMENDATION:

Staff recommends acceptance of the U. S. Conference of Mayors 1st Place award in the small city category for our Prescription Drug Abuse Prevention Awareness Program and approval of a budget adjustment in the amount of \$10,000.

BACKGROUND:

The United States Conference of Mayors, the official nonpartisan organization representing cities with populations of 30,000 or more, and Purdue Pharma LP have partnered to create the Prescription Drug Abuse Prevention Recognition Program. The goal of this program is to honor outstanding educational, public awareness and other initiatives that address the issue of prescription drug abuse and misuse in America's cities. A total of four awards were made in two categories: large and small city. Second place winners in each category received \$5,000 each; first place winners received \$10,000 each.

DISCUSSION:

In September 2013, the Fayetteville Police Department, in partnership with Project Right Choice of NWA, prepared (please see attached) the application for recognition to be submitted to the U.S. Conference of Mayors for award consideration in their Prescription Drug Abuse Prevention Recognition Program. This program is a nationwide competition to recognize local cities' who have made outstanding efforts to increase awareness of safe storage and disposal of prescription drugs. The overall goal of these programs are to reduce the risk of misuse and abuse of prescription drugs. The following winners of this competition were announced in January 2014 during the 82nd Winter Meeting of the U. S. Conference of Mayors: Small Cities – 1st Place – Fayetteville, AR; 2nd Place - Columbus, IN; Large Cities – 1st Place – Philadelphia, PA; 2nd Place – Indianapolis, IN.

BUDGET/STAFF IMPACT:

This recognition award will increase both revenues and expenses by \$10,000, and have no impact on staffing.

Attachments:

\$10,000 Budget Adjustment
U. S. Conference of Mayors Award Letter
\$10,000 Check from U. S. Conference of Mayors
Application for Recognition

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT THE UNITED STATES CONFERENCE OF MAYORS FIRST PLACE AWARD OF \$10,000.00 FOR THE PRESCRIPTION DRUG ABUSE AWARENESS PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts the United States Conference of Mayors first place award of \$10,000.00 for the Prescription Drug Abuse Awareness Program.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and APPROVED this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Budget Year 2014	Division:	Police	Adjustment Number
	Dept.:	Police	
	Requestor:	Willie Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Acceptance of the U. S. Conference of Mayors award for 1st Place in the small city category for our Prescription Drug Abuse Prevention Awareness Program.

RESOLUTION/ORDINANCE	REQUEST DATE:	4/15/2014
	LEGISTAR FILE ID#:	2014-0140
	BUDGET & INFORMATION MANAGEMENT USE	
	Kevin Springer	
	3/18/2014 3:24 PM	
	Budget Director	Date
	TYPE:	☐ A ☐ B ☐ C ☒ D ☐ E ☐ P
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

v.20140318

TOTAL	10,000	10,000					
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
1010.2920.5315.00	10,000	-	33044	2	EX	Contract Services	
1010.0001.4808.02	-	10,000	33044	2	RE	Donations - Police Department	
	-	-					
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	-	-					

EXHIBIT

A

tabbles



THE UNITED STATES CONFERENCE OF MAYORS

1620 EYE STREET, NORTHWEST
WASHINGTON, D.C. 20006
TELEPHONE (202) 293-7330
FAX (202) 293-2352
URL: www.usmayors.org

February 27, 2014

The Honorable Lioneld Jordan
Mayor
City of Fayetteville
100 West Rock Street,
Fayetteville, AR 72701

Dear Mayor Jordan

Congratulations again on winning "1st Place" in the small city category for your **"Prescription Drug Abuse Awareness"** prescription drug abuse prevention program. Your program to teach people the dangers of drug use will help save lives.

We applaud your work and present the City of Fayetteville with this check for **\$10,000** to support your mission to drug abuse in your city. This grant program is the result of a partnership between the USCM and the Purdue Pharma, LP with the goal supporting and/or enhancing mayors' ongoing drug prevention programs in their cities.

The program also includes a national public awareness campaign, and will connect mayors with innovative, cost-effective program strategies to successfully combat drug abuse in their cities.

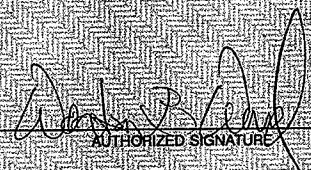
Thank you again for your hard work and we look forward to follow up on your progress. If you have questions please don't hesitate to contact me at cswann@usmayors.org or 202-861-6707.

Sincerely,

A handwritten signature in black ink, appearing to read "Crystal D. Swann", followed by a long horizontal flourish.

Crystal D. Swann
Assistant Executive Director
U.S. Conference of Mayors

OUR REF. NO.	YOUR INVOICE NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
111034		03/06/2014	\$10,000.00	\$10,000.00	United States Conference of Mayors Award \$0.00	Page 07 of 12 \$10,000.00
TOTALS			\$10,000.00	\$10,000.00	\$0.00	\$10,000.00

	UNITED STATES CONFERENCE OF MAYORS 1620 EYE STREET NORTH WEST WASHINGTON, DC 20006 PH. (202) 293-7330	PNC BANK, N.A. 15-3-540	56417
	DATE 03/07/2014	CONTROL NO. 000256417	AMOUNT \$10,000.00
PAY TO THE ORDER OF Ten Thousand And 00/100 Dollars			
CITY OF FAYETTEVILLE AR ATTN: BONNIE PAY 113 W. MOUNTAIN FAYETTEVILLE, AR 72701			
			 AUTHORIZED SIGNATURE

⑈056417⑈ ⑆054000030⑆ 5300778108⑈

UNITED STATES CONFERENCE OF MAYORS

56417

CITY OF FAYETTEVILLE AR
 ATTN: BONNIE PAY
 113 W. MOUNTAIN
 FAYETTEVILLE, AR 72701

U.S. Conference of Mayors
Prescription Drug Abuse Prevention Recognition Program

1. Title of City Program:

- a. Prescription Drug Abuse Awareness Program

2. Category:

- a. Small City (population of 100,000 or smaller)

3. Mayoral Contact Information:

- a. Lioneld Jordan
- b. Lana Broyles
- c. 479-575-8330
- d. mayor@ci.fayetteville.ar.us

4. Contact Information for the Program:

- a. Fayetteville Police Department
- b. Judy Cohea
- c. 100 W. Rock St.
- d. Blank
- e. Fayetteville
- f. Arkansas
- g. 72701
- h. 479-587-3581
- i. 479-200-1699
- j. jcohea@ci.fayetteville.ar.us
- k. 479-587-3570
- l. www.projectrightchoice.com

5. Specify what application is for:

- a. Expansion of an existing Program

6. Organizational Description:

- a. The City of Fayetteville, Fayetteville Police Department, Fayetteville Water and Sewer Services, Project Right Choice of Northwest Arkansas, Prevention Resource Center, Clear Channel Communications, CH2M-HILL, and Beaver Water District have partnered in bi-annual prescription drug take back events since 2010. In that time, we have taken almost 1,000 pounds of prescription drugs off the streets. Our prescription drug take back events were a result of monitoring data provided by the 4th Judicial District Drug Task Force which showed a significant upward trend in the amount of prescription drugs seized from drug dealers. Over the last six years, prescription drug seizures by the Drug Task Force has doubled annually, and they are on pace to double again in 2013. The mission of our prescription drug abuse awareness program is to educate parents/grandparents to the prescription drug abuse epidemic, ways to safeguard prescription drugs within the household, and proper disposal options. Furthermore, we offer classroom presentations targeting pre-teen children on the dangers of prescription drug abuse and canvas the area with Public Service Announcements via radio on this topic. To our take back event participants, we offer a no questions asked, just drive or walk up and drop off your unwanted/unused/expired prescription and over-the-counter drugs. The Fayetteville Police Department provides an on-site presence to secure and properly dispose of the drugs collected.

7. Statement of Community Need/Community Description:

- a. Our target is to raise prescription drugs abuse awareness among parents and grandparents who possess prescription drugs within their households. By gaining control and securing

households prescription drugs, we can minimize the gateway for adolescents and juveniles to experiment with prescription drugs. Many people are drawn to Fayetteville for its balance between the lush countryside and “big city” life. The University of Arkansas brings people from all over the world to live and work in Fayetteville, as well as several nationally headquartered businesses in the area. Fayetteville is the county seat for Washington County, Arkansas. Fayetteville’s U.S. Census population for 2010 was 73,580 residents with overall demographics consisting of 84% Caucasian, 6% African-American, 6% Hispanic, and 4% other. The census data further indicates that 13,617 residents are under the age of 18. Our housing units total 36,188 with 12,639 owner-occupied, 18,087 renter-occupied, and 5,462 vacant. Education, poultry and cattle agribusiness, light manufacturing, retail distribution, retail support and transportation are the most important economic sectors. The socio-economic status of our community can best be articulated through the Arkansas Department of Education’s Free/Reduced Lunch Program. Currently, 43% of students in Fayetteville participate in the Free/Reduced Lunch Program. While there are a disproportionately high percentage of students receiving free and reduced lunch, it does not automatically correlate directly to the 200% Federal Poverty Line. However, it does establish high levels of poverty of school ages children in public schools in Fayetteville.

8. Nominated Program for Recognition:

- a. Parental Education
- b. Community or Government-level Intervention
- c. Public Awareness Campaign

9. Description of Program:

- a. The Fayetteville Police Department and its’ partners will continue to host bi-annual Prescription Drug Take Back events and canvas the radio airwaves with associated public

service announcements. This program addresses a vital public safety and public health issue. More than seven million Americans currently abuse prescription drugs, according to the 2011 Substance Abuse and Mental Health Administrations National Survey on Drug Use and Health. Each day, approximately, 2,500 teens use prescription drugs to get high for the first time according to the Partnership for a Drug Free America. Studies show that a majority of abused prescription drugs are obtained from family and friends through the home medicine cabinet. In an effort to address the prescription drug abuse problem, we initiated the prescription drug take back event to provide a venue for persons who wanted to dispose of unwanted and unused prescription drugs. This effort has been a huge success in removing potentially dangerous prescription drugs, particularly controlled substances, from our medicine cabinets. All told, Fayetteville residents have turned in almost 1,000 pounds of medication with this program. The continuation of this program will primarily benefit our teenagers and young adults by educating their parents/grandparents on current drug abuse trends and minimizing their ability to easily obtain prescription drugs. The Fayetteville Police Department has built a strong coalition of like-minded people and organizations to partner in these events, and plans to expand education/participation to include real estate agencies in the coming year. Law enforcement officials have provided that a rising source of illegal prescription drugs are real estate open houses in which potential buyers search these houses for the purpose of stealing prescription drugs. If awarded this recognition funding, Fayetteville would commission the production of a video public service announcement entitled "Grandma, You May Be a Drug Dealer". This video would be broadcast on Fayetteville's Government/Public Access Channels along with digital signage networks, and other public service announcement opportunities. Finally, potential wealth and greed makes the illegal prescription drug business the fastest growing and most

profitable illegal activity. For example, Oxycodone has a street value of \$1 per milligram per pill which calculates to \$1,000,000 per kilogram. In comparison, the following are kilogram values of other illegal and legal commodities: Marijuana - \$12,500; Cocaine - \$80,000; Methamphetamine - \$100,000; Silver - \$766; Gold - \$47,250; Platinum - \$53,535. Yes, the street value of Oxycodone is 20 times more valuable than Gold, and Morphine is 4 times more valuable than Oxycodone. Accessibility and profit margins are too huge for prescription drug abuse to simply fade away.

10. Mayoral Letter of Support

- a. City of Fayetteville, Arkansas – Mayor Lioneld Jordan

11. Attachments

- a. CH2M-HILL – Letter of Support
- b. Beaver Water District – Letter of Support
- c. Prevention Resource Center – Letter of Support
- d. Project Right Choice – Letter of Support
- e. October 26, 2013 Flyer

City of Fayetteville Item Review Form

2014-0163

Legistar File Number

4/15/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Billy Ammons

Submitted By

Utilities

Department

Action Required:

Approval of contract amendment 2 with Mitchell, Williams, Selig, Gates & Woodyard, PLLC (Mitchell Williams), for \$20,000 for continued legal actions relating to the White River Water Quality Standards Petition to the Arkansas Pollution Control And Ecology Commission.

Does this item have a cost? ☒ Yes

\$20,000.00

Cost of this request

\$253,469.00

Category or Project Budget

White River NPDES UAA & APCEC

Program or Project Name

5400.5700.5314.00

Account Number

\$218,469.00

Funds Used to Date

Wastewater Treatment

Program or Project Category

11014.1102

Project Number

\$15,000.00

Remaining Balance

Water/Sewer

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

176-13

Original Contract Number:

2182



Comments:

[Signature] 3/31/14

Paul A. Baker 3-31-2014

[Signature] 4-2-14
[Signature]

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Billy Ammons, Wastewater Treatment
Water, Sewer, and Solid Waste Committee 

DATE: March 26, 2014

SUBJECT: Contract Amendment with Environmental Attorney Contract, Mitchell, Williams, Selig, Gates & Woodyard, PLLC, for an additional \$20,000, for White River Water Quality Standards Petition

RECOMMENDATION:

City Administration recommends approval of Contract Amendment # 2 with Mitchell, Williams, Selig, Gates & Woodyard, PLLC, increasing the compensation by up to \$20,000, for legal actions relating to the White River Water Quality Standards Petition to the Arkansas Pollution Control & Ecology Commission (APCEC).

BACKGROUND:

The Noland WWTP National Pollutant Discharge Elimination System (NPDES) permit contains limits on Total Dissolved Solids (TDS) and minerals, specifically chloride and sulfate. In that permit, the City is required to complete a Petition to the APCEC to change the local stream standards. If we do not, or if the APCEC does not approve our request, we might be required to complete a very expensive modification to our wastewater treatment plant to comply with the very strict limits of chloride, 20 mg/l; sulfate, 20 mg/l; and TDS, 160 mg/l. The estimated capital cost for this modification is approximately \$45 million. The City's team consisted of CH2M HILL with FTN as a subcontractor, the USGS, and the Mitchell, Williams law firm.

The City began the process to submit the Petition by performing a Use Attainability Analysis (UAA), a physical study of the river. The in-stream work was completed and the Petition was filed with APCEC on October 11, 2013 requesting the approval to reset the local stream standards to chloride, 60 mg/l; sulfate, 100 mg/l; and TDS, 440 mg/l. The petition was reviewed by the APCEC's Regulations Committee and the first public hearing was held at the Fayetteville Public library by the APCEC on February 13, 2014. The hearing resulted in comments made to APCEC including one from the ADEQ requesting that Fayetteville reconsider the limits requested in the Petition and to perhaps request a less drastic change in at least two of those standards

DISCUSSION:

The contract between the City and Mitchell, Williams was originally set at \$48,000 and was amended last year to \$63,000 to help cover un-anticipated costs due to Act 954. However,

additional complications have arisen requiring the Mitchell, Williams firm to spend more time on the UAA effort than the amended contract allows for. There are still several tasks to be completed to finish the UAA and Third-Party Rulemaking process, which will involve legal fees and costs. Below is the list of items that still need to be done:

- Team conference(s) to deal with comments by ADEQ
- Arrange for and meet with ADEQ water and legal division seeking agreement on the requested minerals numbers
- Prepare and file Statement of Basis and Responsiveness Summary (Response to Comments) with the APCEC
- Prepare for and attend (defend) legislative review of the Third-Party Rulemaking by Joint Legislative Public Health and Welfare Committee and the Joint Legislative Rules and Regulations Committee
- Prepare and File with APC&EC the Motion to Adopt Water Quality Standard Changes and the Draft Order adopting same
- Prepare for and attend the APC&EC meeting seeking final adoption of the changes
- Track submission and approval of the water quality changes to EPA

The original contract, contract amendment 1, and this amendment are for the actual costs incurred. This amendment seeks to change the not-to-exceed amount from \$63,000 to \$83,000.

BUDGET/STAFF IMPACT:

Funds are available within the project budget.

Attachments:

Contract Amendment 2 with Mitchell, Williams, Selig, Gates & Woodyard, PLLC

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE CONTRACT WITH MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, PLLC IN THE AMOUNT OF \$20,000.00 FOR ADDITIONAL LEGAL SERVICES RELATED TO THE WHITE RIVER WATER QUALITY STANDARDS PETITION TO THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 2 to the contract with Mitchell, Williams, Selig, Gates & Woodyard, PLLC in the amount of \$20,000.00 for additional legal services related to the White River water quality standards petition to the Arkansas Pollution Control and Ecology Commission.

PASSED and APPROVED this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AMENDMENT TO AGREEMENT FOR ENVIRONMENTAL LEGAL SERVICES

CONTRACT AMENDMENT NO. 2

This Contract Amendment No. 2 dated _____, 2014 shall amend the original contract between the City of Fayetteville, Arkansas, and Mitchell, Williams, Selig, Gates & Woodyard, PLLC., dated April 5, 2011, referred to in the following paragraphs as the original contract.

This Contract Amendment No. 2:

1. Services to be Performed: Adds: Continued actions as required to obtain final approval from the Arkansas Pollution Control and Ecology Commission (APCEC) to modify site specific water quality criteria in the White River, to provide advice and guidance on what actions the City and its consultants need to take to successfully accomplish the task of receiving approval to the petition from two committees of the AR Legislature, and to assist in obtaining relevant approvals from USEPA. The following items are the currently known required actions:

- Team conference(s) to deal with comments by ADEQ.
- Arrange for and meet with ADEQ water and legal division seeking agreement on the requested minerals numbers
- Prepare and file Statement of Basis and Responsiveness Summary (Response to Comments) with the APCEC
- Prepare for and attend (defend) legislative review of the Third-Party Rulemaking by Joint Legislative Public Health and Welfare Committee and the Joint Legislative Rules and Regulations Committee
- Prepare and File with APC&EC the Motion to Adopt Water Quality Standard Changes and the Draft Order adopting same
- Prepare for and attend the APC&EC meeting seeking final adoption of the changes
- Track submission and approval of the water quality changes to EPA.

8. Compensation: Replaces not exceed compensation amount of \$48,000 with not to exceed compensation amount of \$83,000.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2014.

MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, PLLC

CITY OF FAYETTEVILLE,
FAYETTEVILLE, ARKANSAS


BY Allan Gates and
Marcella J. Taylor

LIONELD JORDAN, Mayor

Attest:

Attest:

Leann Kret

Mitchell, Williams, Selig, Gates & Woodyard, PLLC
425 West Capitol Avenue, Suite 1800
Little Rock, AR 72201

Sondra Smith, City Clerk

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

City of Fayetteville Item Review Form

2014-0167

Legistar File Number

04/15/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

RZN 14-4618: Rezone (SOUTHWEST CORNER OF PADDOCK LANE AND HAPPY HOLLOW RD/PADDOCK SD, 526): Submitted by BLEW AND ASSOCIATES for property located AT THE SOUTHWEST CORNER OF PADDOCK LANE AND HAPPY HOLLOW ROAD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 9.60 acres. The request is to rezone 6.17 acres to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE and 3.37 acres to NC, Neighborhood Conservation.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

K. W. Fulcher 3-31-14

Paul A. Becker 3-31-2013

Don Man 4-2-14
Donna Danka



V20130812

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council

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

FROM: Jesse Fulcher, Senior Planner

DATE: March 27, 2014

SUBJECT: **RZN 14-4618: Rezone (SOUTHWEST CORNER OF PADDOCK LANE AND HAPPY HOLLOW RD/PADDOCK SD, 526):** Submitted by BLEW AND ASSOCIATES for property located AT THE SOUTHWEST CORNER OF PADDOCK LANE AND HAPPY HOLLOW ROAD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 9.60 acres. The request is to rezone 6.17 acres to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE and 3.37 acres to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to rezone the subject property from R-PZD, Paddock Road to RSF-8, Residential Single-family and NC, Neighborhood Conservation.

BACKGROUND:

The subject property is located north of Alberta Street and contains approximately 10.22 acres within an expired R-PZD (08-3170) The Coves. The property has some partial development improvements, including grading and gravel base for the planned Springfield Drive. The property is adjacent to the Fayetteville/Farmington City Limit on its west and south boundaries.

DISCUSSION:

On March 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0.

BUDGET/STAFF IMPACT:

None

Attachments:

- Draft ordinance, exhibits and staff report

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4618, FOR APPROXIMATELY 9.60 ACRES, LOCATED AT THE SOUTHWEST CORNER OF PADDOCK LANE AND HAPPY HOLLOW ROAD FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT, TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE AND NC, NEIGHBORHOOD CONSERVATION.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD Residential Planned Zoning District to RSF-8, Residential Single Family, 8 Units per Acre and NC, Neighborhood Conservation, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and APPROVED this day of , 2014

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

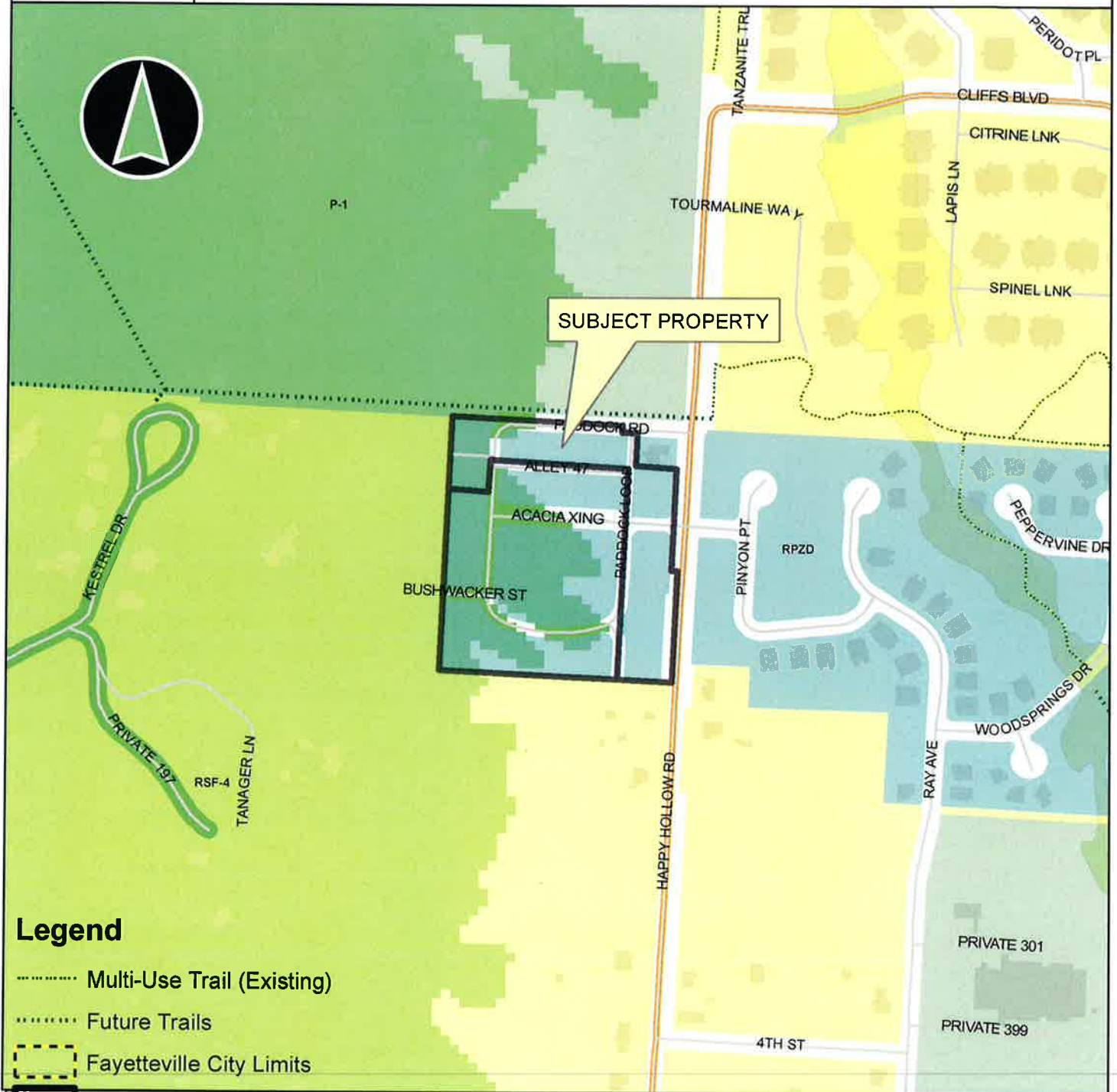
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN14-4618

PADDOCK S/D

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN14-4618

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 175 350 700 1,050 1,400 Feet

EXHIBIT "B"
RZN 14-4618

AREA TO BE REZONED TO RSF-8:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, ALSO KNOWN AS LOTS 2-24, 59, 62, A PORTION OF THE PLATTED ALLEY AND PORTIONS OF PADDOCK LOOP, BUSHWACKER DRIVE, FOREST CANYON AVENUE, AND ACACIA CROSSING OF PADDOCK SUBDIVISION, AS PER THE FINAL PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICE RECORDER OF WASHINGTON COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A PONT WHICH IS S 02°46'39" W 20.00', THENCE N87°07'06"W 15.00', THENCE S02°45'42"W 89.50' THENCE S02°45'42"W 279.22', THENCE S87°07'46"E 15.00', THENCE S02°45'42"W 303.19', THENCE N87°06'34"W 147.41', THENCE N87°06'34"W 480.66', THENCE N02°45'50"E 495.30', THENCE S85°53'30"E 108.10', THENCE N04°05'18"E 86.79', THENCE S86°22'21"E 371.90', THENCE S02°53'26"W 574.99' TO THE POINT OF BEGINNING. CONTAINING 6.17 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

AREA TO BE REZONED TO NC:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, ALSO KNOWN AS LOTS 25-58, 60, 61, A PORTION OF ACACIA CROSSING, PADDOCK ROAD, FOREST CANYON AVENUE, AND PADDOCK LOOP, AS PER THE FINAL PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICE RECORDER OF WASHINGTON COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A PONT WHICH IS S02°46'39"W 20.00', THENCE N87°07'06"W 15.00', THENCE S02°45'42"W 89.50' FROM THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND RUNNING THENCE S02°45'42"W 279.22', THENCE S87°07'46"E 15.00', THENCE S02°45'42"W 303.19', THENCE N87°06'34"W 147.41', THENCE N02°53'26"E 574.99', THENCE N86°22'21"W 371.90', THENCE S04°05'18"W 86.79', THENCE N85°53'30"W 108.10', THENCE N02°45'50"E 196.55', THENCE S87°08'12"E 460.10', THENCE S02°53'38"W 20.00', THENCE S87°02'47"E 41.68', THENCE S02°57'13"W 88.22', THENCE S86°23'20"E 111.62' TO THE POINT OF BEGINNING. CONTAINING 3.37 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD IF ANY.

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner
 Glenn Newman, Staff Engineer

MEETING DATE: ~~March 24, 2014~~ March 27, 2014

SUBJECT: **RZN 14-4618: Rezone (SOUTHWEST CORNER OF PADDOCK LANE AND HAPPY HOLLOW RD/PADDOCK SD, 526):** Submitted by BLEW AND ASSOCIATES for property located AT THE SOUTHWEST CORNER OF PADDOCK LANE AND HAPPY HOLLOW ROAD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 9.60 acres. The request is to rezone 6.17 acres to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE and 3.37 acres to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommends forwarding **RZN 14-4618** to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located at the southwest corner of Happy Hollow Road and Paddock Road. The Paddock Lane PZD was approved by the City Council in 2006 and allows for the development of 33 single-family units and 25 multi-family units, an overall density of 5.91 units per acre. It took several years for construction to be completed, but the final plat was approved in 2010. Development of the property in conformance with the PZD is permitted, but no units have been constructed. Surrounding land use and zoning is depicted on Table 1.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Sequoyah Preserve	P-1, Institutional
South	Undeveloped	RSF-4, Residential Single-family
East	Undeveloped	R-PZD Timber Trails (Single-family and Two-family)
West	Undeveloped	RSF-4, Residential Single-family

DISCUSSION:

Request: The request is to rezone 6.17 acres to RSF-8, Residential Single-family, 8 units per acre and 3.37 acres to NC, Neighborhood Conservation.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 14-4618 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION: Required

Date: March 24, 2014 ☐ Tabled ☒ Forwarded ☐ Denied

Motion: **Second:** **Vote:**

CITY COUNCIL ACTION: Required

Date: April 15, 2014 ☐ Approved ☐ Denied

INFRASTRUCTURE:

Streets: The site has access to Happy Hollow Road and Paddock Road, both of which were improved with the Paddock Lane project. No additional street improvements are expected at this time, but will be evaluated when the property is replatted.

Water: Public water is available to the property. There is a network of 12" waterlines running through the subdivision. Each of the existing lots has access to public water.

Sewer: Sanitary sewer is available to the site. There is a network of sewer mains running through the property. Each of the existing lots has access to public sewer.

Drainage: Any additional improvements for drainage will be determined when the property is replatted. This property is not affected by the 100-year floodplain or the Streamside Protection Zones.

Fire: The Fire Department did not express any concerns with this request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Plan designates this site as **Residential Neighborhood Area**.

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single-family, multi-family and row houses. Residential Neighborhood Areas encourage highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporate low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices on corners and along connecting corridors. This designation recognizes conventional setbacks and development patterns that respond to features in the natural environment.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The proposed zoning is very consistent with the future land use designation of Residential Neighborhood Area. The RSF-8 and NC zoning districts will allow a median density similar to the PZD zoning, allowing an efficient use of the existing infrastructure. Further, eliminating the attached dwelling units will likely result in more tree preservation than what was expected with the PZD, particularly along Paddock Road. The proposed zoning also maintains an appropriate zoning transition between the multi-family uses to the east and single-family uses to the west.

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

Finding: The proposed zoning is not necessarily needed at this time, since the property can be developed under the PZD designation approved in 2006. However, to date no construction has taken place and it appears that a more standardized zoning is needed for developing this property. Rezoning the property will also reduce the complexity of the tree preservation requirements. The original PZD was approved during the adoption of the original Hillside/Hilltop Overlay District, and also included several self-imposed tree preservation requirements. Today, these regulations are very complex, and site development in the HHOD is sufficiently addressed in the current tree preservation and grading ordinances of the Unified Development Code.

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

Finding: Overall the change in zoning should result in approximately the same density as was allowed under the PZD designation. Therefore, the zoning change should not appreciably increase traffic danger or congestion.

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

Finding: As already noted rezoning the property from the PZD designation to RSF-8 and NC should not result in any appreciable change in density and therefore there should not any undesirable increase on public services. Comments from utility and emergency service providers are provided herein.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

BUDGET/STAFF IMPACT:

None

Attachments:

Staff comments, request letter, plans, elevations, maps.

161.09 District RSF-8, Residential Single-Family – 8 Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	50 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) *Lot area minimum.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

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(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

(Ord. 4783, 10-18-05; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.26 Neighborhood Conservation

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the *Neighborhood Conservation* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cottage Housing Development

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)



THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Jesse Fulcher
From: Harley Hunt, Fire Marshal
Date: January 27, 2014
Re: RZN 14-4618

This development will be protected by Ladder 3 located at 1050, S. Happy Hollow Rd.
It is 2 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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

Fayetteville Fire Department

Bart Bauer

Memo

To: City of Fayetteville - Planning Commission

From: Bart Bauer

Date: March 19, 2014

**Re: Rezoning of 61 Lots in Paddock Subdivision from RPZD to RSF-8
and Neighborhood Conservation**

(a) Current Owner & Pending Sale

**This parcel is currently owned by Bauer Holdings, LLC. This is a
single-member LLC owned by Bart Bauer.**

(b) Reason for Zoning Change

**The current PZD zoning was put in place in January, 2006, and was
for a very specific set of buildings. The market at that time was
booming, and the philosophy was that buyers would purchase
anything regardless of architectural design. The market has changed
substantial since then. Multi-family housing has exploded, and buyers
in Fayetteville are drawn to a more modern or contemporary style of
architecture. In addition, the buildings required under the current PZD
are not conducive to the topography of the site which is extremely
steep and rocky in areas.**

(c) Use, Traffic, Appearance, Signage

**The rezoning is in keeping with the surrounding properties which are
all residential with the exception of the City Park to the north. The
current PZD has a higher density to the site overall, so the zoning
change will actually reduce projected traffic in the area.**

**The single-family homes that we plan to build will have a modern
design and will be an enhancement to the Happy Hollow Road area.**

**A monument sign is planned at the entrance to the subdivision. The
proper approvals and permit will be obtained prior to installing any
such sign.**

(d) Availability of Water/Sewer

Water and sewer lines were already approved by the City and are installed on the site.

(e) Consistency With Land Use and Zoning Plans

The rezoning of the parcel would be 100% consistent with the neighboring parcels and with Fayetteville's Master Plan. Adjoining properties are currently zoned either residential or multi-family, with the exception of the City of Fayetteville parcel to the north that is a City Park.

(f) Zoning Justified?

The subdivision has already been developed with water and sewer lines and roadways in place, so the rezoning of the property would actually change very little beyond the architectural style of the homes. The lots that we are requesting be rezoned to RSF-8 will keep their current dimensions. Taking them out of the PZD will simply allow us to change the architectural style of the homes on those lots.

The change to Neighborhood Conservation zoning for the remaining areas that were previously multi-family lots within the PZD will reduce the overall density of the site. Again, it will also allow us to change the architectural style of the homes. And lastly, I feel that parking was not sufficiently addressed under the existing PZD. The reduction in the density of the site will allow for off-street parking.

(g) Traffic

As mentioned above, the rezoning would reduce the overall density of the site and will actually decrease traffic in the area.

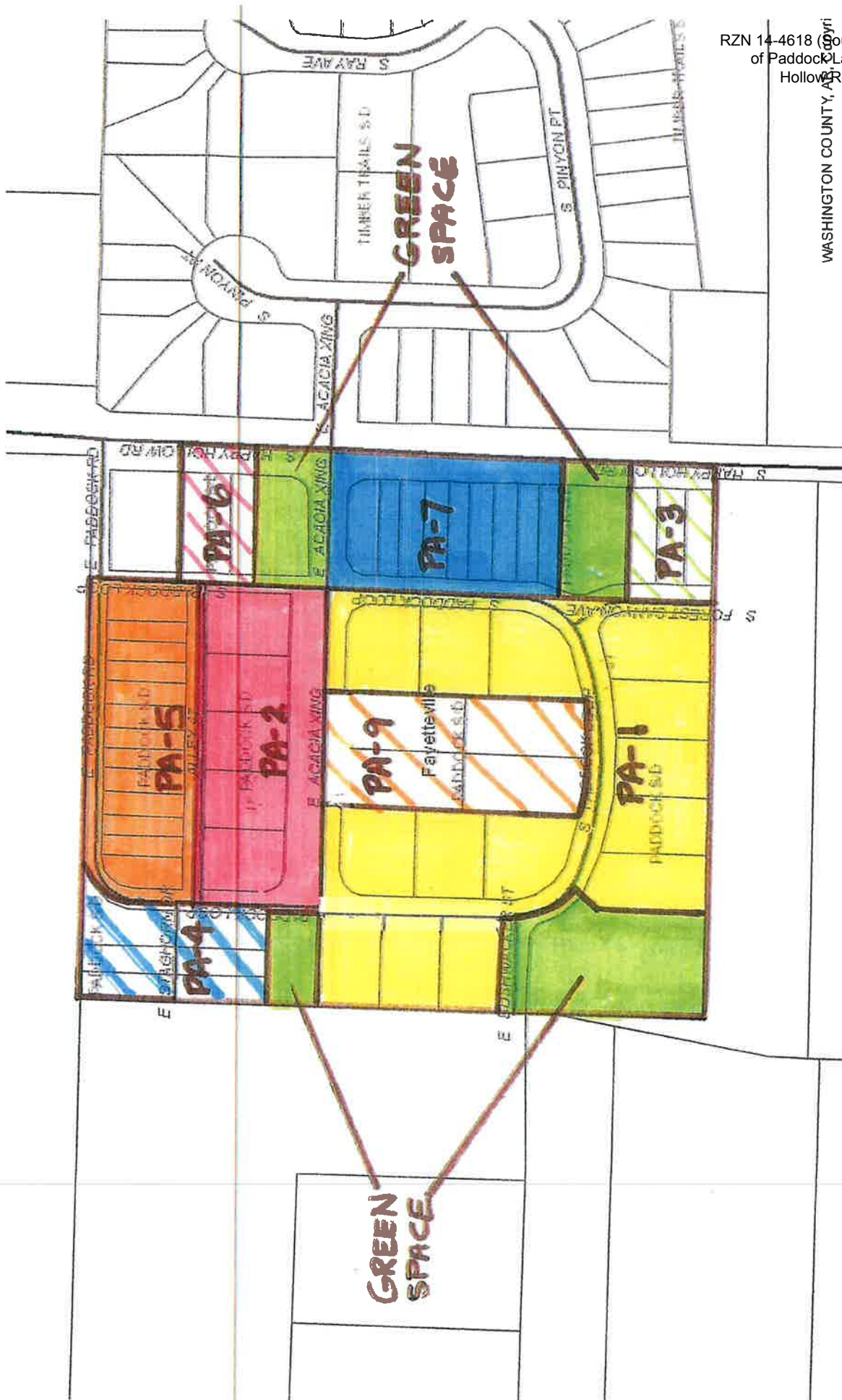
(h) Public Services

My rezoning request would result in less homes and population in the area than the previous PZD that the City of Fayetteville has already approved, thus reducing the load on public services.

(i) Impracticality of Current Zoning

The current PZD is impractical because it restricts the architecture of buildings that can be constructed on the site. The current market trends would make selling such homes nearly impossible.

R-PZD PADDOCK LANE
05-1735



EXISTING ZONING

E. Proposed Planning Areas.

- This development is proposed to offer three types of residential living (in 8 different Planning Areas) including conventional single family homes; long, narrow, two story style single family homes; and town homes. The town homes are proposed along Happy Hollow Road and adjacent to the park land to the north.

PLANNED AREA 1 (PA-1) SINGLE-FAMILY DWELLING

(A) *PURPOSE*: AREA 1 IS DESIGNED TO ENCOURAGE LARGER SINGLE FAMILY HOMES AT A LOW DENSITY. ARCH. STYLE IN SKETCHES ON PAGES 4A,4B & 4C.

(B) *USES*:

Permitted Uses

UNIT 1	CITY WIDE USES BY RIGHT
UNIT 8	SINGLE-FAMILY DWELLING

Conditional Uses

UNIT 2	CITY WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

(C) *DENSITY*:

UNITS/ACRE	5 or less
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(D) *BULK AND AREA REGULATIONS*:

LOT AREA MINIMUM	6,700 sq ft
MIN. LOT WIDTH AT R/W	66 ft
LAND AREA PER DWELLING	6,700 sq ft

(E) *SETBACK REQUIREMENTS*

FRONT	SIDE	REAR
20 ft	8 ft	25 ft

Lot 19 Side Setback on the west side is 25 ft

(F) *MAX HEIGHT*: 35 FEET

BUILDING AREA: THE AREA OCCUPIED BY ALL BUILDINGS SHALL NOT EXCEED 40% OF THE TOTAL LOT AREA

MATERIALS: Brick, Driv-it(Stucco), Hardy Panel, Hardy Board, Cedar shake siding and Asphalt shingle roofing to be used in different proportions to allow for slightly different looks on individual homes.

ACRES: 3.50

MAX NUMBER OF DWELLINGS: 15

PDC, Inc.

PLANNED AREA 2 (PA-2) SINGLE-FAMILY DWELLING

(A) *PURPOSE*: AREA 1 IS DESIGNED TO ENCOURAGE LARGER SINGLE FAMILY HOMES AT A LOW DENSITY. ARCH. STYLE IN SKETCHES ON PAGES 4A,4B & 4C.

(B) *USES*:

Permitted Uses

UNIT 1	CITY WIDE USES BY RIGHT
UNIT 8	SINGLE-FAMILY DWELLING

Conditional Uses

UNIT 2	CITY WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

(C) *DENSITY*:

UNITS/ACRE	6 or less
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(D) *BULK AND AREA REGULATIONS*:

LOT AREA MINIMUM	6,119 sq ft
MIN. LOT WIDTH AT R/W	66 ft
LAND AREA PER DWELLING	6,119 sq ft

(E) *SETBACK REQUIREMENTS*

FRONT	SIDE	REAR
43ft	8 ft	10 ft

Lot 6 is 15ft Front Setback along west property line

Lot 2 is 15ft Side Setback along alley

(F) *MAX HEIGHT*: 35 FEET

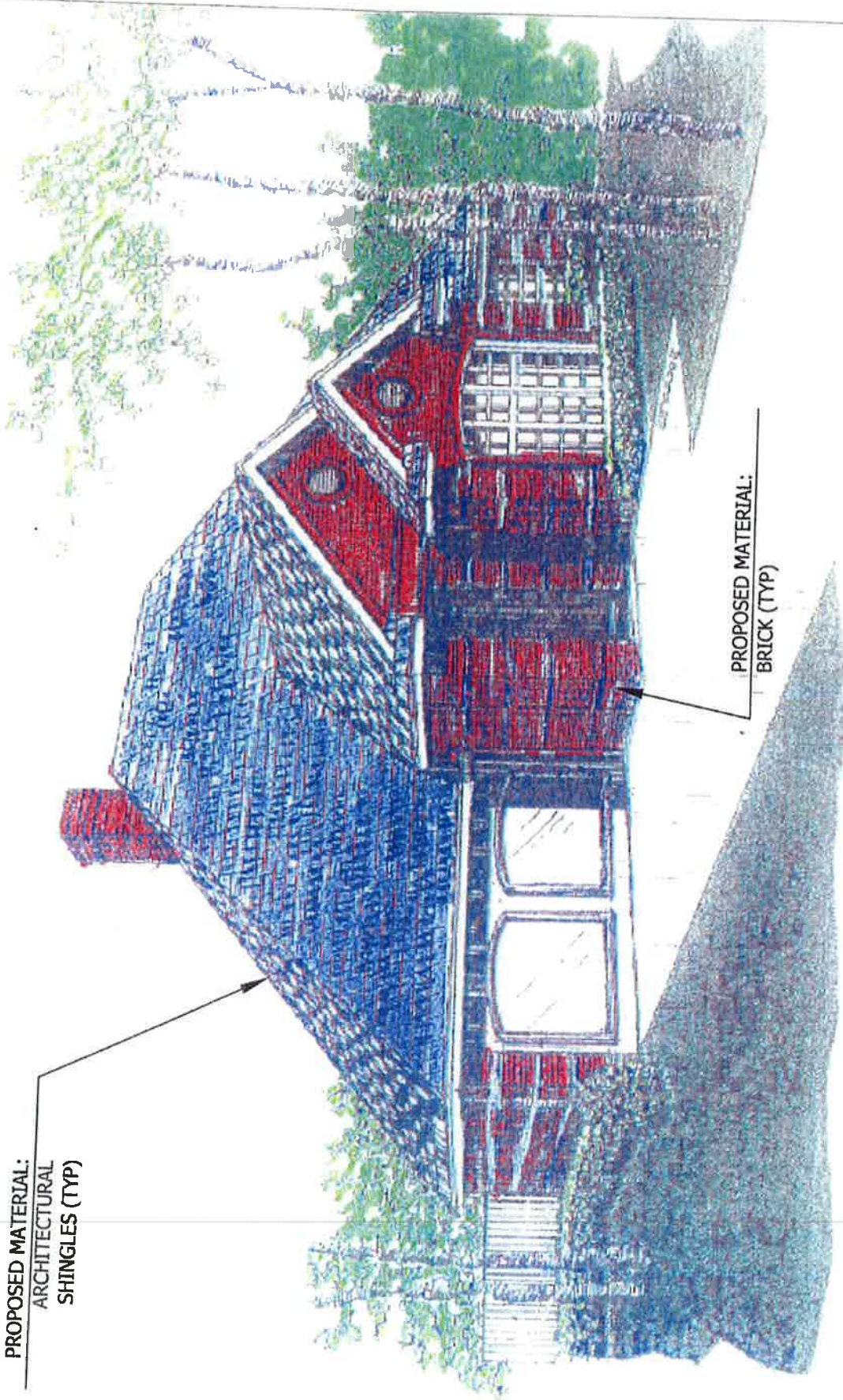
BUILDING AREA: THE AREA OCCUPIED BY ALL BUILDINGS SHALL NOT EXCEED 40% OF THE TOTAL LOT AREA

MATERIALS: Brick, Driv-it(Stucco), Hardy Panel, Hardy Board, Cedar shake siding and Asphalt shingle roofing to be used in different proportions to allow for slightly different looks on individual homes.

ACRES: 1.15

MAX NUMBER OF DWELLINGS: 5

PROPOSED MATERIAL:
ARCHITECTURAL
SHINGLES (TYP)

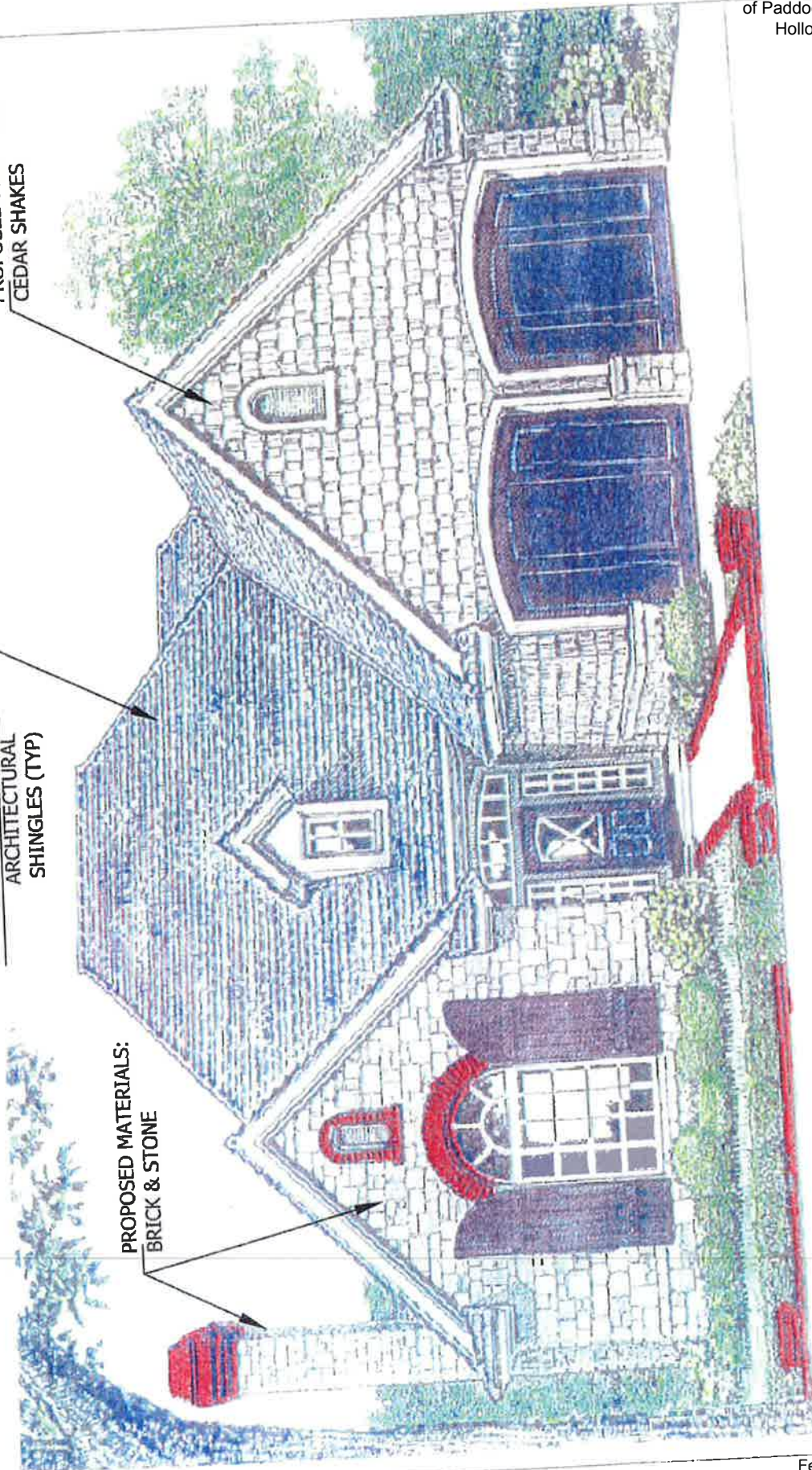


PROPOSED MATERIAL:
BRICK (TYP)

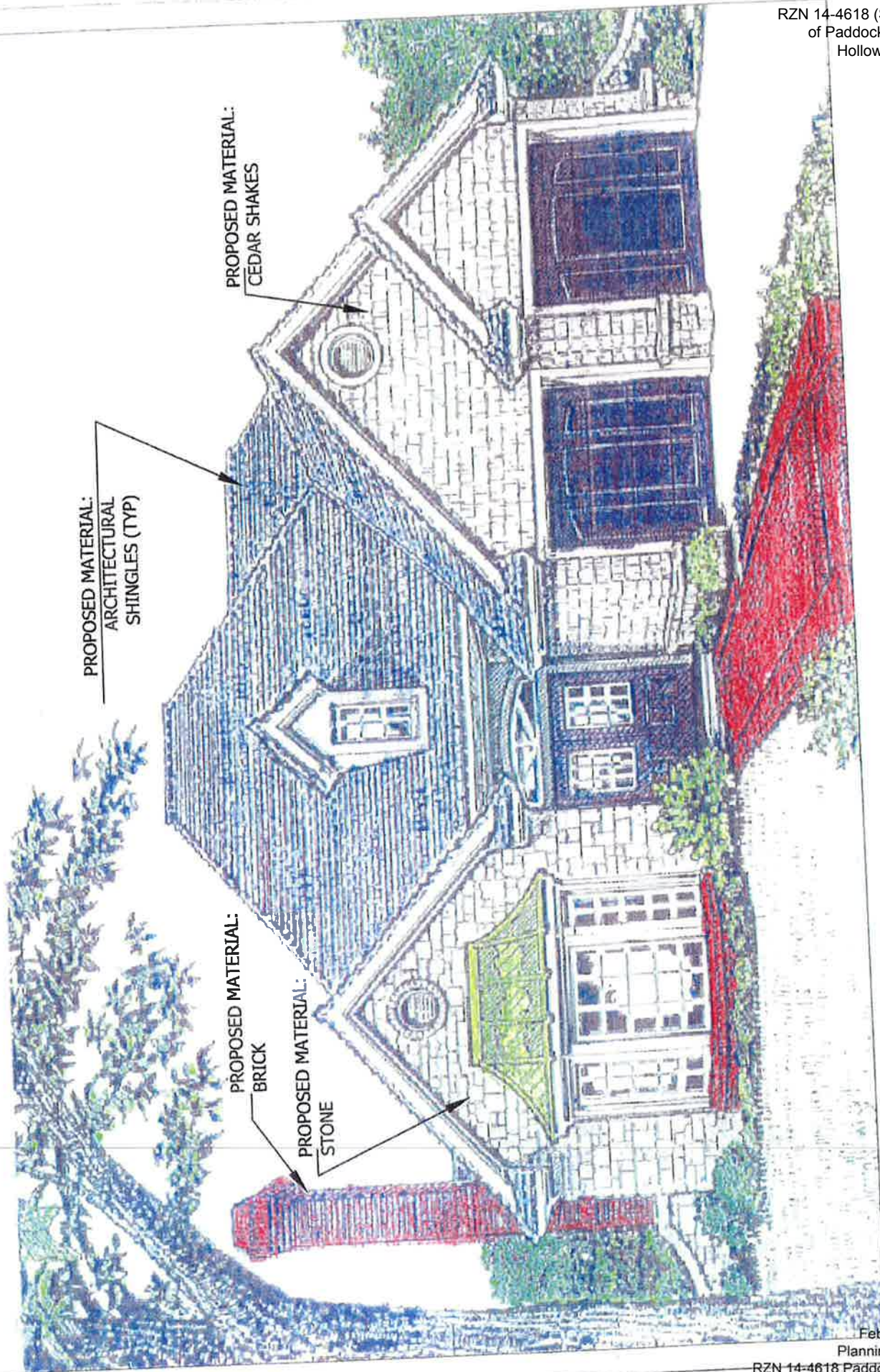
PROPOSED MATERIAL:
CEDAR SHAKES

PROPOSED MATERIAL:
ARCHITECTURAL
SHINGLES (TYP)

PROPOSED MATERIALS:
BRICK & STONE



4B



PLANNED AREA 3 (PA-3) SINGLE-FAMILY DWELLING

(A) *PURPOSE:* AREA 3 IS DESIGNED TO ENCOURAGE SMALLER TWO STORY SINGLE FAMILY HOMES AT MODERATE DENSITY, WITH LESS YARD SPACE. ARCH. STYLE AND STREETSCAPES IN SKETCHES ON PAGES 6A, 6B & 6C

(B) *USES:*

Permitted Uses

UNIT 1	CITY WIDE USES BY RIGHT
UNIT 8	SINGLE-FAMILY DWELLING

Conditional Uses

UNIT 2	CITY WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

(C) *DENSITY:*

UNITS/ACRE	11 or less
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(D) *BULK AND AREA REGULATIONS:*

LOT AREA MINIMUM	3,400sq ft
MIN, LOT WIDTH AT R/W	31 ft
LAND AREA PER DWELLING	3,400 sq ft

(E) *SETBACK REQUIREMENTS*

FRONT	SIDE	REAR
20 ft	4 ft	15 ft

Front Setback is from Happy Hollow Street side

Rear Setback is on west side of lots

(F) *MAX HEIGHT:* 35 FEET

BUILDING AREA: THE AREA OCCUPIED BY ALL BUILDINGS SHALL NOT EXCEED 50% OF THE TOTAL LOT AREA

MATERIALS: Brick, Driv-it(Stucco), Hardy Panel, Hardy Board, Cedar shake siding and Asphalt shingle roofing to be used in different proportions to allow for slightly different looks on individual homes.

ACRES: 0.32

MAX NUMBER OF DWELLINGS: 3

PLANNED AREA 4 (PA-4) SINGLE-FAMILY DWELLING

(A) *PURPOSE:* AREA 4 IS DESIGNED TO ENCOURAGE SMALLER TWO STORY SINGLE FAMILY HOMES AT MODERATE DENSITY, WITH LESS YARD SPACE. ARCH. STYLE AND STREETSCAPES IN SKETCHES ON PAGES 6A, 6B & 6C

(B) *USES:*

Permitted Uses

UNIT 1	CITY WIDE USES BY RIGHT
UNIT 8	SINGLE-FAMILY DWELLING

Conditional Uses

UNIT 2	CITY WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

(C) *DENSITY:*

UNITS/ACRE	12 or less
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(D) *BULK AND AREA REGULATIONS:*

LOT AREA MINIMUM	3,100sq ft
MIN. LOT WIDTH AT EASEMENT	31 ft
LAND AREA PER DWELLING	3,100 sq ft

(E) *SETBACK REQUIREMENTS*

FRONT	SIDE	REAR
15 ft	4 ft	15 ft

(F) *MAX HEIGHT:* 35 FEET

BUILDING AREA: THE AREA OCCUPIED BY ALL BUILDINGS SHALL NOT EXCEED 55% OF THE TOTAL LOT AREA

MATERIALS: Brick, Driv-it(Stucco), Hardy Panel, Hardy Board, Cedar shake siding and Asphalt shingle roofing to be used in different proportions to allow for slightly different looks on individual homes.

ACRES: 0.54

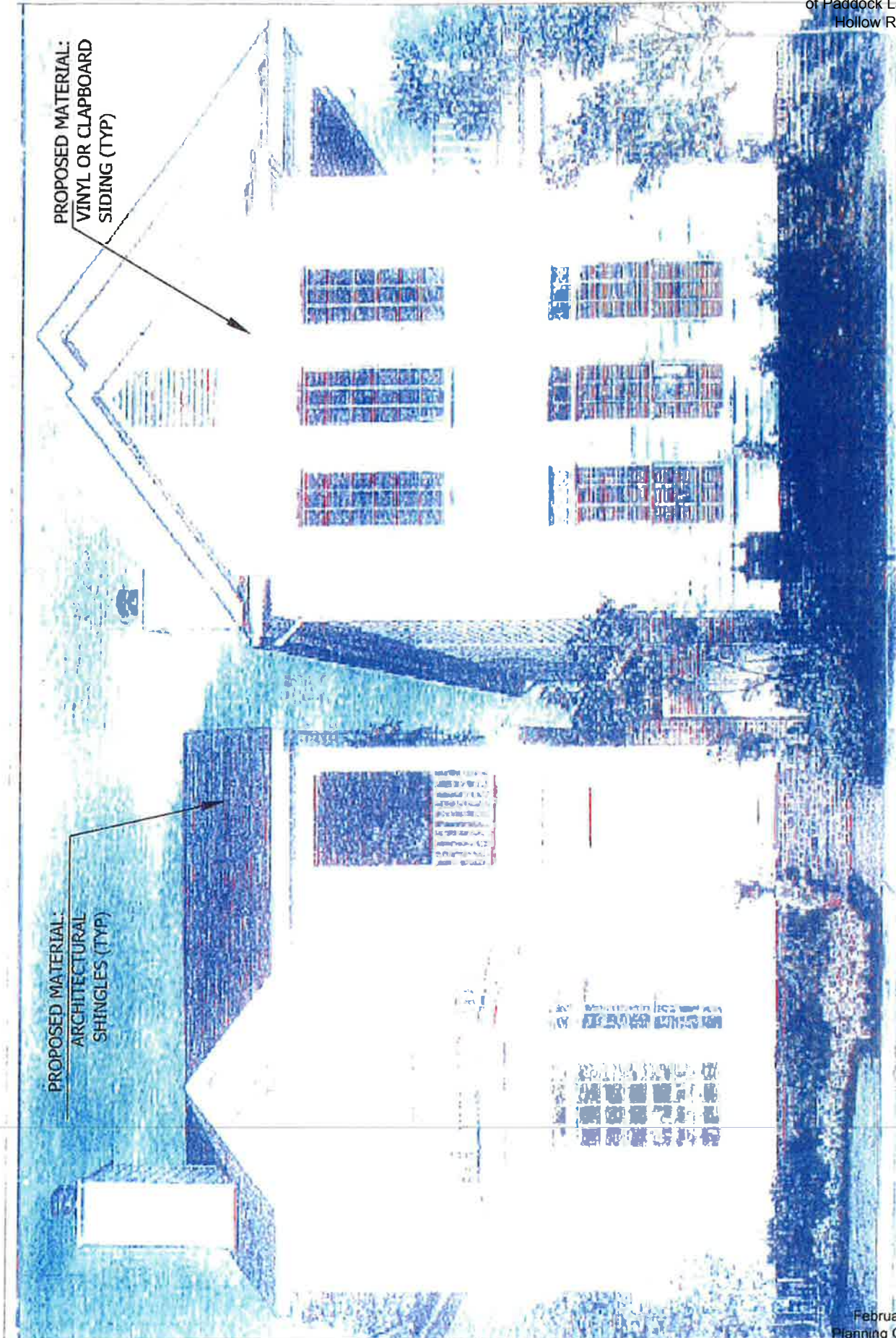
MAX NUMBER OF DWELLINGS: 6

PROPOSED MATERIAL:
ARCHITECTURAL
SHINGLES (TYP)

PROPOSED MATERIAL:
VINYL OR CLAPBOARD
SIDING (TYP)

PROPOSED MATERIAL:
VINYL OR CLAPBOARD
SIDING (TYP)





PROPOSED MATERIAL:
ARCHITECTURAL
SHINGLES (TYP)

PROPOSED MATERIAL:
VINYL OR CLAPBOARD
SIDING (TYP)

PROPOSED MATERIAL:
VINYL OR CLAPBOARD
SIDING (TYP)



SINGLE FAMILY HOMES (TYP)
N.T.S.

PLANNED AREA 5 (PA-5) MULTI-FAMILY DWELLING

(A) *PURPOSE*: AREA 5 IS DESIGNED TO ENCOURAGE MULTI-FAMILY TOWN HOMES WITH A MODERATE DENSITY WITH SOME SHARED YARD/PARKING SPACE ARCH. STYLE AND STREETSCAPES IN SKETCHES ON PAGES 9A & 9B

(B) *USES*:
Permitted Uses

UNIT 1	CITY WIDE USES BY RIGHT
UNIT 26	MULTI-FAMILY

Conditional Uses

UNIT 2	CITY WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

(C) *DENSITY*:

UNITS/ACRE	13 or less
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(D) *BULK AND AREA REGULATIONS*:

LOT AREA MINIMUM	2,000 sq ft
MIN. LOT WIDTH AT R/W	23 ft
LAND AREA PER DWELLING	2,000 sq ft

(E) *SETBACK REQUIREMENTS*

FRONT	SIDE	REAR
10 ft*	4 ft**	10 ft

* Front Setback is 15 feet on the west side of Lot 34.

** Refers to building side that is detached. Setback is 0 feet where attached

Lot 46 Side Setback shall be 15 feet on the east side

(F) *MAX HEIGHT*: 35 FEET

BUILDING AREA: THE AREA OCCUPIED BY ALL BUILDINGS SHALL NOT EXCEED 95% OF THE TOTAL LOT AREA

MATERIALS: Brick, Driv-it(Stucco), Hardy Panel, Hardy Board, Cedar shake siding and Asphalt shingle roofing to be used in different proportions to allow for slightly different looks on individual homes.

ACRES: 1.07

MAX NUMBER OF DWELLINGS: 13

PLANNED AREA 6 (PA-6) MULTI-FAMILY DWELLING

(A) *PURPOSE*: AREA 6 IS DESIGNED TO ENCOURAGE MULTI-FAMILY TOWN HOMES WITH A MODERATE DENSITY WITH SOME SHARED YARD/PARKING SPACE ARCH. STYLE AND STREETSCAPES IN SKETCHES ON PAGES 9A & 9B

(B) *USES*:

Permitted Uses

UNIT 1	CITY WIDE USES BY RIGHT
UNIT 26	MULTI-FAMILY

Conditional Uses

UNIT 2	CITY WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

(C) *DENSITY*:

UNITS/ACRE	12 or less
------------	------------

(D) *BULK AND AREA REGULATIONS*:

LOT AREA MINIMUM	2,875 sq ft
MIN. LOT WIDTH AT R/W	25 ft
LAND AREA PER DWELLING	2,875 sq ft

(E) *SETBACK REQUIREMENTS*

FRONT	SIDE	REAR
20 ft	4 ft*	20 ft

* Refers to building side that is detached. Setback is 0 feet where attached

(F) *MAX HEIGHT*: 35 FEET

BUILDING AREA: THE AREA OCCUPIED BY ALL BUILDINGS SHALL NOT EXCEED 65% OF THE TOTAL LOT AREA

MATERIALS: Brick, Driv-it(Stucco), Hardy Panel, Hardy Board, Cedar shake siding and Asphalt shingle roofing to be used in different proportions to allow for slightly different looks on individual homes.

ACRES: 0.25

MAX NUMBER OF DWELLINGS: 3

PLANNED AREA 7 (PA-7) MULTI-FAMILY DWELLING

(A) *PURPOSE:* AREA 7 IS DESIGNED TO ENCOURAGE MULTI-FAMILY TOWN HOMES WITH A MODERATE DENSITY WITH SOME SHARED YARD/PARKING SPACE ARCH. STYLE AND STREETSCAPES IN SKETCHES ON PAGES 9A & 9B

(B) *USES:*
Permitted Uses

UNIT 1	CITY WIDE USES BY RIGHT
UNIT 26	MULTI-FAMILY

Conditional Uses

UNIT 2	CITY WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

(C) *DENSITY:*

UNITS/ACRE	12 or less
------------	------------

(D) *BULK AND AREA REGULATIONS:*

LOT AREA MINIMUM	2,400 sq ft
MIN. LOT WIDTH AT R/W	23 ft
LAND AREA PER DWELLING	2,400 sq ft

(E) *SETBACK REQUIREMENTS*

FRONT	SIDE	REAR
20 ft*	4 ft**	15 ft

* Front Setback is 15 ft along Acacia.

** Refers to building side that is detached. Setback is 0 feet where attached

Front Setback is from Happy Hollow Road side

Rear Setback is on west side of lots

(F) *MAX HEIGHT:* 35 FEET

BUILDING AREA: THE AREA OCCUPIED BY ALL BUILDINGS SHALL NOT EXCEED 76% OF THE TOTAL LOT AREA

MATERIALS: Brick, Driv-it(Stucco), Hardy Panel, Hardy Board, Cedar shake siding and Asphalt shingle roofing to be used in different proportions to allow for slightly different looks on individual homes.

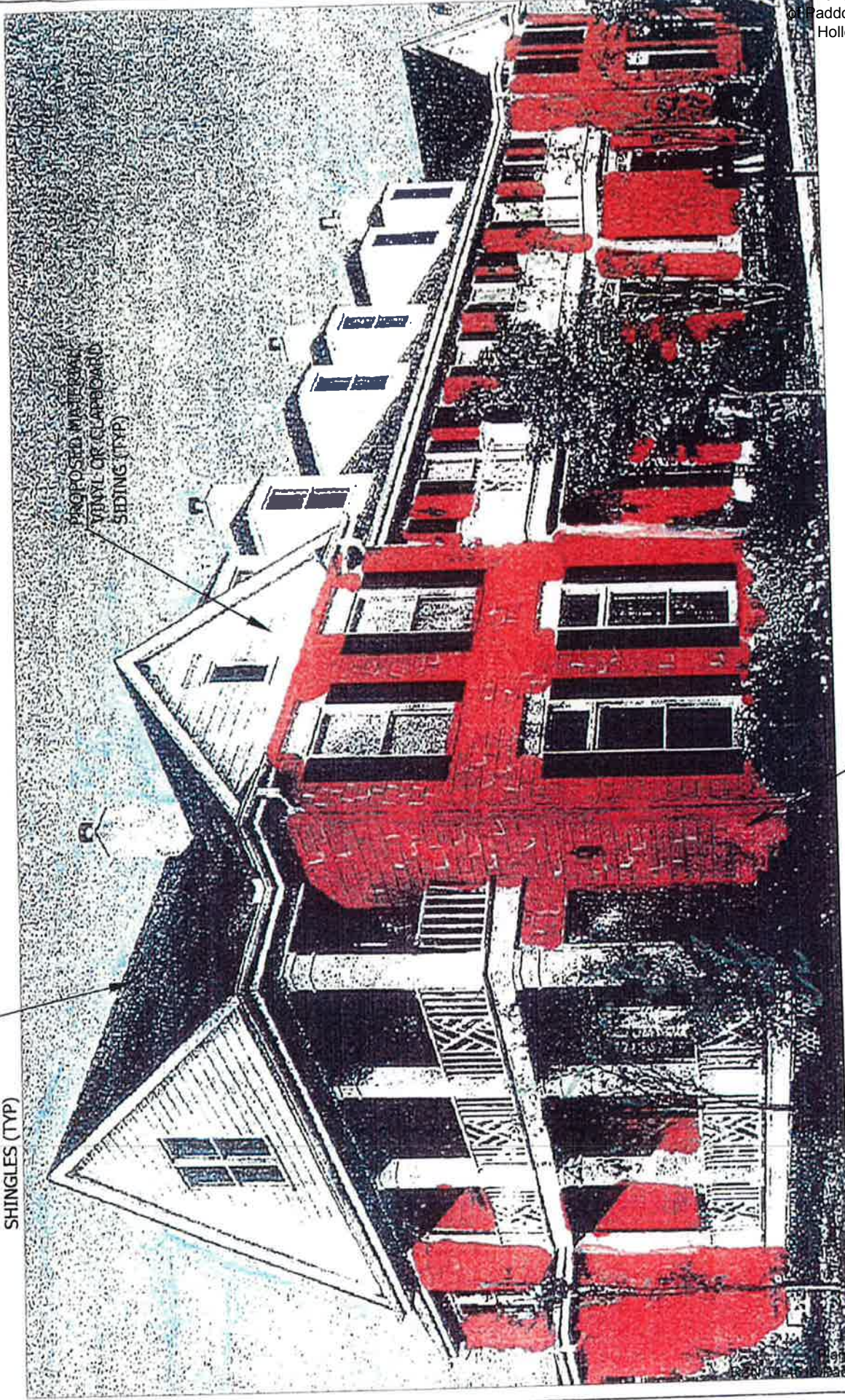
ACRES: 0.82

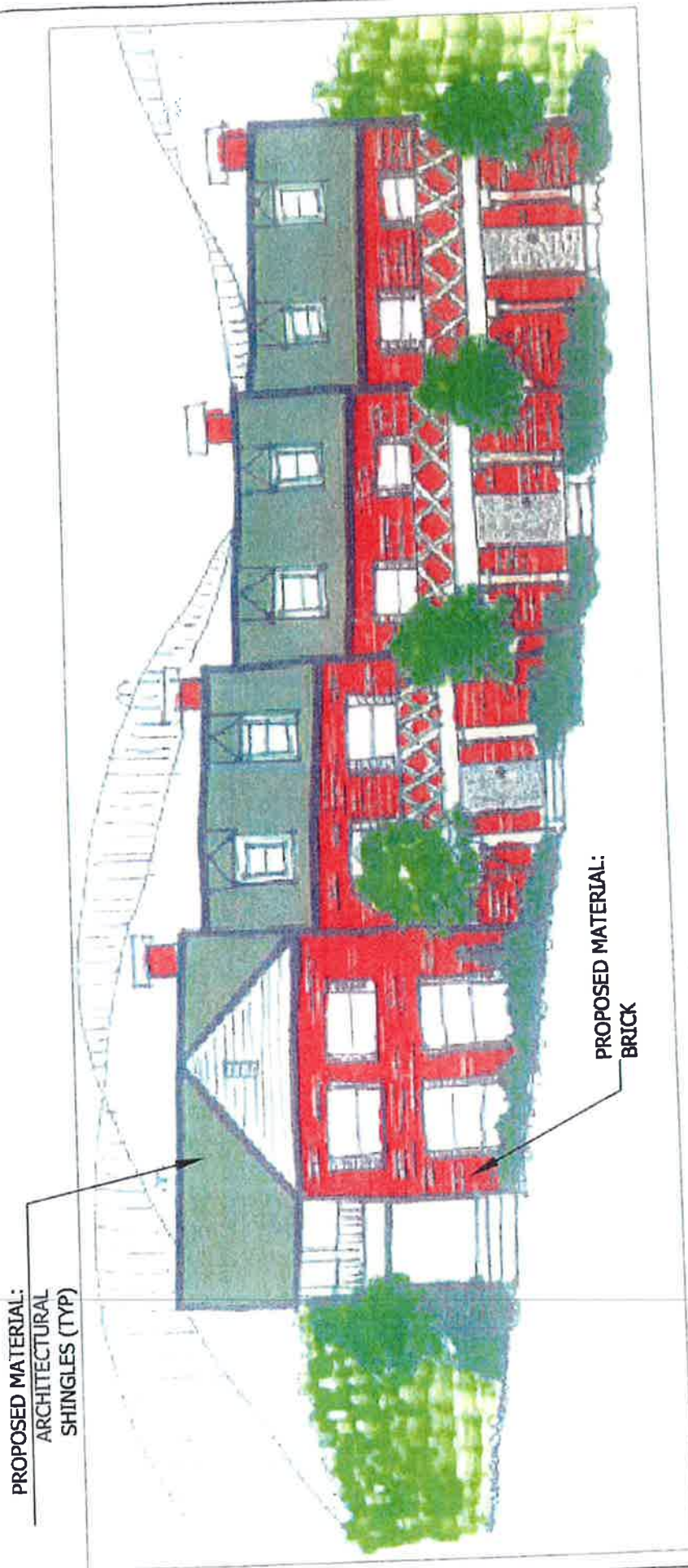
MAX NUMBER OF DWELLINGS: 9

PROPOSED MATERIAL:
ARCHITECTURAL
SHINGLES (TYP)

PROPOSED MATERIAL:
VINYL OR CLAPBOARD
SIDING (TYP)

PROPOSED MATERIAL:
BRICK





TOWNHOMES (TYP)
N.T.S.

PLANNED AREA 8 (PA-8) COMMUNITY GREEN SPACE/COMMON AREA

(A) *PURPOSE:* AREA 8 IS DESIGNED FOR COMMUNITY GREEN SPACE AREA AND TO ENCOURAGE THE SENSE OF COMMUNITY THROUGH THE USE OF THESE NATURAL AREAS ALLOWING SPACE FOR OUTDOOR RECREATION.

(B) *USES:*

Permitted Uses

UNIT 1 CITY WIDE USES BY RIGHT

Conditional Uses

UNIT 4 CULTURAL AND RECREATIONAL PURPOSES

(C) *DENSITY:*

UNITS/ACRE NO UNITS ALLOWED

INTENSITY: 0

NO PERMITTED STRUCTURES

ACRES: 1.20

LOTS: 59 – 0.52 AC

60 – 0.27 AC

61 – 0.16 AC

62 – 0.22 AC

PLANNED AREA 9 (PA-9) SINGLE-FAMILY DWELLING

(A) *PURPOSE*: AREA 9 IS DESIGNED TO ENCOURAGE LARGER SINGLE FAMILY HOMES AT A LOW DENSITY. ARCH. STYLE IN SKETCHES ON PAGES 4A,4B & 4C.

(B) *USES*:

Permitted Uses

UNIT 1	CITY WIDE USES BY RIGHT
UNIT 8	SINGLE-FAMILY DWELLING

Conditional Uses

UNIT 2	CITY WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

(C) *DENSITY*:

UNITS/ACRE	5 or less
------------	-----------

(D) *BULK AND AREA REGULATIONS*:

LOT AREA MINIMUM	8,900 sq ft
MIN. LOT WIDTH AT R/W	66 ft
LAND AREA PER DWELLING	8,900 sq ft

(E) *SETBACK REQUIREMENTS*

FRONT	SIDE	REAR
20 ft	8 ft	65 ft

Rear setback area is for tree preservation easement area

(F) *MAX HEIGHT*: 35 FEET

BUILDING AREA: THE AREA OCCUPIED BY ALL BUILDINGS SHALL NOT EXCEED 30% OF THE TOTAL LOT AREA

MATERIALS: Brick, Driv-it(Stucco), Hardy Panel, Hardy Board, Cedar shake siding and Asphalt shingle roofing to be used in different proportions to allow for slightly different looks on individual homes.

ACRES: 0.92

MAX NUMBER OF DWELLINGS: 4

F. Proposed Zoning and Development Standards.

- Zoning and Development Standards are listed below and in Section E.
- Building Elevations are attached in the planning area at the back of this booklet.
- Each lot shall be stepped by use of stem walls to avoid retaining walls at lot lines.

G. Comparison Chart.

Standards	PA-1	PA-2	PA-3	PA-4	PA-5	PA-6	PA-7	PA-9	RSF-4
Density	5	6	11	12	13	12	12	5	4
Min. Lot Width	66	66	31	31	23	25	23	66	70
Min. Lot Area	6700	6119	3400	3100	2000	2875	2400	8900	8000
Land Area/Dwelling	6700	6119	3400	3100	2000	2875	2400	8900	8000
Max. Building Height	35	35	35	35	35	35	35	35	None
Front Setback	20	43 ¹	20	15	10 ²	20	20 ³	20	25
Rear Setback	25	10	15	15	10	20	15	65 ⁴	20
Side Setback	8	8	4	4	4 ⁵	4 ⁵	4 ⁵	8	8
Max. Lot Coverage	40%	40%	50%	55%	95%	65%	76%	30%	40%

1. Subject to existing utility easement.
 2. Front setback is 15' along west side.
 3. Front setback for Lot 50 is 15' along Acacia Drive.
 4. Rear setback is designated for tree preservation area.
 5. Refers to building side that is detached. Setback is 0 feet where attached.
- Overall proposed density for the development is 5.94 units per acre.

H. Description of the Recreational Facilities.

- There are no proposed recreation facilities within this development.
- The property to the north is city park land reserved for nature recreational purposes such as nature trails.
- In lieu funds are required for park lands fees for this development and the developer has offered paved parking with decorative stone columns and lighting to the Parks Department along the southern boundary of the park land immediately north of this site.

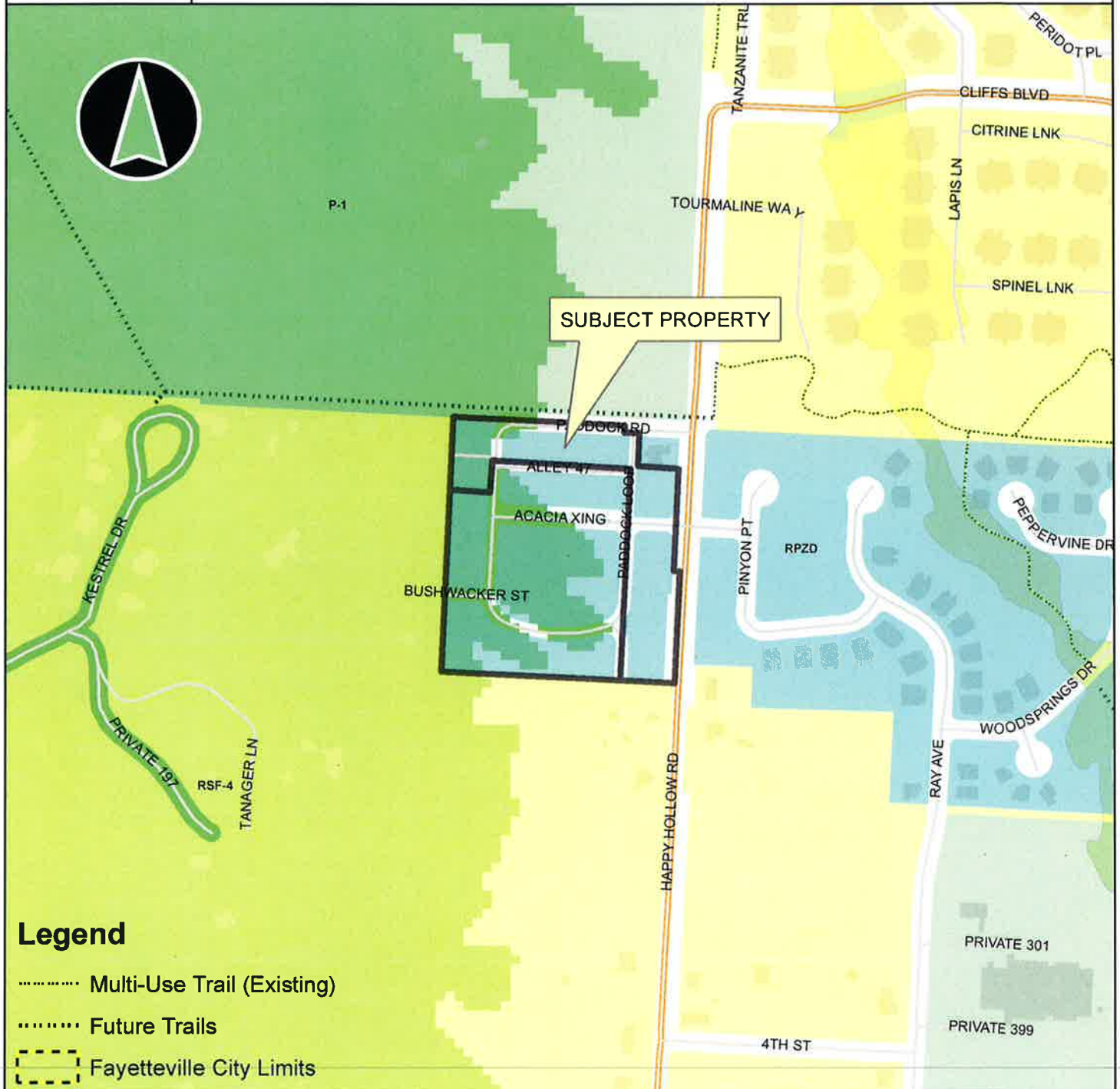
I. Reason For PZD Request.

- To provide a variety of affordable housing in a modern development integrated into the natural landscape and terrain of the area.
- The development offers a mixed use of residential housing in an "in-fill" situation avoiding urban sprawl.

RZN14-4618

PADDOCK S/D

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

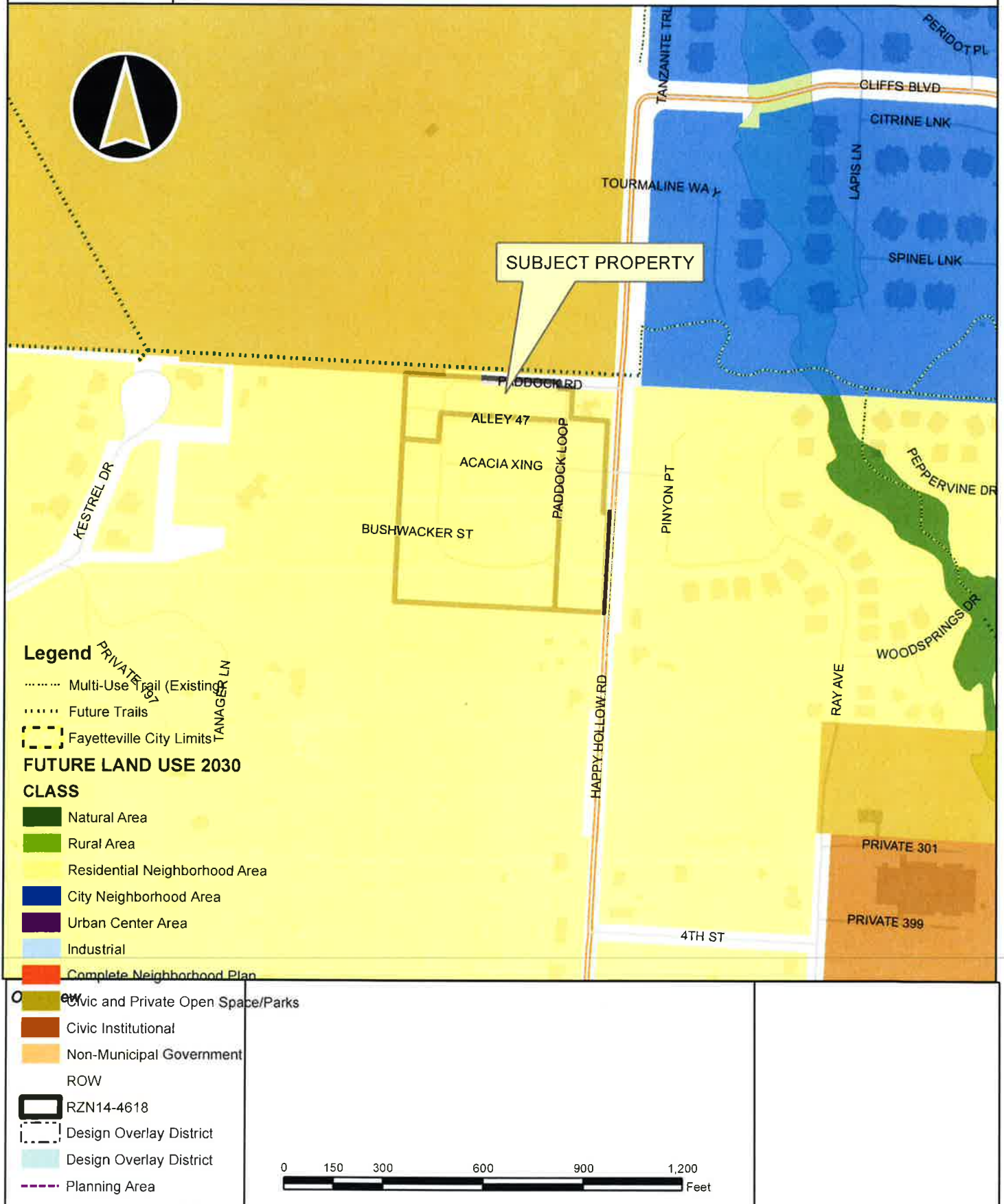
- Overview RZN14-4618
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 175 350 700 1,050 1,400 Feet

RZN14-4618

PADDOCK S/D

Future Land Use



RZN14-4618

PADDOCK S/D

Current Land Use

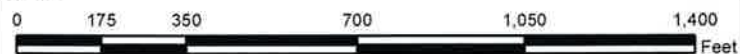


Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview Fayetteville City Limits

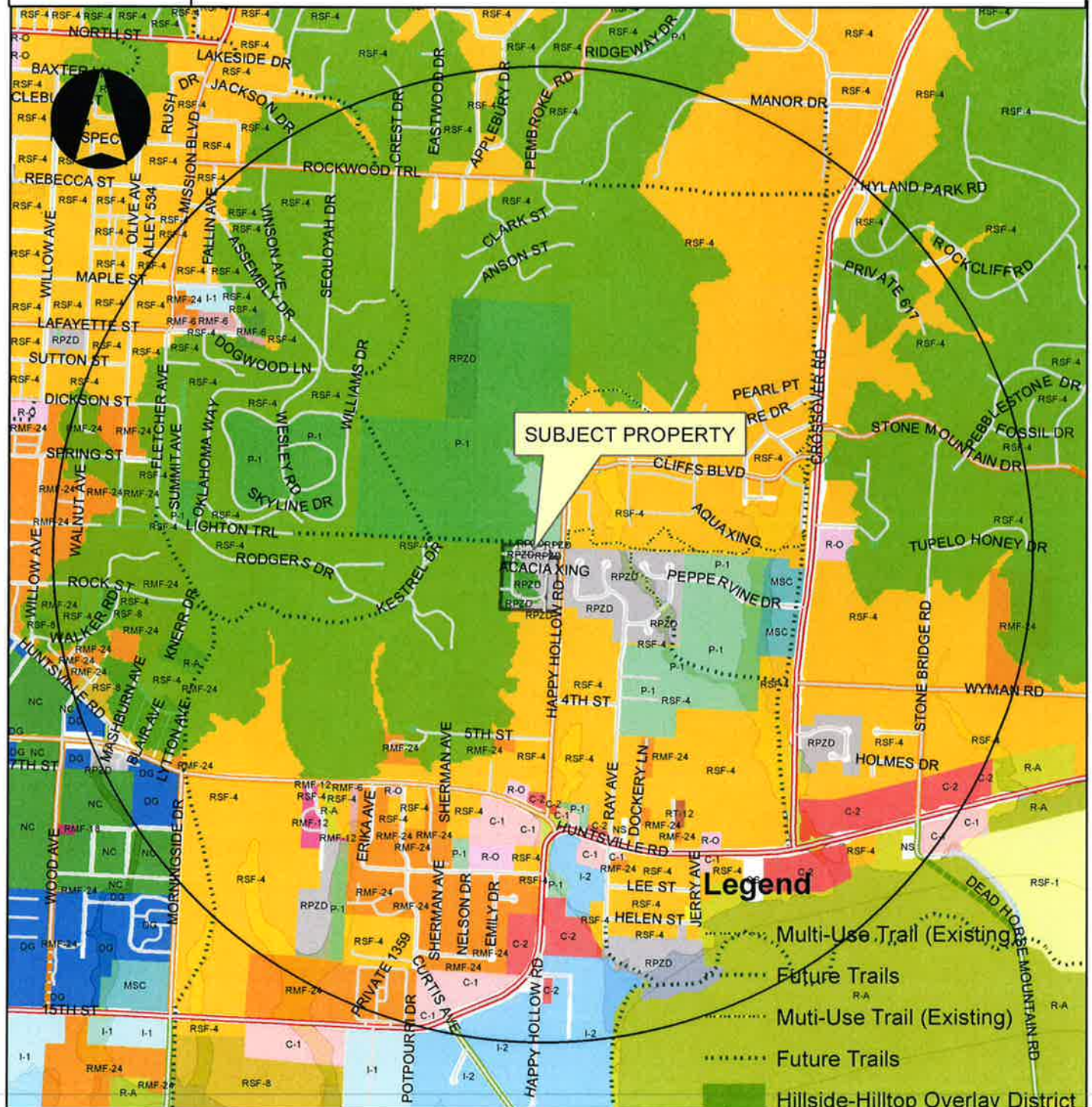
- RZN14-4618
- Footprints 2010
- Design Overlay District
- Design Overlay District
- Planning Area



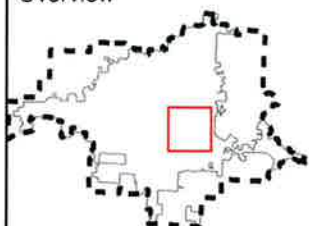
RZN14-4618

One Mile View

PADDOCK S/D



Overview



Legend

Subject Property



Boundary

0 0.25 0.5

RZN14-4618

Design Overlay District

Planning Area

Fayetteville

1
Miles

City of Fayetteville Item Review Form

2014-0168

Legistar File Number

04/15/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

RZN 14-4645: Rezone (NORTH OF ALBERTA ST. AND WEST OF THE COVES/THE COVES, 555):
Submitted by KIM HESSE for property located at NORTH OF ALBERTA ST. AND WEST OF THE COVES.
The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately
10.22 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS
PER ACRE.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



[Signature] 3-31-14

Paul A. Babin 3-31-2014

Don Man 4-2-14

[Signature]

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council

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

FROM: Jesse Fulcher, Senior Planner

DATE: March 27, 2014

SUBJECT: **RZN 14-4645: Rezone (NORTH OF ALBERTA ST. AND WEST OF THE COVES/THE COVES, 555):** Submitted by KIM HESSE for property located at NORTH OF ALBERTA ST. AND WEST OF THE COVES. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 10.22 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to rezone the subject property from R-PZD, The Coves to RSF-8, Residential Single-family.

BACKGROUND:

The subject property is located north of Alberta Street and contains approximately 10.22 acres within an expired R-PZD (08-3170) The Coves. The property has some partial development improvements, including grading and gravel base for the planned Springfield Drive. The property is adjacent to the Fayetteville/Farmington City Limit on its west and south boundaries.

DISCUSSION:

On March 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0.

BUDGET/STAFF IMPACT:

None

Attachments:

- Draft ordinance, exhibits and staff report

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4645, FOR APPROXIMATELY 10.22 ACRES, LOCATED NORTH OF ALBERTA STREET AND WEST OF THE COVES FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT, 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 City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD Residential Planned Zoning District 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 City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and APPROVED this day of , 2014

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

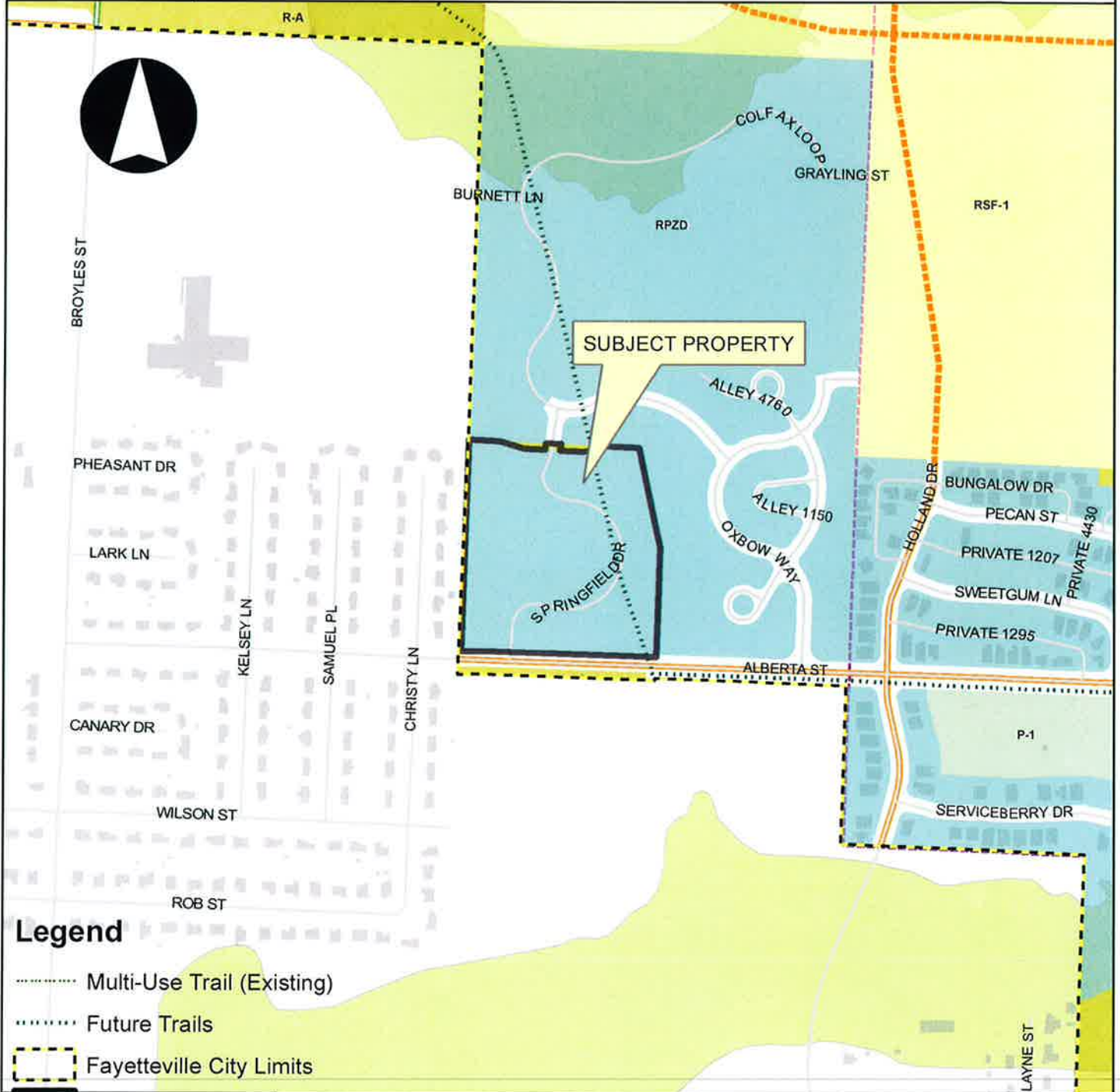
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN14-4645

Close Up View

THE COVES



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview

RZN14-4645

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



EXHIBIT "B"
RZN 14-4645

A part of the West Half ($W \frac{1}{2}$) of the Southwest Quarter ($SW \frac{1}{4}$) of the Northwest Quarter ($NW \frac{1}{4}$) of Section 24, Township 16 North, Range 31 West (Sec 24, T-16-N, R-31-W) and more particularly described as follows: Beginning at a $\frac{1}{2}$ " rebar marking the Northwest Corner of the Southwest Quarter ($SW \frac{1}{4}$) of the Northwest Quarter ($NW \frac{1}{4}$) of Section 24, Township 16 North, Range 31 West (Sec 24, T-16-N, R-31-W), thence S $87^{\circ}17'55''$ E, 104.52 feet; thence S $72^{\circ}17'15''$ E, 86.70 feet; thence S $87^{\circ}17'55''$ E, 69.39 feet; thence N $06^{\circ}57'26''$ E, 22.52 feet; thence S $87^{\circ}17'55''$ E, 50.14 feet; thence S $06^{\circ}57'26''$ W, 22.52 feet; S $87^{\circ}17'55''$ E, 79.86 feet; thence N $76^{\circ}13'34''$ E, 79.18 feet; thence S $87^{\circ}17'55''$ E, 107.76 feet; S $11^{\circ}31'38''$ W, 64.83 feet; thence S $11^{\circ}38'18''$ W, 73.15 feet; thence S $12^{\circ}13'18''$ W, 154.96 feet; thence S $11^{\circ}56'46''$ W, 52.07 feet; thence S $01^{\circ}53'47''$ W, 371.96 feet; thence N $87^{\circ}59'22''$ W, 411.52 feet; thence N $87^{\circ}59'33''$ W, 149.74 feet; thence S $89^{\circ}51'53''$ W, 92.75 feet; thence N $01^{\circ}54'57''$ E, 717.17 feet to the point of beginning containing 445,225.46 square feet or 10.22 acres. Basis of Bearings is a Survey by Tony Anderson (PLS 1272), job number 06-12-02, dated 9/12/07.

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~March 24, 2014~~ Updated March 27, 2014

SUBJECT: **RZN 14-4645: Rezone (NORTH OF ALBERTA ST. AND WEST OF THE COVES/THE COVES, 555):** Submitted by KIM HESSE for property located at NORTH OF ALBERTA ST. AND WEST OF THE COVES. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 10.22 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 14-4645** to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located north of Alberta Street and contains approximately 10.22 acres within an expired R-PZD (08-3170) The Coves. The property has some partial development improvements, including grading and gravel base for the planned Springfield Drive. The property is adjacent to the Fayetteville/Farmington City Limit on its west and south boundaries.

Because the property is adjacent and contiguous with the City of Farmington, the proposed rezone will not be in force until it is approved by both municipalities, under Arkansas Statute (ACA 14-56-306). Surrounding land use and zoning is depicted on Table 1.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped	R-PZD
South	Undeveloped	N/A (City of Farmington)
East	Single-Family Residential	R-PZD
West	Single-Family Residential/Elementary School	N/A (City of Farmington)

DISCUSSION:

Request: The request is to rezone the property from R-PZD, the Coves to RSF-8, Residential Single-Family, 8 units per acre.

Public Comment: Staff has not received public comment.

PLANNING COMMISSION ACTION: Required

Date: March 24, 2014 ☐ Tabled ☒ Forwarded ☐ Denied

Motion: Second: Vote:

CITY COUNCIL ACTION: Required

Date: April 15, 2014 ☐ Approved ☐ Denied

INFRASTRUCTURE:

Streets: The site has access to Alberta Street and Springfield Drive. Alberta Street is a two lane road with curb and gutter slated as a collector. Improvements to this road would be determined at the time of development. Springfield Drive is a public road internal to an adjacent subdivision and is fully improved.

Water: Public water is accessible to the site. An 8" water main has already been constructed through the site under the previously proposed road.

Sewer: Sanitary sewer is not available to the site. An extension from the north or east will be required for this parcel to be developed.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This property is not affected by the 100-year floodplain or the Streamside Protection Ordinance.

Fire: This development will be protected by Engine 7 located at 835 Ruppel Rd. It is 3 miles from the station with an anticipated response time of 4 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Map (FLUM) does not include the property included in this request. This property was part of a recent exchange of land between Farmington and Fayetteville, and the FLUM has not been updated to reflect the exchange. However, the surrounding areas are designated as **Residential Neighborhood Area**.

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single-family, multi-family and row houses. Residential Neighborhood Areas encourage highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporate low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices on corners and along connecting corridors. This designation recognizes conventional setbacks and development patterns that respond to features in the natural environment.

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 property has no designation under the 2030 Plan Future Land Use Map, but the proposed zone is entirely consistent with the designation of surrounding properties, which are designated as Residential Neighborhood Area. The RSF-8 district will allow a density similar to the PZD zoning, allowing an efficient use of the existing planned infrastructure. The zoning would be compatible with the existing medium-density single family development to the east and west.

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

Finding: The proposed zoning is justified, considering that the existing R-PZD zoning district has expired, and the property currently has no zoning overlay at all.

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

Finding: Overall the change in zoning should result in approximately the same density as was allowed under the PZD designation. Therefore, the zoning change should not appreciably increase traffic danger or congestion. Alberta Street can adequately handle projected traffic from this site with the proposed rezoning.

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: As already noted rezoning the property from the PZD designation to RSF-8 should not result in any appreciable change in density and therefore there should not any undesirable increase on public services. Comments from utility and emergency service providers are provided herein.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

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

Finding: N/A

BUDGET/STAFF IMPACT:

None

Attachments:

- Proposed zoning criteria
- Applicant's letter
- Rezoning exhibit/survey
- Maps

161.09 District RSF-8, Residential Single-Family – 8 Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	50 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) *Lot area minimum.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.

Townhouse, no more than two attached	2,500 sq. ft.
--------------------------------------	---------------

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building	Height	45 ft.
Maximum		

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

(Ord. 4783, 10-18-05; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)



Earthplan Design Alternatives, PA
Civil Engineering / Landscape Architecture

Rezone Request

Parcel: 765-16274-500

Owner: Rausch Coleman Homes, LLC
P.O. Box 10560
Fayetteville, AR 72703-0044
479-455-2025

Current Zone R-PZD 08-3170

Zone Requested RSF-8

Reason for Rezone Request:

Rausch Coleman Homes wishes to develop the property as a single family residential subdivision similar to the R-PZD 08-3170 approval that was granted for the property in 2008 and has since expired. The RSF-8 zoning designation is similar to the zoning criteria previously approved for the property.

Relationship to surrounding properties:

- Land Use: The RSF-8 zoning designation will enable Rausch Coleman Homes to develop the property in the Coving concept that was utilized during the development of the first phase of The Coves, the residential subdivision directly to the east of the subject property. RSF-8 allows for similar lot sizes and widths, as well as setback dimensions that are a vital part of the coving design concept. Property to the north is owned by RCH and is planned for future phases of The Coves. There is a residential subdivision directly to the west within Farmington and a planned mixed use subdivision across Alberta Drive to the south.
- Traffic – Alberta Street provides access to the property and is designated as a collector street connecting to Broyles Drive to the west and stubbed out to the east for future connection to Ruppel Road.
- Development Characteristics – The property is planned to be an extension of The Coves development with similar curvilinear streets and housing options. As mentioned above, further expansion of The Coves is planned directly to the north which will complete The Coves Master Plan that was proposed to the City of Fayetteville in 2008.

Availability to Public Utilities:

- Water – An 8" waterline was constructed through the property with the development of the first phase of The Coves. That waterline provides a loop from the first phase to an existing 8" line running along Alberta Street.
- Sewer – The development will propose a gravity sewer to connect to the sewer line flowing from The Coves Phase One toward a 12" line running along Farmington Branch.

Consistencies with future land use planning objectives, principles and policies:

Development of the property for single family residential meets the proposed land use plan for the area. Utilizing the coving design concept should reduce the linear footage of streets, utilities and drainage infrastructure needed for each home.

Justification for the Zone:

Since the land's previous zoning of R-PZD has expired, this rezone request will allow for the future development of the property for single family residential use.

Traffic Impacts:

The property will have direct access to Alberta Drive which was designed and constructed to meet Collector street status and design to handle the additional traffic of a residential development.

Impact on public services:

The existing public roads serving this property were designed with the development of this land, as a medium density development, in consideration.

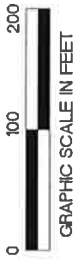
Feasibility of development under current zoning designation.

The property had recently been designed and approved as R-PZD 08-3170 and that entitlement has since expired requiring a rezoning of the property prior to development.

SURVEY DESCRIPTION:

A part of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 24, Township 16 North, Range 31 West (Sec 24, T-16-N, R-31-W) and more particularly described as follows: Beginning at a 1/2" rebar marking the Northwest Corner of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 24, Township 16 North, Range 31 West (Sec 24, T-16-N, R-31-W), thence S 87°17'55" E, 104.52 feet; thence S 72°17'15" E, 86.70 feet; thence S 87°17'55" E, 69.39 feet; thence N 06°57'26" E, 22.52 feet; thence S 87°17'55" E, 50.14 feet; thence S 06°57'26" W, 22.52 feet; S 87°17'55" E, 79.18 feet; thence S 87°17'55" E, 102.76 feet; S 11°31'38" W, 64.83 feet; thence S 11°38'18" W, 73.15 feet; thence S 12°13'18" W, 154.96 feet; thence S 11°56'46" W, 52.07 feet; thence S 01°53'47" W, 371.96 feet; thence N 87°59'22" W, 411.52 feet; thence N 87°59'33" W, 149.74 feet; thence S 89°51'53" W, 92.75 feet; thence N 01°54'57" E, 717.17 feet to the point of beginning containing 445,225.46 square feet or 10.22 acres. Basis of Bearings is a Survey by Tony Anderson (PLS 1272), Job number 06-12-02, dated 9/12/07.

CURRENT ZONE: R-PZD-08-3170
ZONE REQUESTED: RSF-B



DATE: 8/25/2014 BY: JPS/SSN

FAYETTEVILLE, AR
REZONE EXHIBIT
CITY, USA

Earthplan
Design
Alternatives, PA
SCALE: 1" = 100'

DATE: 2/11/2014
SCALE: 1" = 100'

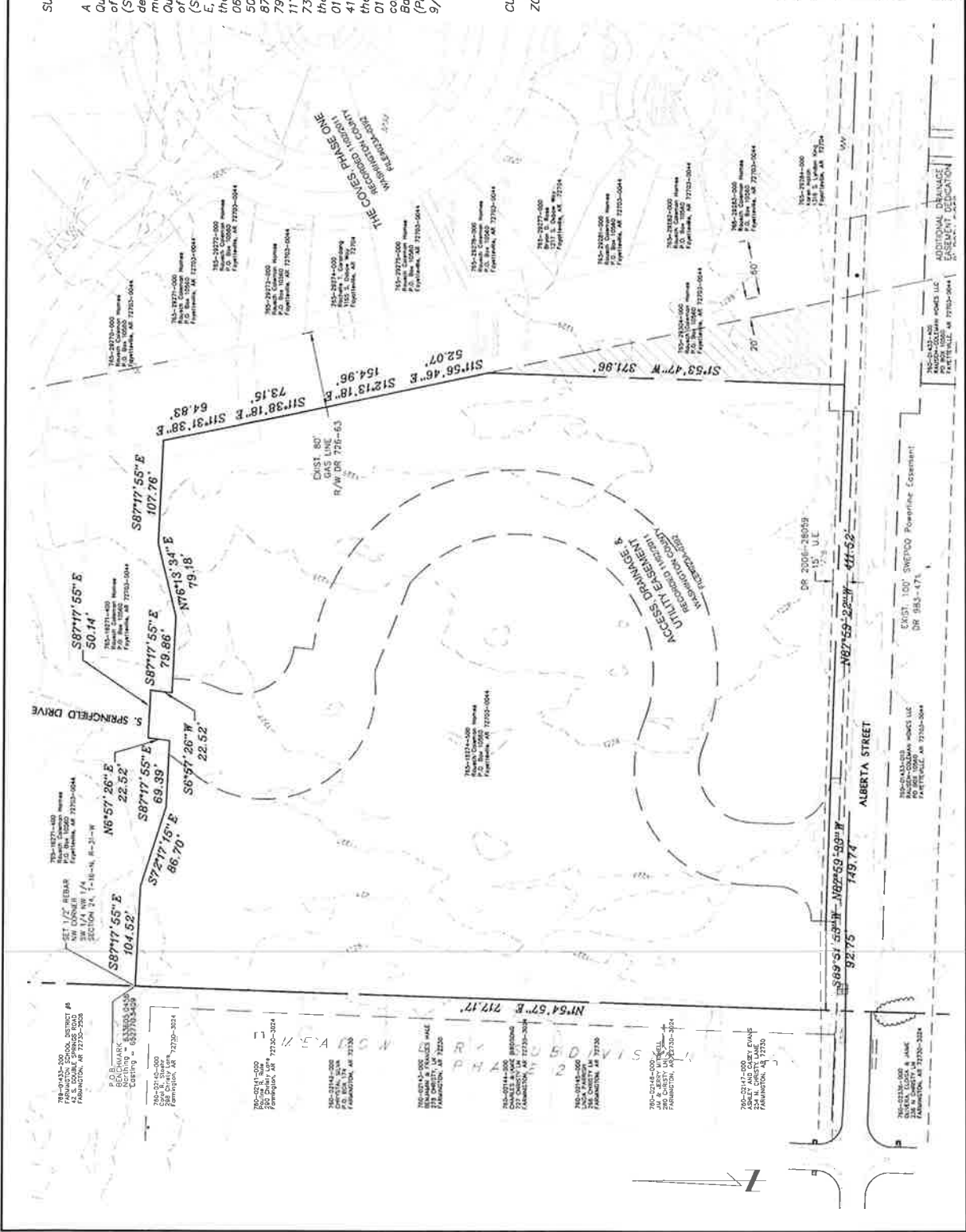
DATE: 2/11/2014
SCALE: 1" = 100'

FILENAME: REZONE MAP.DWG

PROJECT: RZN 14 4645 (North of Alberta St. and West of the Coves/The Coves)

PROJECT: RZN 14 4645 (North of Alberta St. and West of the Coves/The Coves)

PROJECT: RZN 14 4645 (North of Alberta St. and West of the Coves/The Coves)



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT

303 West Center Street

Fayetteville, AR 72701

P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Jesse Fulcher
From: Harley Hunt
Date: February 26, 2014
Re: RZN 14-4645

This development will be protected by Engine 7 located at 835 Ruppel Rd.
It is 3 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

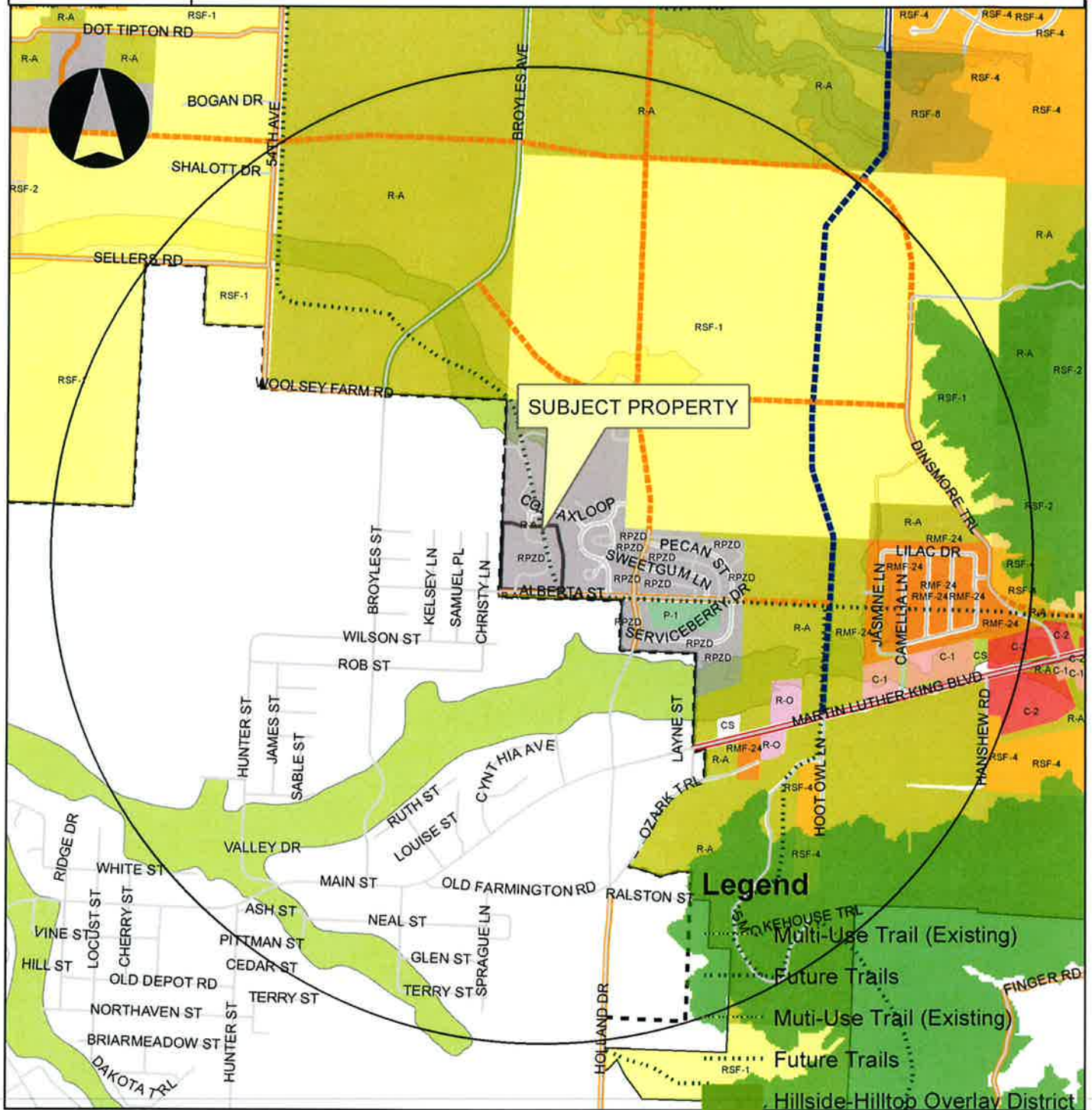
If you have any questions please feel free to contact me.

Battalion Chief H. Hunt
Fire Marshal
Fayetteville Fire Department

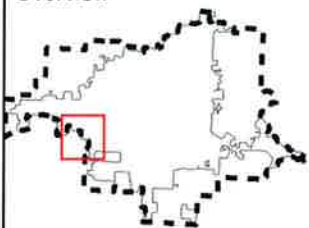
RZN14-4645

One Mile View

THE COVES



Overview



Legend

Subject Property

RZN14-4645

Boundary

0

0.25

0.5

1

Miles



RZN14-4645



Design Overlay District



Planning Area

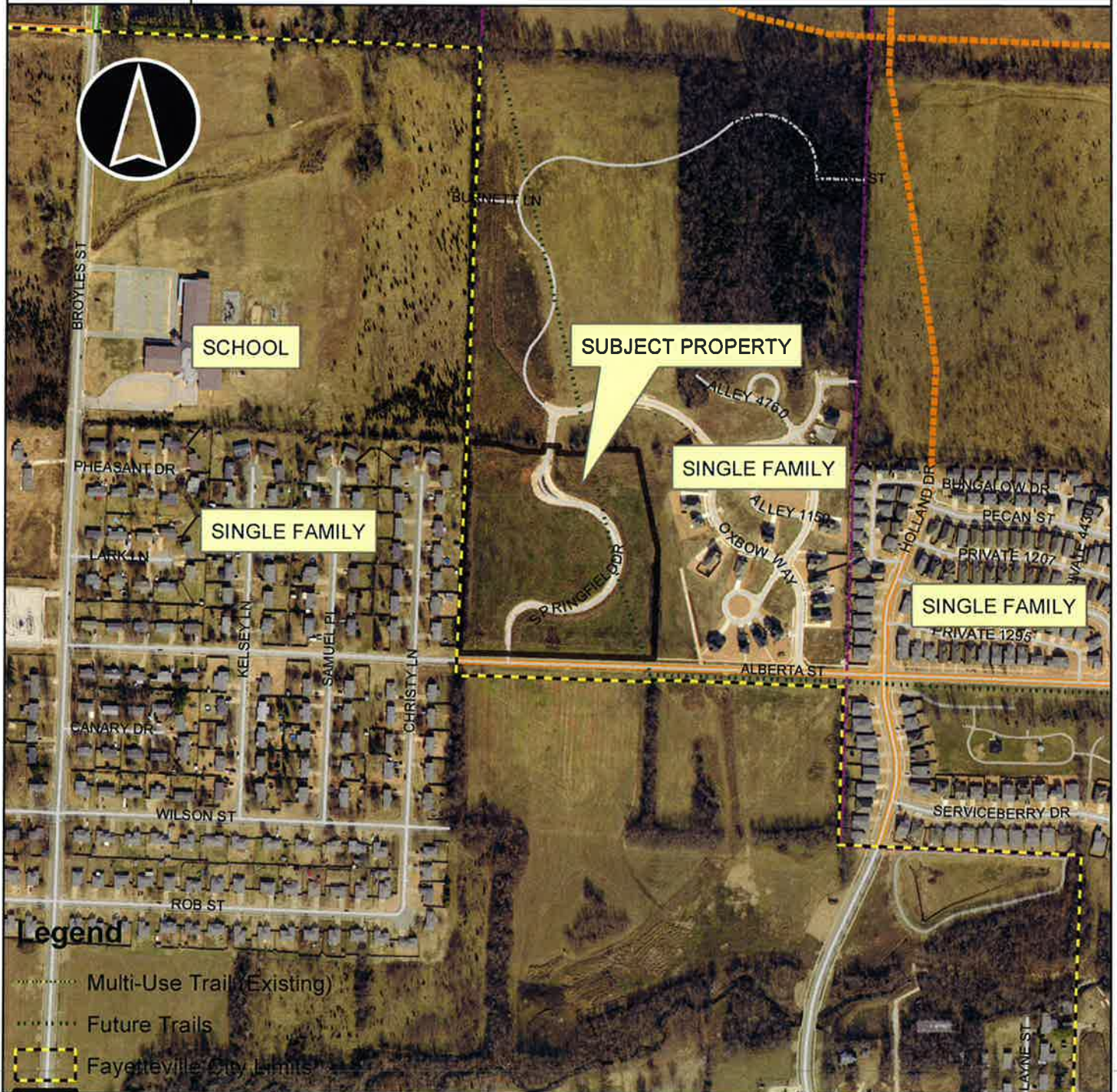


Fayetteville

RZN14-4645

THE COVES

Close Up View



Overview RZN14-4645

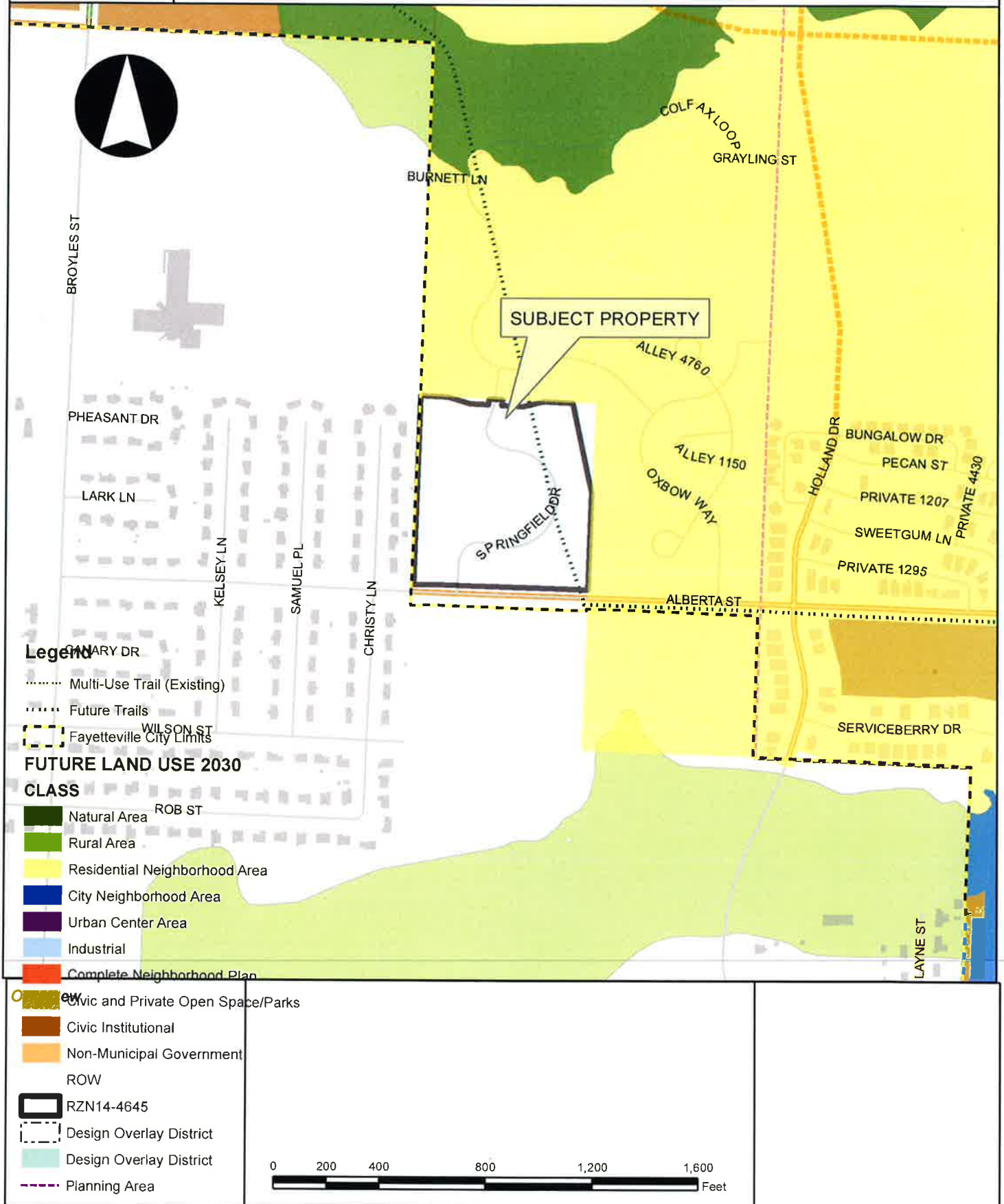
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

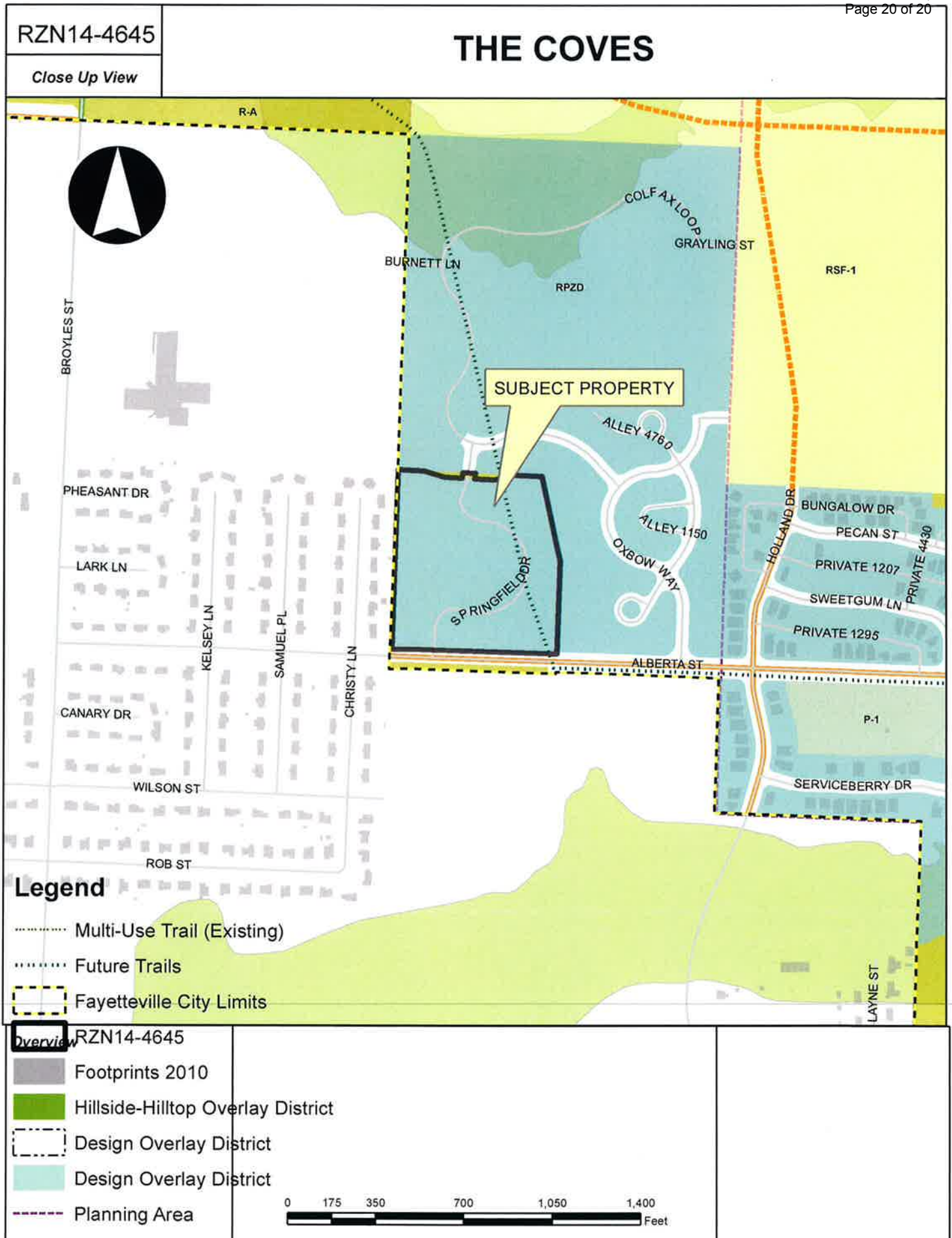


RZN14-4645

THE COVES

Future Land Use





City of Fayetteville Item Review Form

2014-0169

Legistar File Number

04/15/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

ADM 14-4648: Administrative Item (FOREST HILLS PZD, 440): Submitted by JOHN ALFORD for property located in PLANNING AREA 1 OF THE FOREST HILLS PZD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 22.41 acres. The request is to amend the architectural design standards for Planning Area 1.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



3-31-14

Paul a. Bush 3-31-2014

Ally Mann 4-2-14
Lorinda Dyer

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council

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

FROM: Jesse Fulcher, Senior Planner

DATE: March 27, 2014

SUBJECT: **ADM 14-4648: Administrative Item (FOREST HILLS PZD, 440):** Submitted by JOHN ALFORD for property located in PLANNING AREA 1 OF THE FOREST HILLS PZD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 22.41 acres. The request is to amend the architectural design standards for Planning Area 1.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to amend the commercial design standards for Planning Area 1, Forest Hills Planned Zoning District.

BACKGROUND:

The Forest Hills Planned Zoning District contains approximate 80 acres, divided into five distinct planning areas. Planning Area 1, The Shoppes at Forest Hills, contains approximately 22 acres and is approved to be developed with 8-10 commercial structures.

The applicant proposes to amend the approved commercial design standards for Planning Area 1. The current standards require structures to utilize a color scheme that is consistent with the Neighborhood Market, predominantly earth tones and green roofs.

The applicant proposed to add language to the design standards of the PZD to allow "alternative colors, materials, and/or roof designs as approved by Forest Hills Development." The purpose of the change is to allow a national restaurant chain (Freddy's Frozen Custard) to utilize the franchise design, which differs slightly from the PZD design standards. This change will also allow flexibility for the remainder of the lots in Planning Area 1.

Staff supports a modification to the design standards as the current requirements are too specific and have created a number of lengthy discussions during previous large scale developments. Staff and the applicant have come to a consensus on the following language:

"All structures will be street scale, one to two stories. The primary building materials for facilities shall be brick, stone, concrete panels, or textured concrete block."

DISCUSSION:

On March 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0.

BUDGET/STAFF IMPACT:

None

Attachments:

- Draft ordinance, exhibits and staff report

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 07-2793 FOREST HILLS TO AMEND THE ARCHITECTURAL DESIGN STANDARDS FOR PLANNING AREA ONE

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

Section 1: That the zoning criteria booklet for R-PZD 07-2793 Forest Hills is hereby amended to reflect revised architectural design standards in Planning Area One as follows and reflected in Exhibit "A."

L. Architectural Design Standards. *All structures will be street scale, one to two stories. The primary building materials for facilities shall be brick, stone, concrete panels or textured concrete block.*

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

Section 3: That this amendment is subject to Conditions of Approval as follows:

1. The design standards for Planning Area 1 shall read as follows: All structures will be street scale, one to two stories. The primary building materials for facilities shall be brick, stone, concrete panels or textured concrete block.
2. All buildings constructed in Planning Area 1 are also subject to the minimum requirements of Chapter 166 Commercial, Office and Mixed Use Design and Development Standards and to review by the Planning Commission when processed as a large scale development.
3. All other conditions of approval from the previously approved R-PZD 07-2793 Forest Hills, and as amended, shall continue to apply.

4. Approval of this PZD modification does not grant approval of the development details for the project. The proposed development will be required to be reviewed for compliance with all Unified Development Code requirements.

PASSED and **APPROVED** this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

H. Height Regulations: Building heights are regulated to 40' above finish grade.

I. Building Area: any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

Site Planning:

J. Landscaping: In accordance with City of Fayetteville landscape ordinance.

K. Parking: Parking shall be in accordance with the Unified Development Code.

L. Architectural Design Standards:

~~All structures will be street scale, one to two stories. The facilities will utilize Neighborhood Market's color scheme of "rust" base brick, "clay" accent brick, camel-tone E.I.R.S., and green metal roofing/ferropies and the gabled pediment with flattened eaves. These materials will be mixed thru-out all the structures to provide a cohesive personality. The multiple roof forms will add variation to the street image missing. The City's landscaping and signage requirements will be incorporated.~~

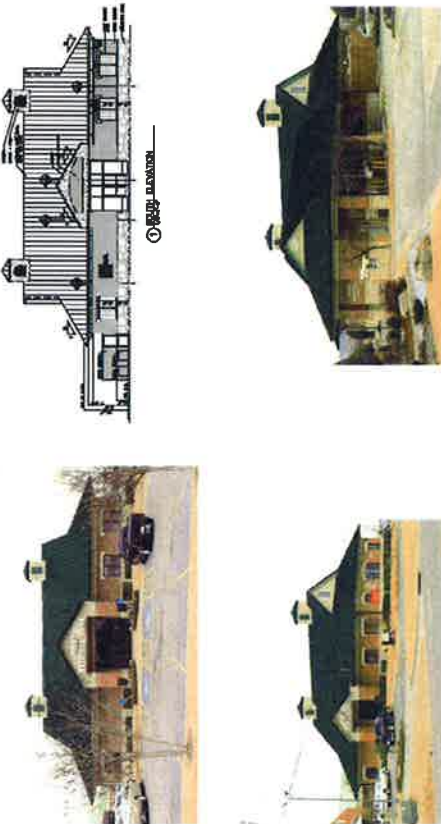
M. Signage: Signage for Planning Area 1 shall be in accordance with a commercial zoning district. Only monument signs are permitted. Pole/pylon signs are prohibited.

PART OF PHASE 1

L. Architectural Design Standards:

All structures will be street scale, one to two stories. The primary building materials for facilities shall be brick, stone, concrete panels, or textured concrete block.

AREA '1' - OUT-PARCEL RETAIL OFFICE



Area 1 - Commercial

FOREST HILLS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner
 Glenn Newman, Staff Engineer

MEETING DATE: ~~March 24, 2014~~ Updated March 28, 2014

SUBJECT: **ADM 14-4648: Administrative Item (FOREST HILLS PZD, 440):**
 Submitted by JOHN ALFORD for property located in PLANNING AREA 1 OF THE FOREST HILLS PZD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 22.41 acres. The request is to amend the architectural design standards for Planning Area 1.

RECOMMENDATION:

Staff recommends approval of **ADM 14-4648** with conditions of approval.

BACKGROUND:

The Forest Hills Planned Zoning District contains approximate 80 acres, divided into five distinct planning areas. Planning Area 1, The Shoppes at Forest Hills, contains approximately 22 acres and is approved to be developed with 8-10 commercial structures. Surrounding land use and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	Forest Hills PZD
South	Multi-family	RMF-24
East	Multi-family	RMF-24
West	Undeveloped	R-A

DISCUSSION:

Request: The applicant proposes to amend the approved commercial design standards for Planning Area 1. The current standards require structures to utilize a color scheme that is consistent with the Neighborhood Market, predominantly earth tones and green roofs.

The applicant is proposing to add language to the design standards of the PZD to allow "alternative colors, materials, and/or roof designs as approved by Forest Hills Development." The purpose of this change is to allow a national restaurant chain (Freddy's Frozen Custard) to utilize the franchise design, which differs slightly from the PZD design standards. This change will also allow flexibility for the remainder of the lots in Planning Area 1.

Public Comment: In accordance with recently amended notification requirements for PZD modifications, the applicant mailed notices to all property owners within 100 feet of the Forest Hills PZD boundary. No comments have been received.

RECOMMENDATION: Staff supports the proposed amendment, finding that the design concept for Freddy's Frozen Custard easily meets the City's adopted design standards for commercial developments and still maintains a consistent architectural pallet across the planning area. Additionally, the current design standards as written by the original development team have been difficult to comply with as projects have been presented, because they were so specific with regards to color. Staff is recommending that the language presented by the applicant be reworded.

Staff recommends forwarding ADM 14-4648 to the City Council with the following conditions of approval.

Conditions of Approval:

1. Staff recommends that the design standards for Planning Area 1 read as follows:
All structures will be street scale, one to two stories. The primary building materials for facilities shall be brick, stone, concrete panels or textured concrete block.
2. All buildings constructed in Planning Area 1 are subject to the minimum requirements of Chapter 166 Commercial, Office and Mixed Use Design and Development Standards and to review by the Planning Commission when processed as a large scale development.
3. All conditions of approval from the previously approved R-PZD 07-2793 Forest Hills, and as amended, shall apply.
4. Approval of this PZD modification does not grant approval of the development details for the project. The proposed development will be required to be-reviewed for compliance with all Unified Development Code requirements.

Planning Commission Action: ☒ Forwarded ☐ Tabled ☐ Denied

Meeting Date: March 28, 2014

Motion: Chesser

Second: Autry

Vote: 6-0-0

BUDGET/STAFF IMPACT:

None

Attachments:

Staff comments, request letter, plans, elevations, maps.

FOREST HILLS

R-PZD



Mountain
 Ranch Blvd

MORRISON SHIPLEY ENGINEERS • PLANNERS • ARCHITECTS 1000 N. 10th Street, Suite 100, Portland, OR 97228 • 503.255.1000 • www.morrisonshipley.com		THE SHOPS AND RESIDENCES AT FOREST HILLS Wedington Drive and Salem Road Fayetteville, Washington County, Arkansas	RENDERED SITE LAYOUT Issued for Review	Scale: 1" = 100' North Arrow
--	--	--	--	---------------------------------

Rendered Site Layout

FOREST HILLS

WEDINGTON DRIVE AND SALEM ROAD

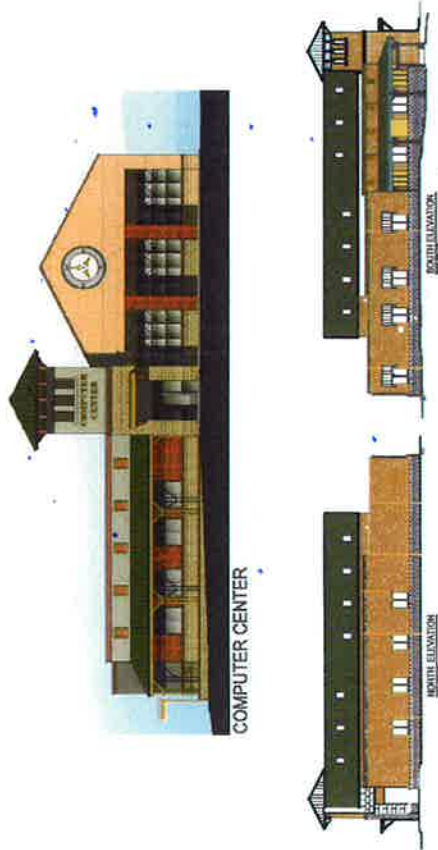
AREA '1' - COMMERCIAL

PLANNING AREA 1 - COMMERCIAL/RETAIL - "THE SHOPPES AT FOREST HILLS"

The commercial development along the Wedginton Drive corridor will be the hub of activity for Forest Hills. This area will be located on the northern portion of the site where there is currently little to no tree cover. Salem Road (three and four lanes) and water & sewer utilities will be constructed to the south portion of the commercial tract. The first phase of the commercial development will take place on the west side of the Salem Road extension where a Wal-Mart Neighborhood Market is planned. The current traffic signal at Salem Road and Wedginton Drive will be modified to be a four-way light. The commercial portion of Forest Hills will consist of restaurants (both sit-down and drive through), a grocery store, and smaller retail shops. All parking areas within the commercial development area will be interconnected to provide access between establishments without having to re-access Salem Road.

The commercial retail section of the development is projected to be medium density, single storey and multi-tenant. The area will be anchored by a Neighborhood Market flanked by second tier, specialty retailer, oriented to central parking. The Wedginton frontage will be divided into out-parcels for sale or lease to free standing tenants. Anticipated uses include a Walgreens, Starbucks, branch bank, computer center office buildings and restaurant.

The rear facades of the Neighborhood Market and the flanking, single-story retail will either receive six (6) foot opaque screens or dense planting screens. The rear of the buildings will be screened to Salem and Jewel.



Area 1 - Retail/Office

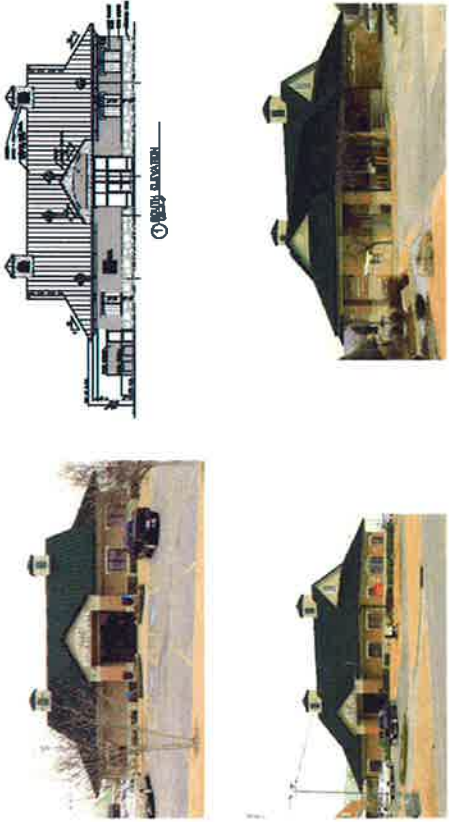
FOREST HILLS

A. Permitted Uses Unit 1 City wide uses by right Unit 4 Cultural and recreational facilities Unit 12 Offices, studios and related services Unit 13 Eating places Unit 14 Hotel, motel, and amusement facilities Unit 15 Neighborhood shopping goods Unit 16 Shopping goods Unit 18 Gasoline service stations & drive-in restaurants Unit 19 Commercial recreation, small sites Unit 25 Professional offices Unit 34 Liquor store	AREA '1' - COMMERCIAL  Area 1 - Commercial Bulk and Area Regulations: D. Minimum Lot Width: Not Applicable E. Minimum Lot Area: Not Applicable F. Land Area per Dwelling Unit: Not Applicable G. Setback Requirements: Front: 20 feet, Side adjacent to non-residential: zero, Side adjacent to residential: 15 feet; Rear: 20 feet C. Residential Density and Non-Residential Intensity Planning area acreage: 22.41 acres Number of dwelling units: None Non-residential building square feet: 119,866 SF Residential density: None Non-residential intensity (S.F./acre): 5,349 SF/AC
B. Conditional Uses Unit 2 City wide uses by conditional use permit Unit 3 Public protection and utility facilities Unit 17 Trades and services Unit 20 Commercial recreation, large sites Unit 21 Warehousing and wholesale Unit 35 Outdoor music establishments Unit 36 Wireless communications facilities Unit 40 Sidewalk Cafes	

- H. Height Regulations:** Building heights are regulated to 40' above finish grade.
- I. Building Area:** any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.
- Site Planning:**
- J. Landscaping:** In accordance with City of Fayetteville landscape ordinance.
- K. Parking:** Parking shall be in accordance with the Unified Development Code.
- L. Architectural Design Standards:**
All structures will be street scale, one to two stories. The facilities will utilize Neighborhood Market's color scheme of "rust" base brick; "clay" accent brick, camel tone E.I.F.S., and green metal roofing/canopies and the gabled pediment with flattened eaves. These materials will be mixed thru-out all the structures to provide a cohesive personality. The multiple roof forms will add variation to the street image massing. The City's landscaping and signage requirements will be incorporated.
- M. Signage:** Signage for Planning Area 1 shall be in accordance with a commercial zoning district. Only monument signs are permitted. Pole/pylon signs are prohibited.

PART OF PHASE 1

AREA '1' - OUT-PARCEL RETAIL OFFICE



Area 1 - Commercial

AREA '1' - OUT-PARCEL RETAIL/OFFICE/FOOD



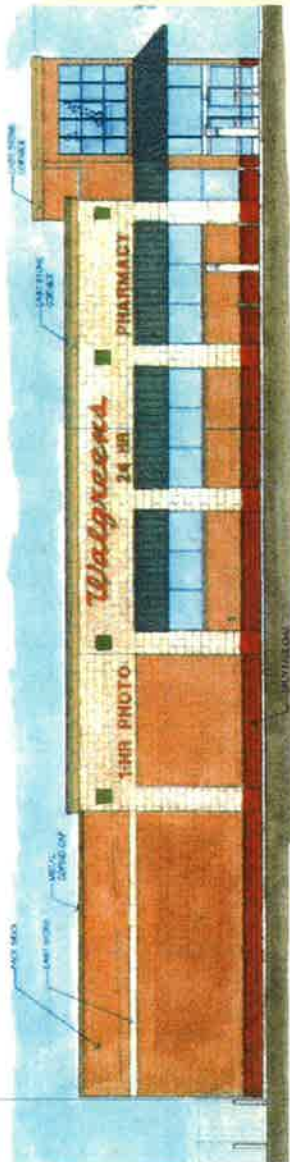
Area 1 - Commercial
FOREST HILLS
A mixed-use planned zoning development



Area 1 - Neighborhood Market

FOREST HILLS

planned use mixed-use development



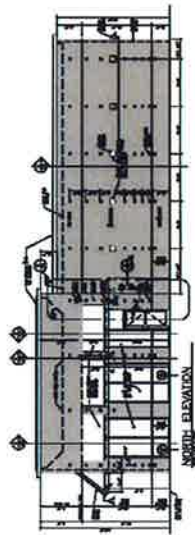
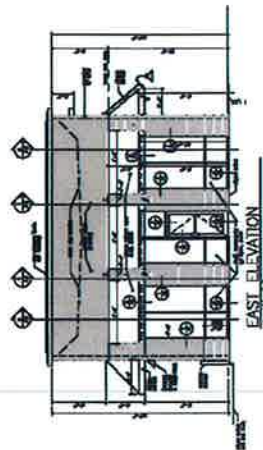
100% REMINGTON S&W TANGKAS 100%
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Area 1 - Walgreen's

FOREST HILLS

STARBUCKS

AREA '1' - COMMERCIAL



Area 1 - Commercial

FOREST HILLS

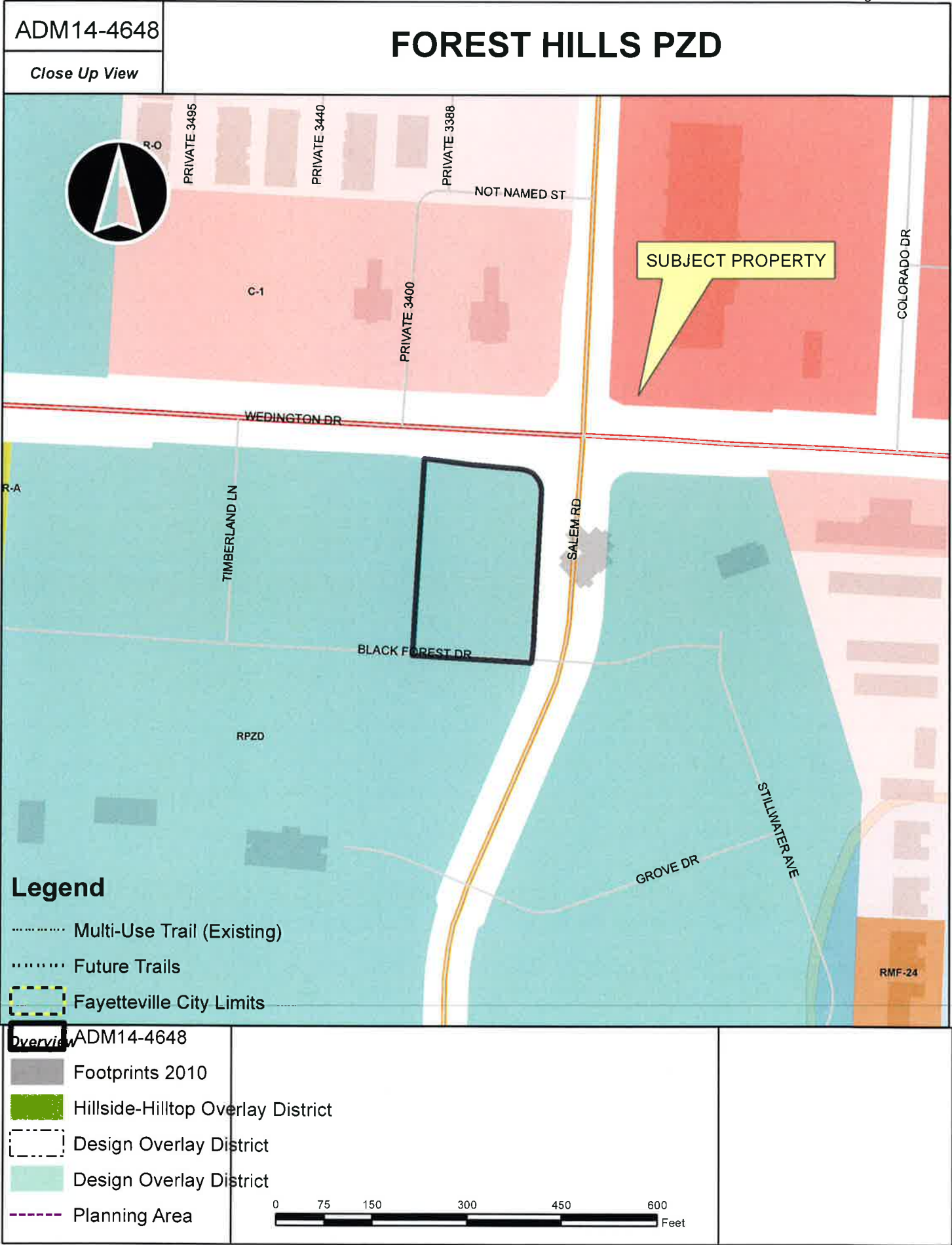
Area 1 - Commercial

FREDDY'S FROZEN CUSTARD









[illegible]

Subject Property
☐ ADM14-4648

0 0.25 0.5

	ADM 14-4648
	Design Overlay District
	Planning Area
	Fayetteville

Miles

City of Fayetteville Item Review Form

2014-0158

Legistar File Number

04/15/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Andrew Garner

Submitted By

Development Services

Department

Action Required:

ADM 14-4635 Administrative Item (UDC AMENDMENT CHAPTERS 151 DEFINITIONS, 166.21 DOWNTOWN DESIGN OVERLAY DISTRICT STANDARDS; CHAPTER 166.22 PARKING DECK DESIGN STANDARDS; and CHAPTER 166.23 URBAN RESIDENTIAL DESIGN STANDARDS): Submitted by CITY PLANNING STAFF to modify various design standards of the UDC.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



Logan C. Bate
OK with me 3-31-14

Paul A. Decker 3-31-2014

Don May 4-2-12
Paul A. Decker

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council

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

FROM: Andrew Garner, City Planning Director
Quin Thompson, Current Planner

DATE: March 27, 2014

SUBJECT: **ADM 14-4635 Administrative Item (UDC AMENDMENT CHAPTER 151 DEFINITIONS, 166.21 DOWNTOWN DESIGN OVERLAY DISTRICT STANDARDS; CHAPTER 166.22 PARKING DECK DESIGN STANDARDS; and CHAPTER 166.23 URBAN RESIDENTIAL DESIGN STANDARDS);** Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 151, 166.21, 166.22, and 166.23. The proposal is to modify various design standards of the UDC.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to amend various standards in the Unified Development Code (UDC sections 151, 166.21, 166.22, and 166.23).

BACKGROUND:

Downtown Master Plan

In 2004 the City Council adopted the Downtown Master Plan after months of research, a series of charettes, and public hearings with participation of several hundred citizens. The Downtown Master Plan created a vision for the future of the downtown area and instructions for achieving this vision by codifying the traditional building form in downtown Fayetteville. As part of the implementation of the Downtown Master Plan new zoning districts and specific design standards were created and adopted in 2007. These standards were a result of years of research, architectural review committee input and several public hearings.

City Plan 2025

Consistent with many of the principals that came out of the Downtown Master Plan, the City adopted City Plan 2025 in 2006. This plan was a major paradigm shift of the vision for growth of the City. This plan had primary goals of creating traditional town form throughout the city, reducing suburban sprawl and suburban development patterns. This was in direct contrast to suburban development patterns encouraged in previous general plans and required by the City codes for many decades. This plan led to the adoption of design standards promoting traditional town form including the Urban Residential Design Standards. Additional code changes over the years

including form-based zoning, the subsequent adoption of City Plan 2030, as well as other neighborhood plans have been consistent with strong policies to create traditional development patterns. In general, this type of development pattern focuses on creating a walkable, human-scale environment with a variety of uses that can transition over time, as opposed to single use development patterns created primarily to accommodate vehicles and parking.

Over the past seven years the City has seen several developments in the downtown area and throughout the City that have tested the Downtown Design Overlay District (DDOD) development standards, the parking garage standards, and the Urban Residential Design Standards. Based on the results of observation by staff and general comments from the public, elected and appointed officials after the completion of several projects, some design details of these recent developments, while complying with adopted city codes, have not met the intent of the Downtown Master Plan or the intent of city's adopted land use plans and policies. In addition, staff has noted that there is a lack of clarity in certain sections of the code. To address these issues staff proposes the following code changes:

- Changed the applicability section of the DDOD to apply to all new construction, except for ordinary repairs and maintenance.
- Clarified and made minor changes throughout the DDOD code.
- Modified several portions of the Urban Residential Design Standards; the largest change being a clarification that entrances are required for all ground floor dwellings that face a street, and revised standards for the connection between the entrance and the public sidewalk.
- Rewritten the entire parking garage chapter, including standards for parking garages throughout the city (not just the DDOD), and included comprehensive standards for various scenarios.

Overall, these changes are relatively minor in substance and are intended to ensure that the built environment required in the code matches the vision of the City land use plans and policies, the Downtown Master Plan, and the expectations of the citizens, appointed, and elected officials of Fayetteville. The proposed code changes are identified in highlight and underline in the attached staff report that was presented to the Planning Commission.

DISCUSSION:

On March 10, 2014 the Planning Commission reviewed the item extensively, discussing general support for the proposal, but recommending some minor changes, and more time to consider the item. On March 24, 2014 the Planning Commission discussed agreement with the proposal and forwarded it to the City Council with a recommendation of approval with a vote of 6-0-0.

BUDGET/STAFF IMPACT:

None

Attachments:

- Ordinance for proposed UDC changes
- March 24, 2014 Planning Commission staff report with the following attachments
 - Proposed code changes to UDC Chapters 151 (Definitions), 166.21 (DDOD), and 166.23 (Urban Residential Design Standards shown in strikeout-highlight in numbering that follows the description in the staff report.
 - The proposed new UDC Chapter 166.22 (Parking Garages).
 - Draft City Parking Garage Manual

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §§ 151.01 **DEFINITIONS**, 166.21 **DOWNTOWN DESIGN OVERLAY DISTRICT**, 166.22 **PARKING GARAGES IN DOWNTOWN CORE, MAINSTREET CENTER AND DOWNTOWN GENERAL ZONING DISTRICTS**, AND 166.23 **URBAN RESIDENTIAL DESIGN STANDARDS** OF THE UNIFIED DEVELOPMENT CODE TO BETTER ALIGN THESE CODE SECTIONS WITH THE GOALS AND POLICIES OF THE DOWNTOWN MASTER PLAN AND CITY PLAN 2030

WHEREAS, the City of Fayetteville has adopted design standards to provide safe, pedestrian-friendly neighborhoods and minimize parking impacts in order to preserve surrounding property values and scenic resources; and

WHEREAS, the City of Fayetteville recognizes that some of the existing ordinances need to be modified to be more consistent with the intent of the design standards; and

WHEREAS, the proposed amendments will result projects that are more consistent with the original intentions and goals of the Downtown Master Plan and City Plan 2030.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends section §151.01: **Definitions** by replacing the definition of “Porch” with the following:

“Porch (DDOD) An open, roofed structure attached to and structurally a part of the main building that is not more than 75 percent enclosed by walls and is not heated or cooled.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends section §151.01: **Definitions** by removing the word “house” from the definition of *Stoop (DDOD)*.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends section §166.21 **Downtown Design Overlay District** by repealing it and enacting a replacement §166.21 as shown on Exhibit “A.”

Page 2
Ordinance No.

Section 4: That the City Council of the city of Fayetteville, Arkansas hereby amends §166.22 **Parking Garages in Downtown Core, Mainstreet Center and Downtown General Zoning Districts** by repealing it in its entirety and enacting a replacement § 166.22 as shown on Exhibit “B”.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.23(C)(4)(a) in its entirety and enacts a replacement § 166.23 (C)(4)(a) as follows:

“(a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect to the public sidewalk where sidewalk exists. The entry may be shared, but must occur at a spacing of no fewer than one entrance for every two street level dwellings. The pedestrian connection to the street may run from the door along the facade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.”

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.23(D)(2)(a)(iii)(c) in its entirety.

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.23(D)(2)(a)(iii)(d) and enacts a replacement §166.23(D)(2)(a)(iii)(d) as follows:

“d. Incorporation of two or more of the following:

1. Balconies;
2. Bays or bay windows;
3. Porches;
4. Dormers;
5. Porticoes;
6. Turrets; or
7. Other architectural feature approved by the Zoning Development Administrator that meets the intent of the code.”

Page 3
Ordinance No.

PASSED and **APPROVED** this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Exhibit "A"

ADM 14-4635

166.21 Downtown Design Overlay District

- (A) *Purpose.* The intent of this ordinance is to encourage good architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space. Downtown Fayetteville has a rich architectural history spanning many decades and styles; therefore, architecture should be respectful of the existing built environment and should strive to enhance the public realm. A strong emphasis shall be placed upon designing and implementing sustainable and green architecture practices.
- (B) *Applicability.* The Downtown Design Overlay District applies to parcels of land located within the boundaries of the Downtown Design Overlay District. The Downtown Design Overlay District Architecture Standards are applicable in the following instances:
- (1) If a conflict occurs between different standards, these standards shall supersede the City's Nonresidential Design Standards; Office, and Mixed Use Design and Development Standards in the Downtown Design Overlay District.
 - (2) All new construction, additions or renovations shall comply with these standards regardless of whether the improvements require a permit; ordinary repairs and maintenance are not subject to these standards. Specifically, only the new construction or portions of the building that are being renovated shall comply with these standards.
 - (3) Building designs that strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance.
 - (4) Building designs that do not comply with these standards may be permitted by a variance after review and approval by the Planning Commission.
 - (5) Building designs that are denied or approved by the Planning Commission may be appealed to the City Council.
- (C) *Downtown Design Overlay District Manual.*
- (1) The City of Fayetteville Downtown Overlay District Manual shall be used in support of this chapter to explain specific objectives and principles and to provide a resource for guidance in implementing these standards.
 - (2) Copies of the Manual are to be made readily available to the public in the Planning Division.
- (D) *Special Building Elements and Appurtenances.* If a building has a marquee, awning, balcony, colonnade, arcade, turret, cupola, porch or stoop then it shall comply with the following regulations:
- (1) *Marquees and Awnings.*
 - (a) *Standard.* These dimensional requirements apply to first or ground floor awnings and marquees. There are no minimum standards for awnings above the first floor.
 - (i) *Depth.* To the back of the curb maximum.
 - (ii) *Height.* 7 ft. minimum clear.
 - (b) *Right-of-Way Encroachment.* Marquees and Awnings shall occur forward of the principal façade and may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.

- (c) *Placement.* Placement of awnings or marquees shall not interfere with street trees, street lights, street signs, utilities or other such civic infrastructure.
- (d) *Prohibited Materials.* High-gloss or plasticized fabrics are prohibited.

(2) *Balconies.*

- (a) *Standard.*
 - (i) *Depth.* To the back of the curb maximum. Balconies above the second floor shall have a maximum projection of 4 ft. from the principal façade.
 - (ii) *Height.* 10 ft. minimum clear to the underside of the horizontal floor. Supports or appendages may not extend below 7 ft. clear.
 - (iii) *Length.* 80% maximum of principal building façade for the second floor. 40% maximum for all balconies above the second floor.
 - (iv) *Roofs.* Balconies may have roofs, but are required to be open, non-air conditioned parts of the building.
 - (v) *Underside.* The underside of a balcony extending over a sidewalk shall be covered with a solid material and lighting may be required, depending upon the proximity to a street light.
- (b) *Right-of-Way Encroachment.* Balconies may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.
- (c) *Placement.* Balconies shall not interfere with street trees, street lights, street signs, utilities, or other such civic infrastructure.

(3) *Colonnades and Arcades.*

- (a) *Standard.*
 - (i) *Depth.* 8 ft. minimum from the principal façade to the inside of the column face. Columns must be set back 18 inches from the outside of the column face to the back of the curb.
 - (ii) *Height.* 10 ft. minimum clear.
 - (iii) *Length.* 75-100% of the principal façade.
 - (iv) *Underside.* The underside of a colonnade or arcade extending over a sidewalk shall be covered with a solid material and lighting may be required, depending upon the proximity to a street light.
- (b) *Right-of-Way Encroachment.*

Colonnades shall only be constructed where the minimum depth can be obtained. Colonnades shall occur forward of the principal façade, and may encroach within the right-of-way, but shall not extend past 18 inches from the back of the curb, in accordance with the Building Code adopted by the City of Fayetteville.
- (c) *Placement.* Colonnades may replace street trees along their length.

(4) *Turrets and Cupolas.*

- (a) *Standard.*
 - (i) *Area.* 20 ft. X 20 ft. maximum footprint.
 - (ii) *Height.* If the footprint is larger than 10 ft. X 10 ft., then the cupola/turret may extend a maximum of 25 ft. above the eave or top of the parapet of the highest story. If the footprint

is less than 10 ft. X 10 ft. then the turret or cupola may extend to maximum of 50 ft. above the eave or top of the parapet of the highest story.

(5) *Front Porches.*

(a) *Standard.*

- (i) *Depth.* 6 ft. minimum from the principal façade to the inside of the column face.
- (ii) *Length.* 25 to 100% of the principal facade. Front porches may be multi-story and are required to be open or screened and non-air conditioned.

- (b) *Right-of-Way Encroachment.* Front porches may occur forward of the principal façade. Porches shall not extend into the right-of-way. Front porches and stoops shall not be built within 18 inches of the side property line on attached unit types.

(6) *Stoops.*

(a) *Standard.* Stoops may be covered or un-covered and stairs may run to the front or to the side.

- (i) *Depth.* 4 ft. minimum from the principal façade to the inside of the column face for stoops with a covered landing.
- (ii) *Height.* 96 inches maximum.

(iii) *Length.* Maximum 12-foot width for each individual building entrance or group of connected entrances. The pedestrian connection from the stoop to the public sidewalk shall be allowed to run from the door along the facade of the building, parallel to the street, for a maximum of 12 feet from the door, before connecting directly to the public sidewalk.

- (b) *Right-of-Way Encroachment.* Stoops may occur forward of the principal façade and may extend into the right-of-way in accordance with the building code adopted by the City of Fayetteville.

- (c) *Placement.* Sidewalks shall have a minimum 5 ft. clear access for pedestrian movements. Stoops shall not be built within 18 inches of the side property line on attached unit types.

(7) *Projected Bay.*

(a) *Standard.* Bays shall consist of habitable space.

- (i) *Depth.* 4 ft. maximum from the principal facade.
- (ii) *Second Story Height.* Bays above the first or ground floor shall have a minimum of 10 ft. clear to the underside of the horizontal floor. Supports or appendages shall not extend below 7 ft. clear.
- (iii) *Length.* 20% maximum of the principal façade length.

(b) *Second Story Right-of-Way Encroachment.*

Bays above the first or ground floor may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.

- (c) *Placement.* Projected Bays shall not interfere with street trees, street lights, street signs or other such civic infrastructure.

- (E) *Exterior Architectural Elements.* The lists of permitted materials and configurations have been selected for their durability, sustainability and responsiveness to climate. The primary goal of the Architectural Elements is authenticity; the elements encourage construction that is straightforward and functional and draws its ornament and variety from the assembly of genuine materials. Items not listed in the Architectural Elements may be approved upon review by the Planning Commission.

(1) *Rear Yards Only.* The following shall only be located in the rear yard:

- (a) *Trash dumpsters.*
- (b) *Trash and recycling carts and bins.*

(2) *Exterior Prohibited Materials.* The following shall be prohibited:

- (a) *Undersized Shutters.* Shutters shall be sized so as to equal the width required to cover the window opening.
- (b) *Shutters made of plastic.*
- (c) *Glass with reflective coatings other than clear glass with Low-E coatings.* (See opacity and façade section).
- (d) *Plastic or PVC roof tiles.*
- (e) *Aluminum siding.*
- (f) *Vinyl siding.*
- (g) *Wood fiber board.*
- (h) *Unfinished pressure-treated wood.*
- (i) *EIFS (Exterior Insulation Finish System) located on the first or ground floor.*

(3) *Columns, Arches, Pedestals, Railings and Balustrades.*

- (a) *Permitted Configurations.*
 - (i) Square columns shall have a minimum width of 6 inches with or without capitals and bases.
 - (ii) Round columns shall have a minimum 6 inch outer diameter with or without capitals and bases.
 - (iii) Pedestals shall have a minimum width of 8 inches.
- (b) *Permitted Materials.*
 - (i) *Columns and Pedestals.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast -in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.
 - (ii) *Arches and Lintels.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast -in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.
 - (iii) *Railings and Balusters.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast -in-place concrete with or without stucco, pre-cast concrete, concrete masonry units with stucco, stone, structural steel, cast iron, wrought iron, and glass.

(4) *Windows, Skylights, and Doors.*

- (a) *General Requirements.*

- (i) Visible sills on the exterior of the building are required for all windows.
 - (ii) Windows shall have trim on the sides and top when the exterior of the building is wood or lap sided. Window trim shall have a minimum dimension of 0.75 inches X 3.5 inches (a normal 1X4).
 - (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.
 - (b) *Permitted Configurations.*
 - (i) All window configurations are allowed.
 - (c) *Permitted Finish Materials*
 - (i) *Windows.* Windows may be made of wood, aluminum, copper, steel, clad wood, thermally broken vinyl or aluminum. No false grids are permitted except for where mullions and muntins are permanently adhered to both the interior and exterior of a pane of thermally broken glass separated by a spacer aligned with the mullions or muntins in between panes of thermally broken glass. (Commonly referred to as simulated divided light windows).
 - (ii) *Doors.* Doors may be made of wood, glass, fiberglass or metal. (I.e. steel, aluminum, copper, bronze, etc.)
 - (iii) *Sills.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.
- (5) *Roofs and Gutters.*
- (a) *General Requirements.*
 - (i) Roofs may be gabled, hipped, mansard, shed, gambrel, barrel-vaulted, or domed.
 - (ii) Applied mansard roofs are not permitted.
 - (iii) Low sloped roofs (less than 1 in 12 pitch) shall have light colored finish materials.
 - (b) *Permitted Configurations.*
 - (i) Metal panel roofs shall expose the panel ends at the overhang.
 - (ii) Gutters may be rectangular, square, half-round, or Ogee sections.
 - (c) *Permitted Finish Materials*
 - (i) *Metal Roofs.* Metal roofs may be made of galvanized steel, aluminum-zinc coated steel, copper, aluminum, zinc-alum, lead coated copper, terne, or powder coated steel.
 - (ii) *Shingles.* Shingles shall be made of asphalt, metal, concrete, terra-cotta, slate, or cedar shingles or shakes.
 - (iii) *Gutters and downspouts.* Gutters and downspouts shall be made of copper, aluminum, galvanized steel, aluminum-zinc coated steel, lead coated copper, terne, or powder coated steel.
- (6) *Garden Walls, Fences and Hedges.*
- (a) *General Requirements.*

- (i) Fences, garden walls, or hedges are permitted along side yards, rear yards, and all property lines which abut public streets or alleys.
 - (ii) Fences in the front yard shall be not be 100% opaque and shall provide visible separation between the fence slats. Fences in a rear or side yard, at least 10 feet behind the principal façade of the primary structure, may be at a maximum 100% opaque.
 - (b) *Height.*
 - (i) Front yard (in front of the primary structure) maximum height of 42 inches.
 - (ii) Fences located in the rear and side yards (behind the principal façade of the primary structure) shall have a minimum height of 36 inches and a maximum height of 6 feet.
 - (c) *Permitted Configurations*
 - (i) *Wood Fences.* Vertical picket fences or horizontal slat fences with corner posts, and split rail fences; privacy fences are permitted in the rear and side yard only, behind the principal façade of the primary structure.
 - (ii) *Metal Fence.* Fence shall be comprised of primarily vertical pickets with a minimum 5/8 inch diameter, and 4 inch maximum clear space between the pickets.
 - (iii) *Brick and Stone.*
 - (d) *Permitted Finish Materials*
 - (i) Wood.
 - (ii) Wrought iron, steel and cast iron.
 - (iii) Brick and stone.
 - (iv) Concrete masonry units with or without stucco so long as the primary structure corresponds.
 - (v) Reinforced concrete with or without stucco as long as the primary structure corresponds.
- (7) *Opacity and Facades.*
- (a) *General Requirements.*
 - (i) Each floor of any principal building façade above the first floor facing a park, square or street shall contain windows covering from 15% to 60% of the principal facade area.
 - (ii) The permitted percentage of glass may be increased to 80% for any two floors above the fourth floor provided that there is a minimum stepback of 15 ft. from the principal façade.
 - (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.
 - (iv) All glass shall have a Low-E coating.
 - (v) ~~Glass used above the first or ground floor shall have a visible transmittance rating of 0.4 or higher.~~
 - (b) *First or Ground Floor Requirements of any principal facade.*
 - (i) Glass on the first or ground floor shall have a visible transmittance rating of 0.6 or higher.
 - (ii) Commercial space and storefronts shall have a minimum of 75% glass on the first or ground floor.

- (iii) Office, institutional, and other non-residential space shall have a minimum of 50% glass on the first or ground floor.
- (iii) Multi-Family Residential space shall have a minimum of 40% glass on the first or ground floor.
- (iv) Single Family and Two Family Residential space shall have a minimum of 5% glass on the first or ground floor.
- (v) The measurement for glass percentage on the first or ground floor shall be calculated at the pedestrian level between 2-12 feet above the sidewalk. For a building façade located outside of a build-to zone the measurement for glass percentage on the first or ground floor shall be at the pedestrian level between 2 and 12 feet above the Finished Floor Elevation (FFE).
- (v) Doors or entrances for pedestrian access shall be provided at intervals no greater than 50 ft. apart along the principal façade.

(Ord. 5056, 9-04-07)

Exhibit 'B'

ADM 14-4635

166.22 Parking Garages

(A) *Purpose.* Parking garages by their nature tend to overwhelm the built environment due to their scale and repetitious construction. Parking garages must be detailed carefully in order for them to enhance the built environment in terms of scale, appearance, and pedestrian safety.

(B) *General Requirements.*

- (1) All parking garages shall utilize materials and architectural detailing found in the primary development being served, or when stand alone, shall establish a distinct architectural style.
- (2) All parking garages shall provide adequate interior and exterior lighting to maintain visibility and public safety. Higher efficiency lighting such as LED, is encouraged
- (3) City of Fayetteville Parking Garage Manual
 - (a) The City of Fayetteville Parking Garage Manual shall be used in support of this chapter to show images with acceptable architectural design techniques meeting the intent of this code.
 - (b) Copies of the Manual are to be made readily available to the public in the Planning Division.

(C) *Parking Garages in the Build-to Zone.* The following regulations shall apply to minimize the appearance of a blank parking garage at the street level and to incorporate human scale elements and visual interest into parking garages located immediately adjacent to the street.

- (1) Property with multiple street frontages shall have a liner building at all corner locations; in accordance with section 3(a) below.
- (2) Entrances or pedestrian door openings shall be no greater than 50 feet apart.
- (3) The entire length of the principal façade of the parking garage on the first or ground floor shall provide one or a combination of the following options:
 - (a) The principal façade of the parking garage on the first or ground floor shall be comprised of habitable area, such as retail, office, residential, and/or lobby space at a minimum depth of 15 feet. The habitable area may be interrupted to allow for vehicle and pedestrian access to the parking garage. The upper floors of a parking garage in this configuration may extend over the first or ground floor. A liner building constructed as the principal façade of a parking garage shall meet the applicable design standards for the use.
 - (b) Architectural treatment shall be applied to the first or ground floor principal façade with the intent to make the appearance of the parking garage in the build-to zone appear part of the primary structure and/or enhance the pedestrian realm and visual interest. This includes utilizing building materials and pedestrian scale elements such as regular openings for windows and doors, display windows, glazing applied to the façade, or other design techniques approved by the Zoning and Development Administrator meeting the intent of the code. The upper floors of a parking garage in this configuration may extend over the first or ground floor.
 - (c) A green screen (a trellis that will support vines and other landscaping materials to create a living green façade) may be utilized for a minimum of 10% of the principal façade where other permanent landscaping or urban design elements are also proposed in conjunction with the screen.
- (4) The principal façade above the first floor shall utilize one of the following options with the intent to screen cars in the parking garage and prevent a blank parking garage façade from view of the street:
 - (a) Either of the options in section 3 above;
 - (b) An architectural screen; or

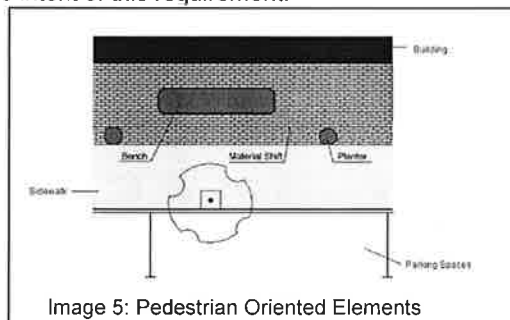
(c) Building materials utilized on the principal structure shall be applied to the façade.

(D) *Parking garages outside the build-to zone between 26-49 feet from the right-of-way.* The following regulations shall apply to parking garages that are between 26-49 feet from the right-of-way and do not have a principal structure or liner building between the parking garage and the street. Parking garages within direct visual proximity of the street should be designed in an architecturally pleasing manner, and should not create a void of unusable, uninviting space between the parking garage and the street.

- (1) Shall be required to meet the general requirements of utilizing materials and architectural detailing found in the primary development being served.
- (2) Shall incorporate landscaping above and beyond the minimum requirements of the City's code to soften the appearance of the parking garage from view of the street.
- (3) Shall incorporate spatially defining building elements and/or landscaping at a maximum separation of 100 feet of façade length in order to create accessible public open space, such as a courtyard, garden, patio, etc.

(a) Each public space shall include seating opportunities, such as table and chairs or benches, and a combination of at least of three (3) of the following elements:

- (i) planters;
- (ii) a planting bed;
- (iii) public art;
- (iv) a water feature;
- (v) a shift in pavement material between the public right-of-way and the structure;
- (vi) a covered area, such as a canopy, awning, arcade, or portico spanning the width of the building; or
- (vii) other elements approved by the Zoning and Development Administrator that are not included in other sections of the design standards and meet the intent of this requirement.



(4) The 25 ft. landscape buffer may be developed at some point in the future with habitable space that meets the requirements above.

(E) *Parking garages greater than 50 feet away from the right-of-way. Design elements:*

- (1) Shall meet the general requirements of utilizing materials and architectural detailing found in the primary development being served.
- (2) Nonresidential, Office, and Mixed Use Design Standards in Fayetteville UDC Section 166.25 shall apply to the façade of the parking garage that is visible from the right-of-way.



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: ~~March 24, 2014~~ Updated March 27, 2014

SUBJECT: **ADM 14-4635 Administrative Item (UDC AMENDMENT CHAPTER 166.21 DOWNTOWN DESIGN OVERLAY DISTRICT STANDARDS; CHAPTER 166.22 PARKING DECK DESIGN STANDARDS; and CHAPTER 166.23 URBAN RESIDENTIAL DESIGN STANDARDS);** Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 166.21, 166.22, and 166.23. The proposal is to modify various design standards of UDC Chapter 166.

RECOMMENDATION:

Staff recommends that the Planning Commission forward **ADM 14-4635** to the City Council with a recommendation for approval.

March 10, 2014 Planning Commission meeting:

This item was discussed at the March 10, 2014 Planning Commission meeting. In general the commission discussed that they seemed in favor of the proposed code amendments. Because of the amount of detail in the proposed code changes the commission tabled the item for two weeks to allow more time for consideration and discussion. Some of the issues discussed by the commission included the need for more clarity in the definition of 'porch', changes to the fence requirement to prevent a privacy fence from being too close to the street and the front of a building, and further evaluation of the design requirements for a 'stoop'.

In response to the discussion on March 10th and other feedback after the meeting from commissioners, staff, and the City Attorney, staff has made minor changes to this proposal. These changes are attached to this report, highlighted in **green** and summarized as follows:

1. Further modified the definition of 'porch' for clarify.
2. Changed the applicability section of the DDOD code to make it clear that ordinary repair and maintenance activities are not subject to the code.
3. Added 'aluminum-zinc coated steel' as a permitted finish material to allow utilization of products such as 'galvalume' as it is a standard, high quality material used in metal roofs and other exterior applications of metal.
4. Modified the fence requirements to specify that privacy fence must be at least 10 feet behind the principal façade of a structure.

Response to discussion regarding the design criteria for a 'stoop':

Stoops are not required for developments in the DDOD. The criteria in the DDOD only applies if a project has a stoop, which is defined as:

Stoop. (DDOD) A small platform and / or entrance stairway at a **house** door, commonly covered by a secondary roof or awning.

There are numerous creative options in designing front façade entries. A stoop is only one option of many. The code has specific stoop design requirements because if certain elements and proportions are not utilized, the result can be an uninviting façade that is not human scale or pedestrian-friendly. This leads to physical or perceived separation between the public and private realm, in direct opposition to the intent of the Downtown Master Plan. Staff's research indicates that the width of a stoop and its proximity to the connection to the public sidewalk are critical in providing visual interest and connectivity between the street and the building. Staff's proposal is that the maximum width of a stoop and the horizontal distance before a connection to the street be 12 feet. The minimum stoop width to comply with International Building Code is generally 4 feet, to allow room for the door to swing. By allowing that dimension to triple (12 feet) permits design flexibility for up to three entries in one area, in a variety of configurations. Anything much larger than this dimension would start to be out of proportion with a human scale element at the sidewalk level. A specific stoop dimension should be required as the baseline to ensure that the intent of the code is met. Applicants may request a variance of any of the DDOD requirements. These types of variances are typically granted in unique situations, or if there is a creative design not covered under the code. The criteria for a variance of the DDOD is a lower standard than the criteria for a strict zoning variance, allowing more flexibility.

BACKGROUND:

Downtown Master Plan

In 2004 the City Council adopted the Downtown Master Plan after months of research, a series of charettes, and public hearings with participation of several hundred citizens. The Downtown Master Plan created a vision for the future of the downtown area and instructions for achieving this vision by codifying the traditional building form in downtown Fayetteville. As part of the implementation of the Downtown Master Plan new zoning districts and specific design standards were created and adopted in 2007. These standards were a result of years of research, architectural review committee input and several public hearings.

City Plan 2025

Consistent with many of the principals that came out of the Downtown Master Plan, the City adopted City Plan 2025 in 2006. This plan was a major paradigm shift of the vision for growth of the City. This plan had primary goals of creating traditional town form throughout the city, reducing suburban sprawl and suburban development patterns. This was in direct contrast to suburban development patterns encouraged in previous general plans and required by the City codes for many decades. This plan led to the adoption of design standards promoting traditional town form including the Urban Residential Design Standards. Additional code changes over the years including form-based zoning, the subsequent adoption of City Plan 2030, as well as other neighborhood plans have been consistent with strong policies to create traditional development patterns. In general, this type of development pattern focuses on creating a walkable, human-scale environment with a variety of uses that can transition over time, as opposed to single use development patterns created primarily to accommodate vehicles and parking.

DISCUSSION:

Over the past seven years the City has seen several developments in the downtown area and throughout the City that have tested the Downtown Design Overlay District (DDOD) development standards, the parking garage standards, and the Urban Residential Design Standards. Based on the results of observation by staff and general comments from the public, elected and appointed officials after the completion of several projects, some design details of these recent developments, while complying with adopted city codes, have not met the intent of the Downtown Master Plan or the intent of city's adopted land use plans and policies. In addition, staff has noted that there is a lack of clarity in certain sections of the code. To address these issues staff proposes the following changes to the Fayetteville Unified Development Code. Overall, these changes are relatively minor in substance and are intended to ensure that the built environment required in the code matches the vision of the City land use plans and policies, the Downtown Master Plan, and the expectations of the citizens, appointed, and elected officials of Fayetteville.

1. Chapter 151 Definitions. Change the definition of Porch and Stoop for clarity.
2. Chapter 166.21 Downtown Design Overlay District (DDOD).
 - a. Clarify that if there is a conflict between different standards that the DDOD supersedes other standards.
 - b. Clarify that all new construction, additions, or renovations are required to comply with the DDOD standards, except for ordinary repairs and maintenance. There have been several major projects and renovations in the downtown area over the past few years that, because the projects did not technically expand the building footprint, were not subject to the DDOD requirements.
 - c. Clarify that placement of awnings, marquees, and balconies shall not interfere with utilities.
 - d. Add the requirement that the underside of balconies, colonnades and arcades be a solid material and lighting may be required. This addresses public safety issues that staff has seen after the construction of these types of elements downtown.
 - e. Remove the minimum height requirement for stoops as staff has observed that there are numerous examples of stoops with no steps or a minimal amount of rise from the street to the front door, particularly on a narrow quiet street, in a traditional development pattern that meet the intent of the code. This will allow for more design flexibility.
 - f. Change the stoop length to a maximum width of 12 feet. The intent is to create stoops that are human scale with interaction and vertical transition between the street and building entrances, as originally intended in the code. Staff has observed recent developments with a door at the street that does not connect directly to the street but instead a raised stoop/pedestrian walkway runs down the length of the building some distance before connecting to the public sidewalk. This met the letter, but not the intent of the original code, which is addressed with this proposed change.
 - g. Clarify right-of-way encroachment and placement of stoops.
 - h. General clarification of Exterior Architectural Elements and removal of reference to cell phone towers because cell towers are regulated under a different section of the UDC as a conditional use permit.
 - i. Removed reference to sills under arches and lintels as sills are covered elsewhere in the code.
 - j. Clarified that window sills are required to be visible. This was the intent of the code and has been enforced as such, but needed clarification.
 - k. Clarification of the permitted finish materials for windows and sills, consistent with the original intent of the code.

- l. Clarified that not only gutters but also downspouts are subject to the regulation. Added Aluminum-zinc coated steel as a permitted material to allow products such as 'galvalume'.
 - m. Clarified the fencing regulations consistent with the original intent that visibility and transparency be provided between the street and the front of the structure, but allowing standard privacy fence in side and rear yards. Broadened the types of fences allowed in front yards for design flexibility as long as transparency is maintained.
 - n. Removed a redundant reference to requiring clear glass because glass is regulated by transmittance rating elsewhere in the code.
 - o. Staff does not recommend changing the transmittance rating (window tinting) for residential use at this time. Clear glass, especially at the street level, has been one of the successful aspects of the code, in staff's opinion, and variances may be requested for unique situations.
 - p. Global change to correct the spelling of principal facade.
 - q. Clarified a specific requirement for glass percentage for office, institutional, and other non-residential space not commercial or storefront, which was unintentionally left out of the code. The code has been interpreted over the years that commercial space and storefronts should have a large percentage of glass (75%), more than any other type of use, per the intent of the Downtown Master Plan. However the code did not specify the percentage of glass required for non-residential use that was not a storefront.
 - r. Removed the unnecessary requirement for a maximum percentage of glass for multi-family.
 - s. Clarified the requirement of glass for a two family dwelling, which was unintentionally left out of the code.
 - t. Clarified the method for calculating the percentage of glass on the ground floor, which has caused confusion for staff and developers because of lack of specifics in the code.
3. Chapter 166.23 Urban Residential Design Standards
- a. Clarified that visible entrances are required for all ground floor dwellings that face a street. This was the original intent of the code, but a lack of clarity in the language allowed dwellings on the ground floor that faced a street to not have a visible entrance. Also added language to describe the requirement for the pedestrian connection from the residential entrance to the public sidewalk. Again, this language meets the original intent for a direct connection from the dwelling to the street. However, a lack of specific language in the code permitted the pedestrian connection to have an indirect connection from the door to the public sidewalk, with some developments running a raised stoop or pedestrian walk some distance along the building façade before connecting directly to the street. This can result in an uninviting interaction between the public and private realm and a lack of pedestrian-scale breaks/connections along the building, which did not meet the intent of the code. Also see discussion above related to the stoop requirement.
 - b. Removed the reference requiring at least one primary entrance on the principal façade, as this requirement is now covered under the Pedestrian Circulation subsection noted above.
 - c. Removed varied roof forms as an optional design variation as this is required elsewhere as a variation between different building types; removed consistent and complementary fenestration patterns as this is a very minimal requirement and open to very broad interpretation; added the option for additional architectural features to be considered to allow for different styles and design flexibility that may not be covered in the code.

4. Chapter 166.22 Parking Garages

a. Rewritten the entire parking garage chapter. The primary changes are summarized as follows:

- Changed the applicability for this chapter to apply to parking garages throughout the entire city, not just in the downtown zoning districts.
- Referred to a Parking Garage Manual with images that show the intent of the code.
- Revised the parking garage design standards into three categories:
 1. Parking Garages in the Build-to Zone. Under this proposal, staff is recommending that green screens to screen a parking garage near the public street be removed as a primary option. This is currently allowed under the code but it takes many years and much maintenance to create an effective screen using this method; and overall does not meet the intent of the code to create a pedestrian friendly building design and streetscape in a form-based zoning district. This revised code requires parking garages in the build-to zone to screen the garage with a liner building (such as the liner building on the Lofts at Underwood building along Powerhouse Avenue), architectural treatment for the façade to appear as part of the building with regular openings for windows and doors (such as the parking garage for the Three Sisters building on Rollston Avenue), or other architectural treatment such as glazing or display windows (such as on the north side of the parking garage on the Legacy building on Watson Street). For multi-story parking garages the upper floors of the garage must be screened with at least some type of architectural treatment so cars and the parking garage façade is screened, similar to the University of Arkansas parking garage on Garland Avenue that utilizes colored cement tiles on the upper floors to screen the garage from view from Garland Avenue.
 2. Parking Garages outside the Build-to Zone but less than 50 feet from the street. This requires that the parking garage, when visible from the street, to use materials also used on the principal structure, that additional landscaping be installed between the parking garage and the street (such as the landscaping between the City library parking garage and the street), and that public space be created including seating or vending areas between the parking garage and the street.
 3. Parking Garages greater than 50 feet from the street. Requires that the garage be constructed of materials and detailing found in the primary development and also that the garage be subject to the Nonresidential, Office, and Mixed Use Design Standards for the façade that is visible from the right-of-way.

BUDGET/STAFF IMPACT:

None

Attachments:

- The proposed code changes to UDC Chapters 151 (Definitions), 166.21 (DDOD), and 166.23 (Urban Residential Design Standards), are shown in strikeout-highlight with numbering that follows the description in the staff report above.
- The proposed new UDC Chapter 166.22 (Parking Garages) is attached.
- Draft City Parking Garage Manual

Added after the 03/10/2014 meeting

CHAPTER 151: DEFINITIONS

Porch. (DDOD) ~~A covered area adjoining an entrance to a building. An open, roofed structure attached to and structurally a part of the main building that is not more than 75 percent enclosed by walls and is not heated or cooled.~~

Stoop. (DDOD) A small platform and / or entrance stairway at a ~~house~~ door, commonly covered by a secondary roof or awning.

166.21 Downtown Design Overlay District

(A) *Purpose.* The intent of this ordinance is to encourage good architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space. Downtown Fayetteville has a rich architectural history spanning many decades and styles; therefore, architecture should be respectful of the existing built environment and should strive to enhance the public realm. A strong emphasis shall be placed upon designing and implementing sustainable and green architecture practices.

(B) *Applicability.* The Downtown Design Overlay District applies to parcels of land located within the boundaries of the Downtown Design Overlay District. The Downtown Design Overlay District Architecture Standards are applicable in the following instances:

(1) ~~If a conflict occurs between different standards, these~~ These standards shall supersede the City's Commercial, Nonresidential Design Standards; Office, and Mixed Use Design and Development Standards in the Downtown Design Overlay District.

(2) ~~All new construction shall comply with these standards, including structural renovation and/or new additions that increase the building footprint or volume of habitable space by 50% or more.~~

All new construction, additions or renovations shall comply with these standards regardless of whether the improvements require a permit; ordinary repairs and maintenance are not subject to these standards. Specifically, only the new construction or portions of the building that are being renovated shall comply with these standards.

(3) Building designs that strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance.

(4) Building designs that do not comply with these standards may be permitted by a variance after review and approval by the Planning Commission.

(5) Building designs that are denied or approved by the Planning Commission may be appealed to the City Council.

(C) *Downtown Design Overlay District Manual.*

(1) The City of Fayetteville Downtown Overlay District Manual shall be used in support of this chapter to explain specific objectives and principles and to provide a resource for guidance in implementing these standards.

(2) Copies of the Manual are to be made readily available to the public in the Planning Division.

(D) *Special Building Elements and Appurtenances.* If a building has a marquee, awning, balcony, colonnade, arcade, turret, cupola, porch or stoop then it shall comply with the following regulations:

(1) *Marquees and Awnings.*

- (a) *Standard.* These dimensional requirements apply to first or ground floor awnings and marquees. There are no minimum standards for awnings above the first floor.

(i) *Depth.* To the back of the curb maximum.

(ii) *Height.* 7 ft. minimum clear.

- (b) *Right-of-Way Encroachment.* Marquees and Awnings shall occur forward of the principal façade and may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.

- (c) *Placement.* Placement of awnings or marquees shall not interfere with street trees, street lights, street signs, utilities or other such civic infrastructure.

- (d) *Prohibited Materials.* High-gloss or plasticized fabrics are prohibited.

(2) *Balconies.*

- (a) *Standard.*

(i) *Depth.* To the back of the curb maximum. Balconies above the second floor shall have a maximum projection of 4 ft. from the principal façade.

(ii) *Height.* 10 ft. minimum clear to the underside of the horizontal floor. Supports or appendages may not extend below 7 ft. clear.

(iii) *Length.* 80% maximum of principal building façade for the second floor. 40% maximum for all balconies above the second floor.

(iv) *Roofs.* Balconies may have roofs, but are required to be open, non-air conditioned parts of the building.

(v) *Underside.* The underside of a balcony extending over a sidewalk shall be covered with a solid material and lighting may be required, depending upon the proximity to a street light.

- (b) *Right-of-Way Encroachment.* Balconies may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.

- (c) *Placement.* Balconies shall not interfere with street trees, street lights, street signs, utilities, or other such civic infrastructure.

(3) *Colonnades and Arcades.*

- (a) *Standard.*

(i) *Depth.* 8 ft. minimum from the principal façade to the inside of the column face. Columns must be set back 18 inches from the outside of the column face to the back of the curb.

(ii) *Height.* 10 ft. minimum clear.

(iii) *Length.* 75-100% of the principal façade.

(iv) *Underside.* The underside of a colonnade or arcade extending over a sidewalk shall be covered with a solid material and lighting may be required, depending upon the proximity to a street light.

- (b) *Right-of-Way Encroachment.*

Colonnades shall only be constructed where the minimum depth can be obtained. Colonnades shall occur forward of the principal façade, and may encroach within the right-of-way, but shall not extend past 18 inches from the back of the curb, in accordance with the Building Code adopted by the City of Fayetteville.

(c) *Placement.* Colonnades may replace street trees along their length.

(4) *Turrets and Cupolas.*

(a) *Standard.*

- (i) *Area.* 20 ft. X 20 ft. maximum footprint.
- (ii) *Height.* If the footprint is larger than 10 ft. X 10 ft., then the cupola/turret may extend a maximum of 25 ft. above the eave or top of the parapet of the highest story. If the footprint is less than 10 ft. X 10 ft. then the turret or cupola may extend to maximum of 50 ft. above the eave or top of the parapet of the highest story.

(5) *Front Porches.*

(a) *Standard.*

- (i) *Depth.* 6 ft. minimum from the principal façade to the inside of the column face.
- (ii) *Length.* 25 to 100% of the principal facade. Front porches may be multi-story and are required to be open or screened and non-air conditioned.

(b) *Right-of-Way Encroachment.* Front porches may occur forward of the principal façade. Porches shall not extend into the right-of-way. Front porches and stoops shall not be built within 18 inches of the side property line on attached unit types.

(6) *Stoops.*

(a) *Standard.* Stoops may be covered or un-covered and stairs may run to the front or to the side.

- (i) *Depth.* 4 ft. minimum from the principal façade to the inside of the column face for stoops with a covered landing.

2.e — (ii) *Height.* 30 inches minimum from grade to top of the first finished floor; 96 inches maximum.

2.f — (iii) *Length.* Maximum 12-foot width for each individual building entrance or group of connected entrances 40% to 25% of the principal façade, not including stairs. The pedestrian connection from the stoop to the public sidewalk shall be allowed to run from the door along the facade of the building, parallel to the street, for a maximum of 12 feet from the door, before connecting directly to the public sidewalk.

2.g — (b) *Right-of-Way Encroachment.* Stoops may occur forward of the principal façade and may, but shall not extend into the right-of-way in accordance with the building code adopted by the City of Fayetteville.

(c) *Placement.* Sidewalks shall have a minimum 5 ft. clear access for pedestrian movements. Front porches and Stoops shall not be built within 18 inches of the side property line on attached unit types.

(7) *Projected Bay.*

(a) *Standard.* Bays shall consist of habitable space.

- (i) *Depth.* 4 ft. maximum from the principal facade.
- (ii) *Second Story Height.* Bays above the first or ground floor shall have a minimum of 10 ft. clear to the underside of the horizontal floor. Supports or appendages shall not extend below 7 ft. clear.
- (iii) *Length.* 20% maximum of the principal façade length.

(b) *Second Story Right-of-Way Encroachment.*

Bays above the first or ground floor may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.

(c) *Placement.* Projected Bays shall not interfere with street trees, street lights, street signs or other such civic infrastructure.

(E) *Exterior Architectural Elements.* The lists of permitted materials and configurations have been selected for their durability, sustainability and responsiveness to climate. The primary goal of the Architectural Elements is authenticity; the elements encourage construction that is straightforward and functional and draws its ornament and variety from the assembly of genuine materials. Items not listed in the Architectural Elements may be approved upon review by the Planning Commission.

(1) *Rear Yards Only.* The following shall only be located **only** in the rear yard:

(a) *Trash dumpsters.*

(b) *Trash and recycling carts and bins.*

(2) *Exterior Prohibited Materials.* The following shall be prohibited:

(a) *Undersized Shutters.* Shutters shall be sized so as to equal the width required to cover the window opening.

(b) *Shutters made of plastic.*

(c) *Glass with reflective coatings other than clear glass with Low-E coatings.* (See opacity and façade section).

(d) *Plastic or PVC roof tiles.*

~~(e)~~ *Exposed cell phone towers.*

~~(f)~~ **(e)** *Aluminum siding.*

~~(g)~~ **(f)** *Vinyl siding.*

~~(h)~~ **(g)** *Wood fiber board.*

~~(i)~~ **(h)** *Unfinished pressure-treated wood.*

~~(j)~~ **(i)** *EIFS (Exterior Insulation Finish System) located on the first or ground floor.*

(3) *Columns, Arches, Pedestals, Railings and Balustrades.*

(a) *Permitted Configurations.*

(i) Square columns shall have a minimum width of 6 inches with or without capitals and bases.

(ii) Round columns shall have a minimum 6 inch outer diameter with or without capitals and bases.

~~(iii)~~ Pedestals shall have a minimum width of 8 inches.

(b) *Permitted Materials.*

(i) *Columns and Pedestals.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast in-place concrete with or

2.h

without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

2.i

- (ii) Arches and Lintels and Sills. Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast –in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.
- (iii) *Railings and Balusters*. Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast –in-place concrete with or without stucco, pre-cast concrete, concrete masonry units with stucco, stone, structural steel, cast iron, wrought iron, and glass.

(4) *Windows, Skylights, and Doors.*

(a) *General Requirements.*

2.j

- (i) Visible sills on the exterior of the building are required for all windows.
- (ii) Windows shall have trim on the sides and top when the exterior of the building is wood or lap sided. Window trim shall have a minimum dimension of 0.75 inches X 3.5 inches (a normal 1X4).
- (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.

(b) *Permitted Configurations.*

- (i) All window configurations are allowed.

(c) *Permitted Finish Materials*

2.k

- (i) *Windows*. Windows may be made of wood, aluminum, copper, steel, clad wood, thermally broken vinyl or aluminum. No false grids are permitted except for where mullions and muntins are permanently adhered to both the interior and exterior of a pane of thermally broken glass separated by a spacer aligned with the mullions or muntins in between panes of thermally broken glass. (Commonly referred to as simulated divided light windows).
- (ii) *Doors*. Doors may be made of wood, glass, fiberglass or metal. (I.e. steel, aluminum, copper, bronze, etc.)
- (iii) Sills. Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast –in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

(5) *Roofs and Gutters.*

(a) *General Requirements.*

- (i) Roofs may be gabled, hipped, mansard, shed, gambrel, barrel-vaulted, or domed.
- (ii) Applied mansard roofs are not permitted.
- (iii) Low sloped roofs (less than 1 in 12 pitch) shall have light colored finish materials.

(b) *Permitted Configurations.*

- (i) Metal panel roofs shall expose the panel ends at the overhang.
- (ii) Gutters may be rectangular, square, half-round, or Ogee sections.

2.1

(c) *Permitted Finish Materials*

- (i) *Metal Roofs.* Metal roofs may be made of galvanized steel, aluminum-zinc coated steel, copper, aluminum, zinc-alum, lead coated copper, terne, or powder coated steel.
- (ii) *Shingles.* Shingles shall be made of asphalt, metal, concrete, terra-cotta, slate, or cedar shingles or shakes.
- (iii) Gutters and downspouts. Gutters and downspouts shall be made of copper, aluminum, galvanized steel, aluminum-zinc coated steel, lead coated copper, terne, or powder coated steel.

(6) *Garden Walls, Fences and Hedges.*

(a) *General Requirements.*

- (i) Fences, garden walls, or hedges are ~~encouraged~~ permitted along side yards, rear yards, and all property lines which abut public streets or alleys.
- ~~(ii) Fences and garden walls shall be at a minimum 25% opaque, with the exception of the requirements set forth in §166.21(E)(6)(c)(ii).~~
- (iii) Fences in the front yard shall be not be 100% opaque and shall provide visible separation between the fence slats. Fences in a rear or side yard, at least 10 feet behind the principal façade of the primary structure, may be at a maximum 100% opaque.

2.m

(b) *Height.*

- (i) Front yard (in front of the primary structure) maximum height of 42 inches.
- (ii) Fences located in the rear and side yards (behind the principal façade of the primary structure) shall have a minimum height of 36 inches and a maximum height of 6 feet.

(c) *Permitted Configurations*

- (i) *Wood Fences.* Vertical picket fences or horizontal slat fences with corner posts, and split rail fences; privacy fences are permitted in the rear and side yard only, behind the principal façade of the primary structure.
- (ii) *Metal Fence.* Fence shall be comprised of primarily vertical pickets with a minimum 5/8 inch diameter, and 4 inch maximum clear space between the pickets.

(iii) *Brick and Stone.*

(d) *Permitted Finish Materials*

- (i) Wood.
- (ii) Wrought iron, steel and cast iron.
- (iii) Brick and stone.
- (iv) Concrete masonry units with or without stucco so long as the primary structure corresponds.
- (v) Reinforced concrete with or without stucco as long as the primary structure corresponds.

(7) *Opacity and Facades.*

(a) *General Requirements.*

- (i) Each floor of any principal building façade above the first floor facing a park, square or street shall contain windows covering from 15% to 60% of the principal facade area.
- (ii) The permitted percentage of glass may be increased to 80% for any two floors above the fourth floor provided that there is a minimum stepback of 15 ft. from the principal façade.
- (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.

2.n

- (iv) All glass shall ~~be clear and / or~~ have a Low-E coating.

- (v) Glass used above the first or ground floor shall have a visible transmittance rating of 0.4 or higher.

2.o

- (b) First or Ground Floor Requirements of any ~~principle~~ principal facade.

2.p

- (i) Glass on the first or ground floor shall have a visible transmittance rating of 0.6 or higher.

- (ii) Commercial space and storefronts shall have a minimum of 75% glass on the first or ground floor. ~~of any principle facade.~~

2.q

- (iii) Office, institutional, and other non-residential space shall have a minimum of 50% glass on the first or ground floor.

2.r

- (iii) Multi-Family Residential space shall have a minimum of 40% ~~and a maximum of 75%~~ glass on the first or ground floor.

2.s

- (iv) Single Family ~~and Two Family~~ Residential space shall have a minimum of 5% glass on the first or ground floor.

2.t

- (v) The measurement for glass percentage on the first or ground floor shall be calculated at the pedestrian level between 2-12 feet above the sidewalk. For a building facade located outside of a build-to zone the measurement for glass percentage on the first or ground floor shall be at the pedestrian level between 2 and 12 feet above the Finished Floor Elevation (FFE).

- (v) Doors or entrances for pedestrian access shall be provided at intervals no greater than 50 ft. apart along the principal façade.

(Ord. 5056, 9-04-07)

166.23 Urban Residential Design Standards

(4) Pedestrian Circulation.

3.a

- (a) All ground floor entrances of each dwelling unit that face a public street right-of-way shall have a walkway that connects the front entrance to the public sidewalk where sidewalks exist. Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect to the public sidewalk where sidewalk exists. The entry may be shared but must occur at a spacing of one entrance for every two street level dwellings. The pedestrian connection to the street shall be in the immediate proximity of the door, as opposed to running parallel from the door a substantial distance along the building before connecting to the street. The pedestrian connection may run from the door along the facade of the building, parallel to the street, for a maximum of 12 feet from the door, before connecting directly to the public sidewalk.

- (2) Construction and appearance design standards for urban residential development.

(a) Building Form and Design.

- (i) In order to provide a variety in form and design, one building type may not be utilized more than three times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.
- (ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.
- (iii) The following architectural elements shall be required of all principal facades:

- a. Variations in materials;
- b. Insets or other relief in the wall plane;

3.b

- c. A front façade that faces onto the public street right of way and at least one primary entry that is visible from the street.

- d. Incorporation of two or more of the following:

- 1. Balconies;
- 2. Bays or bay windows;

~~3. Variations in roof forms.~~

~~3. 4.~~ Porches;

~~4. 5.~~ Dormers;

~~5. 6.~~ Porticoes;

~~6. 7.~~ Turrets; or

~~8. Consistent and complementary fenestration patterns; or~~

~~7. 9. Other architectural feature approved by the Zoning Development Administrator that meets the intent of the code.~~

3.c

Repeal and replace the entire subsection 166.22 with the following

166.22 Parking Garages

(A) *Purpose.* Parking garages by their nature tend to overwhelm the built environment due to their scale and repetitious construction. Parking garages must be detailed carefully in order for them to enhance the built environment in terms of scale, appearance, and pedestrian safety.

(B) *General Requirements.*

- (1) All parking garages shall utilize materials and architectural detailing found in the primary development being served, or when stand alone, shall establish a distinct architectural style.
- (2) All parking garages shall provide adequate interior and exterior lighting to maintain visibility and public safety. Higher efficiency lighting such as LED, is encouraged
- (3) City of Fayetteville Parking Garage Manual
 - (a) The City of Fayetteville Parking Garage Manual shall be used in support of this chapter to show images with acceptable architectural design techniques meeting the intent of this code.
 - (b) Copies of the Manual are to be made readily available to the public in the Planning Division.

(C) *Parking Garages in the Build-to Zone.* The following regulations shall apply to minimize the appearance of a blank parking garage at the street level and to incorporate human scale elements and visual interest into parking garages located immediately adjacent to the street.

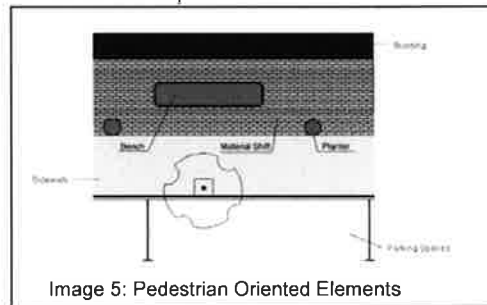
- (1) Property with multiple street frontages shall have a liner building at all corner locations; in accordance with section 4(a) below.
- (2) Entrances or pedestrian door openings shall be no greater than 50 feet apart.
- (3) The entire length of the principal façade of the parking garage on the first or ground floor shall provide one or a combination of the following two options:
 - (a) The principal façade of the parking garage on the first or ground floor shall be comprised of habitable area, such as retail, office, residential, and/or lobby space at a minimum depth of 15 feet. The habitable area may be interrupted to allow for vehicle and pedestrian access to the parking garage. The upper floors of a parking garage in this configuration may extend over the first or ground floor. A liner building constructed as the principal façade of a parking garage shall meet the applicable design standards for the use.
 - (b) Architectural treatment shall be applied to the first or ground floor principal façade with the intent to make the appearance of the parking garage in the build-to zone appear part of the primary structure and/or enhance the pedestrian realm and visual interest. This includes utilizing building materials and pedestrian scale elements such as regular openings for windows and doors, display windows, glazing applied to the façade, or other design techniques approved by the Zoning and Development Administrator meeting the intent of the code. The upper floors of a parking garage in this configuration may extend over the first or ground floor.
 - (c) A green screen (a trellis that will support vines and other landscaping materials to create a living green façade) may be utilized for a minimum of 10% of the principal façade where other permanent landscaping or urban design elements are also proposed in conjunction with the screen.
- (4) The principal façade above the first floor shall utilize one of the following options with the intent to screen cars in the parking garage and prevent a blank parking garage façade from view of the street:
 - (a) Either of the options in section 3 above;
 - (b) An architectural screen; or
 - (c) Building materials utilized on the principal structure shall be applied to the façade.

(D) *Parking garages outside the build-to zone between 26-49 feet from the right-of-way.* The following regulations shall apply to parking garages that are between 26-49 feet from the right-of-way and do not have a principal structure or liner building between the parking garage and the street. Parking garages within direct visual proximity of the street should be designed in an architecturally pleasing manner, and should not create a void of unusable, uninviting space between the parking garage and the street.

- (1) Shall be required to meet the general requirements of utilizing materials and architectural detailing found in the primary development being served.
- (2) Shall incorporate landscaping above and beyond the minimum requirements of the City's code to soften the appearance of the parking garage from view of the street.
- (3) Shall incorporate spatially defining building elements and/or landscaping at a maximum separation of 100 feet of façade length in order to create accessible public open space, such as a courtyard, garden, patio, etc.

(a) Each public space shall include seating opportunities, such as table and chairs or benches, and a combination of at least of three (3) of the following elements:

- (i) planters;
- (ii) a planting bed;
- (iii) public art;
- (iv) a water feature;
- (v) a shift in pavement material between the public right-of-way and the structure;
- (vi) a covered area, such as a canopy, awning, arcade, or portico spanning the width of the building; or
- (vii) other elements approved by the Zoning and Development Administrator that are not included in other sections of the design standards and meet the intent of this requirement.



- (4) The 25 ft. landscape buffer may be developed at some point in the future with habitable space that meets the requirements above.

(E) *Parking garages greater than 50 feet away from the right-of-way. Design elements:*

- (1) Shall meet the general requirements of utilizing materials and architectural detailing found in the primary development being served.
- (2) Nonresidential, Office, and Mixed Use Design Standards in Fayetteville UDC Section 166.25 shall apply to the façade of the parking garage that is visible from the right-of-way.

166.22 Parking Garages in the Downtown Core, Main Street Center, and Downtown General Zoning Districts

~~(A) Purpose. Parking garages by their nature tend to overwhelm the built environment due to their scale and repetitious construction. Parking garages must be detailed carefully in order for them to enhance the built environment in terms of scale, appearance, and pedestrian safety.~~

~~(1) Parking Garages located at the right-of-way line in the DC, MSC, and DG zoning districts shall meet at least one of the following criteria:~~

~~(a) The entire length of the principal façade of the parking garage on the first or ground floor is comprised of habitable area, such as retail, office, or lobby space at a minimum depth of 15 ft. The habitable area may be interrupted for a maximum width of 30 ft. to allow for vehicle and pedestrian access to the parking garage. Entrances or door openings to the habitable space shall be provided at intervals no greater than 50 ft. apart. The upper floors of a parking garage in this configuration may extend over the first or ground floor to create a covered walkway.~~

~~(b) The principal façade of the parking garage on the first or ground floor is composed of a series of display windows. Display windows shall be arranged so that there are no more than 4 ft. of blank wall space between display windows. Entrances or door openings shall be provided at intervals no greater than 50 ft. apart. The upper floors of a parking garage in this configuration may extend over the first or ground floor to create a covered walkway.~~

~~(c) The principal façade of the parking garage is covered with a trellis that will support vines and other landscaping materials to create a living green façade. Parking garages in this configuration are required to utilize storm water harvesting techniques such as cisterns, green roofs, or by directing runoff through a series of planter boxes along the front of the façade. The upper floors may not extend over the first or ground floor to create a covered walkway.~~

~~(2) All other parking garages shall be located at least 25 ft. from the right-of-way line. The 25 ft. buffer created shall be landscaped in accordance with the regulations contained in the Landscape Regulations of Fayetteville's UDC. The 25 ft. landscape buffer may be developed at some point in the future with habitable space that meets the requirements above.~~

~~(3) Internal parking garage configuration and circulation shall be determined by Planning Staff utilizing credible industry standards outlined in publications such as the Urban Land Institute or the National Parking Association.~~

~~(Ord. 5056, 9-4-07; Ord. 5271, 9-1-09)~~



City of Fayetteville Parking Garage Manual



The proposed City parking deck on Spring and School Streets incorporates a liner building and screening of the parking area above the first floor.



The Parking deck at the Fayetteville Public Library incorporates additional landscaped setback from the right of way and screening of the parking area.



The Three Sisters building on Dickson Street successfully blends the first floor parking deck with the residential and commercial portions of the development using similar materials and detailing throughout the project.



UARK Garland Avenue parking deck provides liner buildings for the entire length of the deck and architectural screening of the parking areas above the first floor.



The Dickson Project on Dickson Street incorporates a liner building with an interior parking deck of similar materials.



Display windows incorporated into the façade of the Legacy Building.

City of Fayetteville Item Review Form

2014-0153

Legistar File Number

04/15/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Andrew Garner

Submitted By

Development Services

Department

Action Required:

ADM 14-4652 Administrative Item (UDC AMENDMENT CHAPTER 156 VARIANCES): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 156 and 172. The proposal is to clarify that variances of Chapter 172: Parking and Loading may be requested.

Does this item have a cost?

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached?

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



V20130812

[Signature] 3-31-14

Paul A. Beck 3-31-2014

[Signature] 4-2-14

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council

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

FROM: Andrew Garner, City Planning Director

DATE: March 25, 2014

SUBJECT: **ADM 14-4652 Administrative Item (UDC AMENDMENT CHAPTER 156 VARIANCES):** Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 156 and 172. The proposal is to clarify that variances of Chapter 172: Parking and Loading may be requested.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to clarify that variances of Chapter 172: Parking and Loading may be requested.

BACKGROUND:

Variances of the Unified Development Code are only permitted if they are specified in the code. There are certain individual sections of Chapter 172: Parking and Loading that discuss that the code may be varied or modified through a variance or conditional use process. However, much of Chapter 172 does not provide the option for variances, and it is unclear which portions of may be varied.

Staff proposes to modify Chapter 156: Variances to make it clear that variances of Chapter 172 are permitted. Chapter 156 is proposed to refer to Chapter 172 in the same code subsection as general development variances (Chapter 166). In addition an isolated reference in Chapter 172 referring to parking design waivers is being removed. The proposed code changes are identified in highlight and underline.

DISCUSSION:

On March 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0.

BUDGET/STAFF IMPACT:

None

Attachments:

- Proposed code changes to UDC Chapters 156: Variances and 172: Parking and Loading

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 156.03 DEVELOPMENT AND § 172.04 (F) PARKING LOT DESIGN STANDARDS OF THE UNIFIED DEVELOPMENT CODE TO CLARIFY THAT VARIANCES OF § 172.04 (F) PARKING LOT DESIGN STANDARDS MAY BE REQUESTED

WHEREAS, § 172.04 (F)(c) speaks of a waiver of Parking Lot Design Standards when a variance from such standards is preferable.

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 repeals § 156.03 (A) in its entirety and enacts a new § 156.03 (A) as shown below:

“156.03 Development, Parking and Loading

Certain variances of the development, parking and loading regulations may be applied as follows:

(A) General requirements.

- (1) *Undue hardship.* If the provisions of **Development**, Chapter 166, or **Parking and Loading**, Chapter 172 are shown by the developer to cause undue hardship as they apply to this proposed development (including, but not limited to financial, environmental, or regulatory) and that the situation is unique to the subject property, the City Planning Commission may grant a variance, on a temporary or permanent basis, to the development from such provision, variation will not have the effect of nullifying the intent and purpose of the development regulations. No variance shall be granted for any property which does not have access to an improved street.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 172.04 by repealing § 172.04 (F)(c) *Waivers*.

Page 2
Ordinance No.

PASSED and **APPROVED** this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CHAPTER 156: VARIANCES

156.03 Development, Parking and Loading

Certain variances of the development and parking regulations may be applied for as follows:

(A) *General requirements.*

- (1) *Undue hardship.* If the provisions of Development, Chapter 166, or Parking and Loading, Chapter 172 are shown by the developer to cause undue hardship as they apply to this proposed development (including, but not limited to financial, environmental, or regulatory) and that the situation is unique to the subject property, the city Planning Commission may grant a variance, on a temporary or permanent basis, to the development from such provision, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of the development regulations. No variance shall be granted for any property which does not have access to an improved street.
- (2) *Conditions and safeguards.* In granting variances, the Planning Commission may prescribe appropriate conditions and safeguards to secure substantially the objectives of the standards or requirements so varied.

**CHAPTER 172: PARKING AND
LOADING****172.04 Parking Lot Design Standards**

~~(c) Waivers. Development proposals which do not meet these standards may apply for waiver from these requirements subject to Planning Commission approval.~~

(F) Parking Lot Circulation.

- (4) *Entrances and internal aisle design for parking lots containing 9 or more parking spaces.* The driveway width into parking lots shall meet the following requirements:

(a) Entrances.

- (i) *One-way access to parking lots.* If the driveway is a one-way in or one-way out, then the driveway width shall be a minimum of 12 feet and a maximum of 16 feet.
- (ii) *Two-way access to parking lots.* For two way access, the driveway width shall be a minimum 20 feet and a maximum width of 24 feet, unless otherwise required by the Fire Department.
- (iii) *Collector and Arterial Streets.* Driveways that enter collector and arterial streets may be required to have two outbound lanes (one for each turning direction) and one inbound lane for a maximum total driveway width of 39 feet.
- (iv) *Curb radius.* All driveways serving 9 or more parking spaces shall have a curb radius of 15 feet for curb cuts on local streets and a curb cut radius of 20 feet for collector, minor arterial and arterial streets.

(b) Internal aisle design.

- (i) Aisles shall be designed so that they intersect at 90 degrees with other aisles and driveways where practical.
- (ii) Aisles shall be designed to discourage cut-through traffic by use of landscape islands, and shall meet the requirements of Chapter 177: Landscape Regulations.
- (iii) Aisles shall conform to the dimensional requirements of §172.04(C).

City of Fayetteville Item Review Form

2014-0143

Legistar File Number

April 15, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Alan Spann

Submitted By

Parks and Recreation

Department

Action Required:

Approval of an ordinance to amend Chapter § 97.016 to include all park facilities and the Fayetteville Trail System.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

Previous Ordinance or Resolution #

97.016

Original Contract Number:

Comments:

Paul A. Behr 3-28-14

Paul A. Behr 3-28-2014

Donnigan 3-31-14
Donald Jordan



V20130812

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Kit Williams, City Attorney
Connie Edmonston, Parks and Recreation Director

FROM: Alan Spann, Recreation Superintendent

DATE: March 26, 2014

SUBJECT: Proposal to Amend § 97.016

RECOMMENDATION:

Parks and Recreation staff recommends amending § 97.016 to include all park facilities and the Fayetteville Trail System.

BACKGROUND:

The existing ordinance outlines a framework for rentals of City Ballfields only. With an expanding trail system, Parks and Recreation has seen a significant increase in special event requests to be held on City Trails. With a steady increase in trail-users for both active transportation as well as recreational use, Parks Staff proposes minimizing events that require trail closures. Parks Staff worked with the City Attorney's office to develop the attached proposal. The proposal was presented to, and approved by, the Parks and Recreation Advisory Board with a vote of 6-1 on March 10.

DISCUSSION:

The proposed amendment would allow trail closures only for annual approved events operated by non-profit entities and/or events organized in conjunction with the City of Fayetteville. Trails and park areas shall not be closed more than 4 hours at a time unless approved by the Mayor or his/her designee.

BUDGET/STAFF IMPACT:

There is no cost associated with this request.

Attachments:

Staff Review Form
Proposed Amendment – Park Rental Ordinance
PRAB Minutes

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL § 97.016 FEE FOR CITY PARK BALLFIELDS AND ENACT A REPLACEMENT § 97.016 FEE FOR CITY PARK ATHLETIC FACILITIES AND TRAILS FOR TOURNAMENTS AND SPECIAL EVENTS

WHEREAS, the Fayetteville Parks and Recreation Department and the Fayetteville Parks and Recreation Advisory Board recommend new authority be granted to provide nonprofit or City related entities to conduct approved tournaments, annual and special events at Parks and Recreation Department's facilities and trails; and

WHEREAS, exclusive use of trails for such special events should usually be limited to four hours to protect the general public's right to access its trails.

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 repeals § 97.016 **Fee For City Park Ballfields** and enacts § 97.016 **Fee For City Park Athletic Facilities and Trails for Tournaments and Special Events** as shown below:

"97.016 Fee For City Park Athletic Facilities and Trails For Tournaments and Special Events

(A) For the use of City Park Athletic Facilities or City Trails for Tournaments and Special Events, the Mayor shall establish fees to be charged to defray the costs of event setup, maintenance, trash pickup and removal, equipment use, water, and electricity. Fayetteville Trails will remain open to the public, with the exception of annual events approved by the City and operated by non-profit entities and events organized in conjunction with the City of Fayetteville. Trails and park areas shall not be closed more than 4 hours at any time unless approved by the Mayor.

(B) The sponsors of any tournament or special event shall arrange for all necessary umpires and/or coordinators. Upon conclusion of each tournament or event, the sponsor shall restore each facility or trail to the same condition it was in prior to the tournament or event."

Page 2
Ordinance No.

PASSED and **APPROVED** this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Existing

97.016 Fee For City Park Ballfields For Tournaments

(A) For the use of city park ballfields for tournaments, the mayor or his/her designee shall establish fees to be charged to defray the costs of maintenance, trash pickup and removal, equipment use, water, and electricity.

(B) The sponsors of any tournament shall arrange for all necessary umpires. Upon conclusion of each tournament, the sponsors shall restore each field to the same condition it was in prior to the tournament.

(Code 1965, '2-100; Ord. No. 2714, 4-7-81; Ord. No. 4115, 8-18-98; Code 1991, §97.016)

Cross reference(s)--Penalty, '97.999.

Proposal

97.016 Fee For City Park Athletic Facilities and/or Trails For Tournaments and/or Special Events

(A) For the use of City Park Athletic Facilities or City Trails for Tournaments or Special Events, the Mayor or his/her designee shall establish fees to be charged to defray the costs of event setup, maintenance, trash pickup and removal, equipment use, water, and electricity. Fayetteville Trails will remain open to the public, with the exception of annual approved events operated by non-profit entities and/or events organized in conjunction with the City of Fayetteville. Trails and park areas shall not be closed more than 4 hours at a time unless approved by the Mayor or his/her designee.

(B) The sponsors of any tournament or special event shall arrange for all necessary umpires and/or coordinators. Upon conclusion of each tournament/event, the sponsors shall restore each facility/trail to the same condition it was in prior to the tournament/event.

(Code 1965, '2-100; Ord. No. 2714, 4-7-81; Ord. No. 4115, 8-18-98; Code 1991, §97.016)

Cross reference(s)--Penalty, '97.999.



MINUTES

Parks and Recreation Advisory Board March 10, 2014 at 5:30 p.m.
City Administration Building, Room 111 113 West Mountain Street
Fayetteville, AR 72701

Members: Phillip Watson—Chair, John M. Paul- Vice-Chair, Wade Colwell, Richie Lamb, Terry Lawson, Chuck Maxwell, Phillip McKnight, David Priest, David Proffitt

City Staff: Connie Edmonston, Director; Byron Humphry, Maintenance Superintendent; Alison Jumper, Parks Planning Superintendent; Alan Spann, Recreation Superintendent; Melanie Thomas, Senior Secretary

1. **Review of Trail Ordinance Amendment: Alan Spann, Recreation Superintendent**

Spann said that due to the increase in trail events, there was a need to update the trail ordinance amendment. The existing ordinance just covers using ballfields. The proposal covers ballfields, tournament, and special events. For trail event usage, it is proposed that *"Fayetteville trails remain open to the public, with the exception of annual approved events operated by non-profit entities and/or events organized in conjunction with the City of Fayetteville. Trails and park areas shall not be closed more than 4 hours at a time unless approved by the Mayor or his/her designee."*

McKnight wanted to know if non-profits could close the trail. Spann said no.

Priest asked if that was too limiting.

Spann replied that since the taxpayers pay for the trails, the trails need to be open to them.

Watson commented that later on when there are more trails, maybe portions could be closed for events.

Spann said that the trail ordinance will be looked at then.

Paul asked if similar language was used in other cities trail ordinances. Spann said they really don't have anything except in their event forms. Priest asked if this was only for people that want to close the trails.

Spann said it was also for people with events that were too large.

McKnight said he has a concern about the four hour limit. He said that in the future, that may be a problem. He asked where in this ordinance it says anything about the size.

Spann says that information is on the special event form.

PRAB Motion: Lamb motioned to accept the Trail Ordinance Amendment, and McKnight seconded. Motion passed 6-1-0 by voice vote, with Priest voting no.

City of Fayetteville Staff Review Form

C. 7
Amend §114.03
Page 1 of 10

2014-0149

Legistar File ID

4/15/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Lindsley Smith

Communications & Marketing

Submitted By

Division / Department

Action Recommendation:

Approval of ordinance amending Chapter 114.03 (B) of the Fayetteville Code to change the time in which the Fayetteville Convention and Visitors Bureau has control over the public parking spaces around the Historic Fayetteville Downtown Square from the current beginning time of 4:00pm to instead be 3:00pm for event preparation on the seven days in which First Thursday Fayetteville is held.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

[Handwritten signatures and dates]
3-25-14
3-25-2014



V20140314

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff *DM*

FROM: Lindsley Smith; Communications, Marketing and Volunteer Services Director *LS*

DATE: March 24, 2014

SUBJECT: First Thursday Fayetteville

RECOMMENDATION:

This is a request to amend Chapter 114.03 (B) of the Fayetteville Code to change the time in which the Fayetteville Convention and Visitors Bureau has control over the public parking spaces around the Historic Fayetteville Downtown Square from the current beginning time of 4:00 P.M. to instead be 3:00 P.M. for event preparation on the seven days in which First Thursday Fayetteville is held.

BACKGROUND:

In 2010, Ordinance 5307 amended Chapter 114 of the Fayetteville Code to establish the First Thursday Fayetteville cultural arts event on the Historic Fayetteville Downtown Square during the months of April through November annually, which constitutes seven days each year for this cultural arts event. Since First Thursday Fayetteville began, the event's huge success required an expansion of event space around the Downtown Square for additional booths, with the event space concerns being addressed by the Fayetteville City Council in 2011 and 2012 to secure all four streets around the Downtown Square for this cultural arts event.

The City Ordinance designates the Fayetteville Convention and Visitors Bureau as the entity that "shall administer First Thursday Fayetteville and is authorized to remove or request the ticketing of vehicles parked within the allocated areas on East Avenue, Center Street, Block Avenue and Mountain Street between 4:00 P.M. and 10:00 P.M. on days of the event."

DISCUSSION:

Preparation time has always been tight for ensuring parking spaces are open around the Downtown Square for coordinating individuals setting up booths and getting vehicles in and out for booth and art display setup (particularly large and/or heavy art and ensuring their careful handling), set-up of the kids creativity area, entertainment equipment set-up and sound checks, securing all safety measures, and other preparation needs. With the continued participation and growth of the event and addition of food trucks, this additional hour for Convention and Visitors Bureau parking space control added in the Ordinance is necessary for proper set-up, traffic control, and public and participant safety.

In order to accommodate the growth of this monthly cultural arts event and addition of offerings such as food trucks, City staff recommend a change to the Ordinance so that the Convention

and Visitors Bureau has an additional hour each of the seven First Thursday Fayetteville days, thus changing the beginning time of that control from 4:00 P.M. to 3:00 P.M.

BUDGET/STAFF IMPACT:

There is no budget impact.

Attachments:

Attached is a list of 32 businesses on and around the Downtown Square supporting this Ordinance amendment.

2014 First Thursday Ordinance Change

The Fayetteville Visitors Bureau is working to change the city ordinance in order to close the Downtown Square at 3 p.m. in order to make First Thursday safe for all of our patrons.

We understand and support the ordinance change to 3 p.m.

Business Name	Printed Name	Signature	Address
Independent Denim & Essentials	Kayla DeSanto	Kayla DeSanto	15 S Block Suite 101 FAY AR 72701
Tier 1a Tots	Robert Champagne	Robert Champagne	155. Block #102
COUNTRY OUTFITTER	Candace Scott	Candace Scott	1 W. Center St. Fayetteville, AR 72701
Carage	Leanne Lohr	Leanne Lohr	1 East St.
beewee	Sammy Towse	Sammy Towse	1 East City St
Tiny Tim's / WMB	John Schmecker	John Schmecker	21 W. mtn.
Salon on the square	Alicia Simms	Alicia Simms	21 W mtn
Mustache	Brian Bentley	Brian Bentley	15 S. Block, Ste. 105
Jenn's Java		Hannah Bentley	21 W mtn #228
Matt Miller Studio	nett miller	nett miller	21 W mtn St 226
Odessa Law Firm	Janet Napier	Janet Napier	1 E Mountain
Odessa Law Firm	FLORA	7 E. MOUNTAIN	
Kicklak Law Firm	Brandy Ragan	Brandy Ragan	1 E Center St 140

Business Name	Printed Name	Signature	Address
Savair-Faire	Tess Blain	Tess Blain	1 E Center St Spu/70
Arvest Bank	Grant Carter	Grant Carter	75 N. East Ave.
Little Breed	Hannah Withers	Hannah Withers	116 N Block
World Treasures	Jennie Hall	Jennie Hall	120 N. Block
Good Things Boutique	Jessy Lang	Jessy Lang	108. N. Block
Dark Star Visuals	Stacey Webster	Stacey Webster	106 N. Block
Flying Possum Leather	Bob Walker	Bob Walker	33 N. Block
Flying Possum Leather	Adam McNamee	Adam McNamee	33 N. Block
The Headwater	Fallon York	Fallon York	31 N. Block
Swift's	Angie Catanzaro	Angie Catanzaro	27 N. Block
HUGO'S	HUGO'S	HUGO'S	25 N. Block
French Quarter	French Quarter	French Quarter	117 N. Block
HIMALAYAN MTN SHOP			100 W. CENTER
David Adams	David Adams	David Adams	100 W center
The Bank of Fayetteville	Ashley Menard	Ashley Menard	1 S Block

[illegible]

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 114.03 **FIRST THURSDAY FAYETTEVILLE** (A) AND (B) TO CHANGE THE STARTING TIME FOR FIRST THURSDAY FROM 4:00 P.M. TO 3:00 P.M.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends § 114.03 **First Thursday Fayetteville** (A) and (B) to change the starting time for First Thursday from 4:00 p.m. to 3:00 p.m. as shown on Exhibit A attached hereto.

PASSED and **APPROVED** this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT A

114.03 First Thursday Fayetteville

- (A) *Establishment, hours and dates.* First Thursday Fayetteville is hereby established. This monthly event shall run on the first Thursday of every month from April through November during the hours of 3:00 P.M. through 10:00 P.M.
- (B) *Location, parking restrictions and administration.* First Thursday Fayetteville shall be located and have control over the public parking spaces along both sides of East Avenue between Mountain Street and Center Street, along both sides of Center Street between East Avenue and Block Avenue, along both sides of Block Avenue between Center Street and Mountain Street, and along both sides of Mountain Street between East Avenue and Block Street during its hours of operation. The Fayetteville Convention and Visitors Bureau shall administer First Thursday Fayetteville and is authorized to remove or request the ticketing of vehicles parked within the allocated areas on East Avenue, Center Street, Block Avenue and Mountain Street between 3:00 P.M. and 10:00 P.M. on days of the event. The Bureau is further authorized to close East Avenue between Mountain Street and Center Street, Center Street between East Avenue and Block Avenue, Block Avenue between Center Street and Mountain Street and Mountain Street between East Avenue and Block Street to vehicular traffic during the First Thursday Fayetteville event.

Current law

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

be aggressive to humans, dogs or other animals. A Fayetteville Animal Control Officer or Police Officer can order any owner or handler to immediately remove a dog from the Farmers' Market area if in their opinion the dog is not properly socialized or is otherwise a safety or other type of problem. Failure to obey such lawful orders or any other violation of any provision of this subsection can be punished by a fine of up to \$250.00.

- (I) *Annual report to City Council.* The Rural Mountain Producers Exchange shall present its annual written report and answer questions about the operation and revenues received and expended in the Rural Mountain Producers Exchange to the City Council during its first meeting in March of each year. This written report shall include year-to-year changes in gross revenues and expenditures and the portion of revenue that is used for administrative overhead, and not actual sales numbers. It shall also provide this same information relative to its operation on any other City property such as the Botanical Gardens at the Lake Fayetteville Park. This information will not be combined, but differentiated between the Square and other locations. The Rural Mountain Producers Exchange shall publish a map of the Square showing the locations of vendor and nonprofit exhibit spaces and provide for online reservation for nonprofits.
- (J) *Vendor fees.* The Rural Mountain Producers Exchange shall not adjust the fees it charges to vendors except by a vote of its full membership.

(Code 1965, §13-14; Ord. 2040, 8-20-74; Ord. No. 2846, 8-17-82; Ord. No. 2862, 10-5-82; Ord. No. 2925, 6-7-83; Code 1991, §114.03; Ord. No. 4045, §1, 7-15-97; Ord. No. 4248, 6-6-00; Ord. 5309, 4-6-10; Ord. No. 5587, 6-4-13)

Cross reference(s)--Penalty, §10.99.

State law reference(s)--Maintenance and regulation of markets, A.C.A. §14-140-101.

114.03 First Thursday Fayetteville

- (A) *Establishment, hours and dates.* First Thursday Fayetteville is hereby established. This monthly event shall run on the first Thursday of every month from April through November during the hours of 4 P.M. through 10 P.M.
- (B) *Location, parking restrictions and administration.* First Thursday Fayetteville shall be located and have control over the public parking spaces along both sides of East Avenue between Mountain Street and Center Street, along both sides of Center Street between East Avenue and Block

Avenue, along both sides of Block Avenue between Center Street and Mountain Street, and along both sides of Mountain Street between East Avenue and Block Street during its hours of operation. The Fayetteville Convention and Visitors Bureau shall administer First Thursday Fayetteville and is authorized to remove or request the ticketing of vehicles parked within the allocated areas on East Avenue, Center Street, Block Avenue and Mountain Street between 4:00 P.M. and 10:00 P.M. on days of the event. The Bureau is further authorized to close East Avenue between Mountain Street and Center Street, Center Street between East Avenue and Block Avenue, Block Avenue between Center Street and Mountain Street and Mountain Street between East Avenue and Block Street to vehicular traffic during the First Thursday Fayetteville event.

- (C) *Articles permitted to be sold.* Only objects of art or craft produced and sold by a local artist or craftsman may be sold at the First Thursday Fayetteville event. The Fayetteville Convention and Visitors Bureau is empowered to assign precise locations for any vendors wishing to display or sell their personally created art or craft work.
- (D) *Sanitation.* At the close of a vendor's operation (no later than 10:00 P.M.), the vendor shall clean the immediate area around the vendor's operation and ensure that all trash and debris are removed and properly discarded.

(Ord. 5307, 3-16-10; Ord. 5392, 3-15-10; Ord. 5487, 3-6-12)

114.04-114.98 Reserved

114.99 Penalty

Any person found guilty of violating any of the provisions of §114.01 shall be deemed guilty of a misdemeanor and shall be fined not more than \$100.00.

(Code 1965, §7A-2, 11-5; Ord. No. 786, 9-2-35; Ord. No. 1706, 10-6-69; Code 1991, §114.99; Ord. No. 4045, 7-15-97)

City of Fayetteville Item Review Form

2014-0145

Legistar File Number

April 15, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Don Marr

Submitted By

Utilities - Water/Sewer Department

Department

Action Required:

To approve an ordinance for a bid waiver and approving a contract with RJN Group, Inc. for professional engineering services in the amount of \$56,000.

Does this item have a cost? Yes ☒

\$56,000.00

Cost of this request

\$56,000.00

Category or Project Budget

Engineering Services

Program or Project Name

5400.5700.5314.00

Account Number

\$0.00

Funds Used to Date

Sewer Mains Construction

Program or Project Category

02017-1202

Project Number

\$0.00

Remaining Balance

Water & Sewer Fund

Fund Name

Budgeted Item? No ☐

Budget Adjustment Attached? Yes ☐

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

3/21/14

Paul A. Barker 3-25-2014

Paul A. Barker 3-25-2014

for Don Marr

[Signature]



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council
THRU: Mayor Lioneld Jordan
FROM: Don Marr, Chief of Staff 
DATE: March, 21, 2014
SUBJECT: Engineering Services Contract

RECOMMENDATION:

Pass an ordinance for a bid waiver and approving a contract with RJN Group Inc. for professional engineering services for \$56,000.00 to be used specifically for the completion of projects within the Water & Sewer Fund that have begun and where use of these services will save time and money to finish related engineering work.

BACKGROUND:

The City of Fayetteville Utilities Director – David Jurgens, and Design Team Engineer – Shannon Jones both accepted new positions and voluntarily left their employment with the City of Fayetteville in January and February of 2014 respectively. In their departure there are no remaining licensed engineers to stamp plans and complete drawings, and prepare bid documents for numerous projects that were in progress once engineering services was brought in-house approximately 5 years ago.

DISCUSSION:

It has been determined that the new Utilities Director should be involved in determining if we want to continue with in house engineering services going forward – and so replacement of our internal engineering professional for the water/sewer design team will be delayed until the new Utilities Director is hired and an assessment of continuing in this manner can be determined.

We also believe that if the decision is made to retain this position in-house then the new Utility Director should have the opportunity of hiring such an important member of their staff.

In the interim it will be less costly to utilize the firm that Shannon Jones left to join, and to contract specifically with them to utilize Shannon Jones to complete in progress projects that he was working on while employed with the City of Fayetteville – providing the City with engineering services and bid document preparation rather than incurring additional time and delaying projects, and paying additional cost of bringing up to speed a new engineering firm to complete these tasks.

Our CH2M Hill contract allows for the hiring/contracting of Engineering Services and we will be adding engineering services to this to the scope of the contract with CH2M Hill for new projects moving forward and during the next 12 to 18 month period. Once our new Utilities Director is hired and a determination can be made about the best way to proceed in the future. We make will make a decision of in-house, vs. contracting with CH2M Hill vs. outside contracting over the next year.

BUDGET/STAFF IMPACT:

An appropriation of \$56,000.00 is requested to pay for engineering services. This will be paid for within the cost of these projects.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING AN AGREEMENT WITH RJN GROUP, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO BE USED FOR COMPLETION OF UTILITIES PROJECTS CURRENTLY IN PROGRESS IN AN AMOUNT NOT TO EXCEED \$56,000.00, AND APPROVING A BUDGET ADJUSTMENT

WHEREAS, the City of Fayetteville Utilities Director and Design Team Engineer voluntarily left their employment with the City of Fayetteville recently, leaving no remaining licensed engineers to perform necessary services on utilities projects that are still in progress; and

WHEREAS, the search for a new Utilities Director is ongoing and the City believes the replacement of an internal engineering professional should be done by the new Utilities Director; and

WHEREAS, it will be less costly and will require much less delay to hire the engineering firm that the City's previous Design Team Engineer joined to complete the projects in which he was involved before leaving the City.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is deemed not feasible or practical, and therefore waives the requirements of formal competitive bidding and authorizes the Mayor to execute an agreement with RJN Group, Inc. for professional engineering services for completion of utilities projects currently in progress in an amount not to exceed \$56,000.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

Page 2
Ordinance No.

PASSED and **APPROVED** this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville - Purchase Order Request (PO)

(Not a Purchase Order)

All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.
Purchase shall not be made until an actual PO has been issued.

Requisition No.:

Date:

3/5/2014 RJN Group, Inc. Page 7 of 20

P.O Number:

Vendor #: 291

Vendor Name: RJN Group, Inc.

Mail ☐ Yes ☒ No

Legistar#: 2014-0145

Address: 12160 Abra,s Rd Ste 400

FOB Point:

Taxable ☐ Yes ☒ No

Expected Delivery Date:

City: Dallas

State: TX

Zip Code: 75243

Ship to code:

Quotes Attached ☐ Yes ☒ No

Requester: Cheryl Partain

Requester's Employee #: 2548

Extension: 224

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Engineering Services As Needed	1	EA	56,000.00	\$56,000.00	5400.5700.5314.00	02017.1202		
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: \$56,000.00
Tax: \$0.00
Total: \$56,000.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Chief Financial Officer: _____

Budget Director: _____

IT Director: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
RJN GROUP, INC.

THIS AGREEMENT is made as of _____, 2014, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and RJN GROUP, INC. (hereinafter called ENGINEER).

CITY OF FAYETTEVILLE from time to time requires professional engineering services in connection with the evaluation, design, and/or construction supervision of capital improvement projects. Therefore, CITY OF FAYETTEVILLE and ENGINEER in consideration of their mutual covenants agree as follows:

ENGINEER shall serve as CITY OF FAYETTEVILLE's professional engineering consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of ENGINEER's services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field.

SECTION 1 - AUTHORIZATION OF SERVICES

- 1.1 Services on any assignment shall be undertaken only upon written Authorization of CITY OF FAYETTEVILLE and agreement of ENGINEER.
- 1.2 Assignments may include services described hereafter as Basic Services or as Additional Services of ENGINEER.
- 1.3 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF ENGINEER

- 2.1 Perform professional services in connection with the Project as hereinafter stated.
 - 2.1.1 The Scope of Services to be furnished by ENGINEER during the Project is included in Appendix A attached hereto and made part of this Agreement.
- 2.2 ENGINEER shall coordinate their activities and services with the CITY OF FAYETTEVILLE. ENGINEER and CITY OF FAYETTEVILLE agree that ENGINEER has full responsibility for the engineering services.

SECTION 3 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

- 3.1 CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of ENGINEER.
- 3.1.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.
- 3.1.2 Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.
- 3.1.3 Assist ENGINEER in obtaining access to property reasonably necessary for ENGINEER to perform its services under this Agreement.
- 3.1.4 Examine all studies, reports, sketches, cost opinions, proposals, and other documents presented by ENGINEER and render in writing decisions pertaining thereto.
- 3.1.5 Provide such professional legal, accounting, financial, and insurance counseling services as may be required for the Project.
- 3.1.6 The Utilities Director is the CITY OF FAYETTEVILLE's project representative with respect to the services to be performed under this Agreement. The Utilities Director shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.
- 3.1.7 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to ENGINEER in a timely manner.

SECTION 4 - PERIOD OF SERVICE

- 4.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.
- 4.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. ENGINEER will proceed with providing the authorized services immediately upon receipt of written authorization from CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed. The anticipated schedule for this project is included as Appendix A.

SECTION 5 - PAYMENTS TO ENGINEER

- 5.1 The maximum not-to-exceed amount authorized for this Agreement shall be based on a Unit Price or Lump Sum basis as described in Appendix A.
- 5.2 Statements
 - 5.2.1 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for professional services consistent with ENGINEER's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be

made in accordance with a format to be developed by ENGINEER and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project schedule as the basis for determining the value earned as the work is accomplished. Final payment for professional services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the study and report for the Project.

5.3 Payments

- 5.3.1 All statements are payable upon receipt and due within thirty (30) days. If a portion of ENGINEER's statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise ENGINEER in writing of the basis for any disputed portion of any statement. CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved, however, payment within 30 days is not guaranteed.

5.4 Final Payment

- 5.4.1 Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, ENGINEER shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by ENGINEER to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against ENGINEER or his sureties under this Agreement or applicable performance and payment bonds, if any.

SECTION 6 - GENERAL CONSIDERATIONS

6.1 Insurance

- 6.1.1 During the course of performance of these services, ENGINEER will maintain (in United States Dollars) the following minimum insurance coverages:

<u>Type of Coverage</u>	<u>Limits of Liability</u>
Workers' Compensation Employers' Liability	Statutory \$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Automobile Liability: Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Professional Liability Insurance	\$1,000,000 Each Claim

ENGINEER will provide to CITY OF FAYETTEVILLE certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

- 6.1.2 CITY OF FAYETTEVILLE and ENGINEER waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of ENGINEER's services.

6.2 Professional Responsibility

- 6.2.1 ENGINEER will exercise reasonable skill, care, and diligence in the performance of ENGINEER's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices. CITY OF FAYETTEVILLE will promptly report to ENGINEER any defects or suspected defects in ENGINEER's services of which CITY OF FAYETTEVILLE becomes aware, so that ENGINEER can take measures to minimize the consequences of such a defect. CITY OF FAYETTEVILLE retains all remedies to recover for its damages caused by any negligence of ENGINEER.

6.3 Cost Opinions and Projections

- 6.3.1 Cost opinions and projections prepared by ENGINEER relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on ENGINEER's experience, qualifications, and judgment as a design professional. Since ENGINEER has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, ENGINEER does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by ENGINEER.

6.4 Changes

- 6.4.1 CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of ENGINEER's services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of the CITY OF FAYETTEVILLE and the duly authorized officer of ENGINEER.

6.5 Termination

- 6.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:
 - 6.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,
 - 6.5.1.2 An opportunity for consultation with the terminating party prior to termination.

- 6.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that ENGINEER is given:
- 6.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,
- 6.5.2.2 An opportunity for consultation with the terminating party prior to termination.
- 6.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but
- 6.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,
- 6.5.3.2 Any payment due to ENGINEER at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of ENGINEER's default.
- 6.5.4 If termination for default is effected by ENGINEER, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to ENGINEER for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by ENGINEER relating to commitments which had become firm prior to the termination.
- 6.5.5 Upon receipt of a termination action under Paragraphs 6.5.1 or 6.5.2 above, ENGINEER shall:
- 6.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
- 6.5.5.2 Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by ENGINEER in performing this Agreement, whether completed or in process.
- 6.5.6 Upon termination under Paragraphs 6.5.1 or 6.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.
- 6.5.7 If, after termination for failure of ENGINEER to fulfill contractual obligations, it is determined that ENGINEER had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in Paragraph 6.5.4 of this clause.
- 6.6 Delays
- 6.6.1 In the event the services of ENGINEER are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond ENGINEER's reasonable control, ENGINEER shall be entitled to additional compensation and time for reasonable costs incurred by ENGINEER in temporarily closing down or delaying the Project.

6.7 Rights and Benefits

- 6.7.1 ENGINEER's services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

6.8 Dispute Resolution

- 6.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and ENGINEER which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or ENGINEER in the performance of this Agreement, and disputes concerning payment.

- 6.8.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 6.8.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraphs 6.8.3 and 6.8.4 have been complied with.

6.8.3 Notice of Dispute

- 6.8.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice.

- 6.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give ENGINEER written Notice at the address listed in Paragraph 6.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

- 6.8.4 Negotiation: Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and ENGINEER shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of ENGINEER and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.

- 6.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to ENGINEER for services rendered by ENGINEER.

6.10 Publications

- 6.10.1 Recognizing the importance of professional development on the part of ENGINEER's employees and the importance of ENGINEER's public relations, ENGINEER may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to ENGINEER's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to ENGINEER. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise

CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of ENGINEER's activities pertaining to any such publication shall be for ENGINEER's account.

6.11 Indemnification

- 6.11.1 CITY OF FAYETTEVILLE agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE and ENGINEER from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

6.12 Ownership of Documents

- 6.12.1 All documents provided by CITY OF FAYETTEVILLE including original drawings, CAD drawings, estimates, field notes, and project data are and remain the property of CITY OF FAYETTEVILLE. ENGINEER may retain reproduced copies of drawings and copies of other documents.
- 6.12.2 Engineering documents, computer models, drawings, specifications and other hard copy or electronic media prepared by ENGINEER as part of the Services shall become the property of CITY OF FAYETTEVILLE when ENGINEER has been compensated for all Services rendered, provided, however, that ENGINEER shall have the unrestricted right to their use. ENGINEER shall, however, retain its rights in its standard drawings details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of ENGINEER.
- 6.12.3 Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. ENGINEER makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

6.13 Notices

- 6.13.1 Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

CITY OF FAYETTEVILLE's address:
113 West Mountain Street
Fayetteville, Arkansas 72701

ENGINEER's address:
26 East Meadow, #7
Fayetteville, AR 72701

6.14 Successor and Assigns

- 6.14.1 CITY OF FAYETTEVILLE and ENGINEER each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither CITY OF FAYETTEVILLE nor ENGINEER shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

6.15 Controlling Law

- 6.15.1 This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

6.16 Entire Agreement

- 6.16.1 This Agreement represents the entire Agreement between ENGINEER and CITY OF FAYETTEVILLE relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event CITY OF FAYETTEVILLE issues to ENGINEER a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by ENGINEER, shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

SECTION 7 - SPECIAL CONDITIONS

7.1 Additional Responsibilities of ENGINEER

- 7.1.1 CITY OF FAYETTEVILLE's review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve ENGINEER of responsibility for the technical adequacy of the work. Neither CITY OF FAYETTEVILLE's review, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.
- 7.1.2 ENGINEER shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by ENGINEER's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.
- 7.1.3 ENGINEER's obligations under this clause are in addition to ENGINEER's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against ENGINEER for faulty materials, equipment, or work.

7.2 Remedies

- 7.2.1 Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and ENGINEER arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

7.3 Audit: Access to Records

7.3.1 ENGINEER shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. ENGINEER shall also maintain the financial information and data used by ENGINEER in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. CITY OF FAYETTEVILLE, the State or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. ENGINEER will provide proper facilities for such access and inspection.

7.3.2 Records under Paragraph 7.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

7.3.3 This right of access clause (with respect to financial records) applies to:

7.3.3.1 Negotiated prime agreements:

7.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:

7.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:

7.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of ENGINEER;

7.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;

7.3.3.3.3 If the subagreement is terminated for default or for convenience.

7.4 Covenant Against Contingent Fees

7.4.1 ENGINEER warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ENGINEER for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

7.5 Gratuities

7.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that ENGINEER or any of ENGINEER's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to ENGINEER terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

7.5.2 In the event this Agreement is terminated as provided in Paragraph 7.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against ENGINEER as it could pursue in the event of a breach of the Agreement by ENGINEER. As a penalty, in addition to any other damages to which it may be entitled by law, CITY OF FAYETTEVILLE may pursue exemplary damages in an amount (as determined by CITY OF FAYETTEVILLE) which shall be not less than three nor more than ten times the costs ENGINEER incurs in providing any such gratuities to any such officer or employee.

7.6 Arkansas Freedom of Information Act

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

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

CITY OF FAYETTEVILLE, ARKANSAS

RJN GROUP, INC.

By: _____
Mayor, Lioneld Jordan

By: Hugh M. Kelso
Hugh M. Kelso

ATTEST:

By: _____
City Clerk

Title: Vice President

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

Appendix A

1. Project Title: On-Call Services
2. Project Description: RJN Group will provide professional engineering services on an on-call basis for various water and wastewater facilities.
3. Services of RJN Group: RJN Group will perform duties as directed by the City of Fayetteville and agreed to by the Engineer. Work beyond the not to exceed amount below is considered extra work.
4. Payment to Engineer: The City of Fayetteville will pay RJN Group, for time spent on the project, at the hourly payroll rate of each of RJN Group's personnel during the performance of these services for work time directly connected with the project. The not to exceed cost of these services is \$19,900.00. The actual total fee may not exceed this estimate without a formal contract amendment approved by the City of Fayetteville. For informational purposes, a breakdown of RJN Group's approximate current hourly rates for each employee classification is included in Exhibit A.

Expenses other than salary costs that are directly attributable to performance of professional services will be billed as follows:

- a. Direct cost plus 12 percent professional fee for reproduction, presentation material preparation, presentation materials, mail/courier expenses, reports, plan sheets, etc.
 - b. The amount allowed by the federal government for mileage (\$0.56/mile).
5. Attachments: Exhibit A - Hourly Rate Schedule

Appendix A

Attachment A

RJN GROUP, INC.
HOURLY BILLING RATES

<u>CATEGORY</u>	<u>BILLING RATE RANGES*</u>
Administrative Staff	\$ 30 - \$ 75
Field Technician	\$ 45 - \$ 55
Field Supervisor	\$ 55 - \$ 68
Engineer Technician	\$ 70 - \$ 85
Geographic Information Services (GIS)	\$ 80 - \$ 90
Computer Aided Design and Drafting (CADD)	\$ 80 - \$ 90
Field Manager	\$ 80 - \$ 95
Engineer-In-Training (EIT)	\$ 85 - \$ 95
Project Engineer	\$105 - \$125
Project Manager	\$135 - \$165
Quality Assurance/Quality Control (QA/QC) Engineer	\$145 - \$165
Principal	\$190 - \$250

City of Fayetteville Item Review Form

2014-0148

Legistar File Number

April 15, 2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Sharon Waters

Submitted By

Parking Management

Department

Action Required:

To approve a resolution authorizing an Agreement for the City of Fayetteville to reimburse the Walton Arts Center for the monthly lease fees for space rented by the Walton Arts Center for the relocation of their administrative offices during the parking deck construction. The cost of this lease is \$6,000.00 per month for one year, totalling \$72,000.00, with an additional 6 month contingency for \$36,000.00.

Does this item have a cost? ☒ Yes

\$72,000.00

Cost of this request

\$100,000.00

Category or Project Budget

Lease Expense

Program or Project Name

2130.9132.5309.00

Account Number

\$0.00

Funds Used to Date

Entertainment District Parking Facility

Program or Project Category

11028-1401

Project Number

\$28,000.00

Remaining Balance

Parking Fund

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

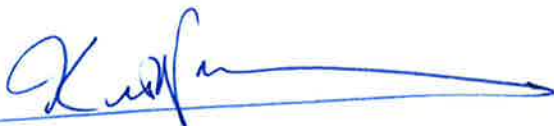
V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

RFP 13-18 was received in January with 4 proposals for providing lease space for the WAC Offices.



Paul A. Buler 4-3-2014


Ron Man 4-3-14




CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 15, 2014

TO: Mayor and City Council

THRU: Mayor Lioneld Jordan
Don Marr, Chief of Staff *DM*

FROM: Sharon Waters, Parking & Telecommunications Manager *SW*

DATE: March, 24, 2014

SUBJECT: Agreement with Walton Arts Center for Reimbursement of Lease Costs

RECOMMENDATION:

Pass a resolution approving an Agreement with the Walton Arts Center to reimburse them for the monthly lease fees incurred for space rented for the relocation of their administrative office during the parking deck construction. The cost of this lease is \$72,000.00 for 12 months, plus a contingency of up to 6 additional monthly payments of \$6,000.00 per month.

BACKGROUND:

The City of Fayetteville will begin the construction of the Spring Street Parking Deck this summer. With this project comes the demolition of the existing offices used by the Walton Arts Center administrative staff. The City has already agreed to pay the cost of leasing a temporary space for these offices to utilize during the construction period.

In January, we solicited bids for providing lease space for their temporary offices. We received 4 proposals, of which Reindl Management, LLC submitted the most affordable and the most appealing proposal. The proposed office space is in the Metro District, which is conveniently located across the street from the theater. A representative from the Walton Arts Center served on the Selection Committee and the committee voted unanimously to approve leasing the space at the Metro District.

DISCUSSION:

The Walton Arts Center will sign the Lease Agreement directly with Reindl Management, LLC and are currently working with them on their contract. We anticipate the lease to begin on May 1, 2014. After some minor alterations and cabling has been performed, we then plan to move them into these temporary offices around the first of June.

BUDGET/STAFF IMPACT:

There is currently \$100,000.00 budgeted in the 2014 budget to cover this Lease Expense. We anticipate beginning the lease on May 1, 2014, thus utilizing 8 months in 2014 for a total expenditure of \$48,000.00. Next year, we will have additional funds budgeted to cover any additional costs that may occur in case the lease actually needed to extend for another 6 months.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AGREEMENT WITH THE WALTON ARTS CENTER COUNCIL, INC. TO REIMBURSE THE WALTON ARTS CENTER FOR THEIR LEASING EXPENSES DURING THE CONSTRUCTION OF THE SPRING STREET PARKING DECK IN A MONTHLY AMOUNT OF \$6,000.00

WHEREAS, the construction of the Spring Street Parking Deck will require demolition of a building currently housing the Walton Arts Center Administration; and

WHEREAS, the City has previously agreed to pay the reasonable moving and leasing costs of the Walton Arts Center Administration until its replacement building is constructed as part of the Spring Street Deck project; and

WHEREAS, a joint selection committee agreed on a lease with Reindl Management, LLC of appropriate office space in the Metro District.

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 approves the attached Agreement with the Walton Arts Center Council, Inc. to reimburse the Walton Arts Center for their leasing expenses during the construction of the Spring Street Parking Deck in the monthly amount of \$6,000.00.

PASSED and APPROVED this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

To the Walton Arts Center:

The Walton Arts Center Council, Inc.
c/o Walton Arts Center Executive Director
P.O. Box 3547
Fayetteville, AR 72702-3547

6. The Walton Arts Center shall invoice the City of Fayetteville monthly for reimbursement provided herein. Payments by the City of Fayetteville shall be made within thirty (30) days of the receipt of the Walton Arts Center invoice.
7. Changes, modifications or amendments to the scope, price or fees dictated by this Agreement shall not be allowed without a prior formal Contract Amendment approved by the Mayor and the City Council of Fayetteville **in advance** of the change.
8. Freedom of Information Act: City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If an FOIA request is presented to Fayetteville, the Walton Arts Center will do everything possible to provide the documents in a prompt and timely manner as prescribed in the FOIA (Ark. Code Ann. § 25-19-101, *et seq.*). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
9. Jurisdiction: Legal jurisdiction and venue for the resolution of any legal or equitable disputes arising under this Agreement lie exclusively in the Circuit Court of Washington County, Arkansas.

**CITY OF FAYETTEVILLE,
ARKANSAS**

**THE WALTON ARTS CENTER
COUNCIL, INC.**

By: _____
LIONELD JORDAN, Mayor

By: _____
Authorized Agent

Date: _____

Date: _____

Attest: _____
Sondra E. Smith, City Clerk

Witness: _____

City of Fayetteville - Purchase Order Request (PO)

(Not a Purchase Order)

All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.
Purchase shall not be made until an actual PO has been issued.

Requestion No.:	Date:
P O Number:	3/24/2014

Legislat#: 2014-0148

Expected Delivery Date:

Mail ☐ Yes ☒ No

Taxable ☐ Yes ☒ No

Quotes Attached ☐ Yes ☒ No

Extension: 8277

Project Sub# 11028-1401

Inventory #

Fixed Asset #

Requester: Sharon Waters

City: Fayetteville

State: AR

Zip Code: 72702

Ship to code:

Requester's Employee #: 174

Account Number

FOB Point:

Address: P.O. Box 3547

Vendor #: 141

Vendor Name: Walton Arts Center

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Requester's Employee #	Extension	Project Sub#	Inventory #	Fixed Asset #
1	Lease Expense	12	MO	6,000.00	\$72,000.00	2130.9132.5309.00					
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: \$72,000.00
Tax: \$0.00
Total: \$72,000.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Chief Financial Officer: _____

Budget Director: _____

IT Director: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

2014-0147

AGENDA REQUEST

FOR: COUNCIL MEETING OF April 15, 2014

FROM:

CITY COUNCIL MEMBER Martin Schoppmeyer

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL TO CHANGE THE BEGINNING TIME OF THE REGULAR CITY COUNCIL MEETINGS FROM 6:00 P.M. TO 5:30 P.M.

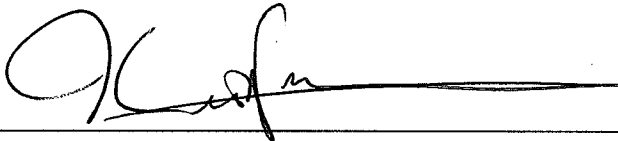
APPROVED FOR AGENDA:



City Council Member Martin Schoppmeyer

3.24.14

Date



City Attorney Kit Williams
(as to form)

March 20, 2014

Date

Williams, Kit

From: Schoppmeyer, Martin
Sent: Wednesday, March 19, 2014 11:47 AM
To: Williams, Kit
Subject: Proposal to change City Council meeting time

Dear Kit:

I hope this message finds you doing well. I would like your assistance. I would like to propose that council meetings begin at 5:30 p.m. This proposal would align the meeting times of the Planning Commission and the City Council thereby providing consistency for the general public as to our collective meeting times. Would you be willing to assist me?

Sincerely,

Marty

Sent from my iPad

RESOLUTION NO. _____

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL TO CHANGE THE BEGINNING TIME OF THE REGULAR CITY COUNCIL MEETINGS FROM 6:00 P.M. TO 5:30 P.M.

WHEREAS, the Fayetteville Planning Commission meetings begin at 5:30 p.m. so that changing the Fayetteville City Council's meetings to begin at 5:30 p.m. rather than 6:00 p.m. would provide consistency that could assist the public.

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 amends Rule 1 **Regular Meetings** of **City Council Meetings** of the **Rules of Order and Procedure of the Fayetteville City Council** to change the beginning time of the meetings from 6:00 p.m. to 5:30 p.m.

PASSED and APPROVED this 15th day of April, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL

CITY COUNCIL MEETINGS

1. Regular Meetings

The City Council shall meet in regular session on the first and third Tuesday of each month at 6:00 P.M. When a holiday or general election occurs on any such Tuesday, the regular meeting shall be held on the following Thursday at the same hour unless otherwise provided for by motion. The regular meeting time may be rescheduled by the City Council in special circumstances, but when so done the change must be made far enough in advance to allow normal public notification.

2. Location

The place of City Council meetings shall be in the City Council Chambers in the City Administration Building unless another place has been previously set by the City Council.

3. Special Meetings

Special meetings may be called by three or more Aldermen or by the Mayor. Notification of a special meeting, including specific items to be considered, shall be at least two hours prior to the meeting. Such notification shall be by personal service to each member or by telephone, specifying time and place of meeting.

4. Executive Session

An executive session may be requested by any member of the City Council or the Mayor. A majority vote by the City Council is required to convene in executive session. Executive sessions will be permitted only for the purpose of considering the employment, appointment, promotion, demotion, disciplining, or resignation of any public officer or employee.

5. Quorum

A majority of the City Council shall be necessary to constitute a quorum to do business. The concurring vote of a majority of those attending a meeting shall be sufficient to pass procedural motions except a Motion to Suspend the Rules which requires six affirmative votes. Ordinances and Resolutions require five affirmative votes to pass.

6. Public Notification

The City will go further than legally required in order to inform citizens of the items to be considered by the City Council. The means used may include press releases or advertisements in a local newspaper, special notice to citizens who have shown a direct interest in matters to be considered, Government Channel announcements and presentation, and agenda copies available at City Council meetings.

Agenda Session 4-8-14

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith



ALDERMEN

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
April 15, 2014**

A meeting of the Fayetteville City Council will be held on April 15, 2014 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

- ✓ 1. Approval of the April 01, 2014 City Council meeting minutes.
- ✓ 2. **Bid #LS-2014 Joe Perme Construction, Inc.:** A resolution to award Bid #LS-2014 to Joe Perme Construction, Inc. for Community Development Block Grant (CDBG) rehabilitation at Lifesource International (602 S. School) and to approve a purchase order in the amount of \$26,050.00.

3. **Bid #14-20 Flint Trading, Inc.:** A resolution to award Bid #14-20 and to authorize the purchase of preformed thermoplastic pavement markings from Flint Trading, Inc. for a unit price of \$4.03 per square foot as needed through the end of 2014.
4. **Continental Flooring Company:** A resolution to approve a change order to the agreement with Continental Flooring Company in the amount of \$10,250.00 for the installation of vinyl plank flooring in the Transportation Division office.
5. **United States Conference of Mayors Award:** A resolution to accept the United States Conference of Mayors first place award of \$10,000.00 for the Prescription Drug Abuse Awareness Program, and to approve a budget adjustment.
6. **Mitchell, Williams, Selig, Gates & Woodyard, PLLC Amendment No. 2:** A resolution to approve Amendment No. 2 to the contract with Mitchell, Williams, Selig, Gates & Woodyard, PLLC in the amount of \$20,000.00 for additional legal services related to the White River water quality standards petition to the Arkansas Pollution Control and Ecology Commission.

B. Unfinished Business: None

C. New Business:

1. **RZN 14-4618 (Southwest Corner of Paddock Lane and Happy Hollow Rd/Paddock SD):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4618, for approximately 9.60 acres, located at the southwest corner of Paddock Lane and Happy Hollow Road from R-PZD, Residential Planned Zoning District, to RSF-8, Residential Single Family, 8 units per acre and NC, Neighborhood Conservation.
2. **RZN 14-4645 (North of Alberta St. and West of the Coves/The Coves):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4645, for approximately 10.22 acres, located north of Alberta Street and west of The Coves from R-PZD, Residential Planned Zoning District, to RSF-8, Residential Single Family, 8 units per acre.
3. **ADM 14-4648 (Forest Hills PZD):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to amend the architectural design standards for Planning Area One.
4. **ADM 14-4635 (UDC Amend 151, 166.21, 166.22, 166.23):** An ordinance to amend §§151.01 Definitions, 166.21 Downtown Design Overlay District, 166.22 Parking Garages in Downtown Core, Mainstreet Center and Downtown General Zoning Districts, and 166.23 Urban Residential Design Standards of the Unified Development Code to better align these code sections with the goals and policies of the Downtown Master Plan and City Plan 2030.

- ✓ **5. ADM 14-4652 (UDC Amendment Chapter 156 Variances):** An ordinance to amend §156.03 Development and §172.04 (F) Parking Lot Design Standards of the Unified Development Code to clarify that variances of §172.04 (F) Parking Lot Design Standards may be requested.
- ✓ **6. Repeal §97.016:** An ordinance to repeal §97.016 Fee For City Park Ballfields and enact a replacement §97.016 Fee For City Park Athletic Facilities and Trails for Tournaments and Special Events.
- ✓ **7. Amend §114.03:** An ordinance to amend §114.03 First Thursday Fayetteville (A) and (B) to change the starting time for First Thursday from 4:00 p.m. to 3:00 p.m.
- ✓ **8. RJN Group, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with RJN Group, Inc. for professional engineering services to be used for completion of utilities projects currently in progress in an amount not to exceed \$56,000.00, and approving a budget adjustment.
- ✓ **9. Walton Arts Center Council, Inc. Agreement:** A resolution to approve an agreement with the Walton Arts Center Council, Inc. to reimburse the Walton Arts Center for their leasing expenses during the construction of the Spring Street Parking Deck in a monthly amount of \$6,000.00.
- ✓ **10. Amend the Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council to change the beginning time of the regular City Council meetings from 6:00 p.m. to 5:30 p.m.

D. City Council Agenda Session Presentations:

- 1. Houses at Willow Bend Presentation** – Fayetteville Partners for Better Housing and Chico Building and Land, LLC
- 2. Four Housing Narratives to Anchor an Arts District:** University of Arkansas Community Design Center

E. City Council Tour:

F. Announcements:

Adjournment:

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All cell phones must be silenced and may not be used within the City Council Chambers.

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Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

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Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

Pre Agenda Meeting 4-2-14

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith



ALDERMEN

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
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9. *paper copy?* **Walton Arts Center Council, Inc. Agreement:** A resolution to approve an agreement with the Walton Arts Center Council, Inc. to reimburse the Walton Arts Center for their leasing expenses during the construction of the Spring Street Parking Deck in a monthly amount of \$6,000.00.
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- ✓ 2. **Four Housing Narratives to Anchor an Arts District:** University of Arkansas Community Design Center

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Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

Branson, Lisa

From: City_Clerk
Sent: Thursday, March 06, 2014 8:51 AM
To: Branson, Lisa
Subject: FW: City Council Agenda Session Presentation

From: Marr, Don
Sent: Wednesday, March 05, 2014 4:54 PM
To: City_Clerk
Cc: Nierengarten, Peter
Subject: RE: City Council Agenda Session Presentation

Yes please. Please add this to that agenda – we are approving this being added.
Thanks,
Don

Don Marr
Chief of Staff
T 479.575.8330 | F 479.575.8257

[website](#) | [facebook](#) | [twitter](#) | [youtube](#)

From: City_Clerk
Sent: Wednesday, March 05, 2014 3:59 PM
To: Marr, Don
Subject: FW: City Council Agenda Session Presentation

Don,

Will you please approve adding this to the agenda?

Thanks,
Lisa

From: Nierengarten, Peter
Sent: Wednesday, March 05, 2014 3:16 PM
To: City_Clerk
Cc: Marr, Don
Subject: City Council Agenda Session Presentation

Hi Lisa,

For the April 8th City Council Agenda Session Meeting could you please add a presentation on the Houses at Willow Bend? The presentation will be delivered by the Fayetteville Partners for Better Housing and Chico Building and Land, LLC.

Peter Nierengarten

City of Fayetteville, Arkansas

Sustainability & Resilience Department Director

Direct Phone: 479-575-8272

NOTE mv new e-mail address: pnierengarten@fayetteville-ar.gov

 Please consider the environment before printing this email.

Branson, Lisa

From: Matthew Petty <matt@matthewpetty.org>
Sent: Friday, March 07, 2014 1:41 PM
To: Branson, Lisa
Subject: Re: FW: Presentation for March 25 agenda session

Yes, let's add it. We will limit ourselves to 30 minutes including questions.

On Thu, Mar 6, 2014 at 8:56 AM, Branson, Lisa <lbranson@fayetteville-ar.gov> wrote:

Matthew,

Peter Nierengarten has a presentation on the April 8th Agenda Session regarding Houses at Willow Bend, the presentation will be delivered by the Fayetteville Partners for Better Housing and Chico Building and Land, LLC. If you would like we can add your presentation following Peter's. Just let me know.

Lisa

From: Marr, Don
Sent: Thursday, March 06, 2014 8:03 AM
To: Branson, Lisa
Subject: RE: Presentation for March 25 agenda session

Does Matthew know that we have another presentation by Partners for Better Housing now on that date? Can you let him know and if he is ok with it, then put his behind the one I approved yesterday.

Thanks,

Don

Don Marr

Chief of Staff

[website](#) | [facebook](#) | [twitter](#) | [youtube](#)

From: Branson, Lisa
Sent: Thursday, March 06, 2014 7:41 AM
To: Marr, Don
Subject: FW: Presentation for March 25 agenda session

Don,

Matthew wants to move his presentation to April 8th. I also sent an email to you yesterday requesting to add Peter Nierengarten presentation to the April 8th Agenda Session meeting. I told Peter there were no other presentations on the agenda.....

Thanks,

Lisa

From: Smith, Sondra
Sent: Wednesday, March 05, 2014 4:01 PM
To: Branson, Lisa
Subject: FW: Presentation for March 25 agenda session

Office of the City Clerk Treasurer

Sondra E. Smith CAMC, CMC
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323

ssmith@fayetteville-ar.gov

TDD (Telecommunications Device for the Deaf): [\(479\) 521-1316](tel:(479)521-1316)

From: matt@matthewpetty.org [mailto:matt@matthewpetty.org] **On Behalf Of** Matthew Petty - Fayetteville Ward 2
Sent: Wednesday, March 05, 2014 3:53 PM
To: Smith, Sondra
Subject: Re: Presentation for March 25 agenda session

Hi Sondra, can we move this to April 8?

Thanks,

M

On Fri, Feb 14, 2014 at 6:03 PM, Smith, Sondra <ssmith@fayetteville-ar.gov> wrote:

Hi Matthew

We have added your item to the agenda. Have great day!

From: matt@matthewpetty.org [mailto:matt@matthewpetty.org] **On Behalf Of** Matthew Petty - Fayetteville Ward 2
Sent: Thursday, February 13, 2014 10:15 AM
To: Smith, Sondra
Subject: Presentation for March 25 agenda session

Hi Sondra, I would like to schedule a presentation for the Agenda Session on March 25.

The title is *Four Housing Narratives to Anchor an Arts District* and will be given by the University of Arkansas Community Design Center.

I will send a document to include in the packet when we get closer.

Thanks!

M



FOUR HOUSING NARRATIVES TO ANCHOR AN ARTS DISTRICT

University of Arkansas Community Design Center
prepared for
The City of Fayetteville



Project funding made possible through the generous support of the National Endowment for the Arts under their Art Works Grant Program.

Project Team



University of Arkansas Community Design Center an outreach center of the Fay Jones School of Architecture

Stephen Luoni, Director	David Jimenez, Project Designer
Jeffrey Huber, Assistant Director	Matthew Petty, Development and Research Associate
Cory Amos, Project Designer	Zac Prange, Project Intern
Meredith Hendricks, Project Designer	Linda Komlos, Administrative Analyst

Fay Jones School of Architecture

Ethel Goodstein-Murphree, Interim Dean
Marlon Blackwell, Department of Architecture Head

Department of Architecture Students

Leon Esmaeel, Ethan Fowler, Joesph Hamm, Shannon Hawkins, Kristin Hughes, Tyler Jones, John Noonan, Jason Pieper, Melissa Roberson, Jared Skinner, Caleb Tyson

Table of Contents

16	Executive Summary
30	Four Housing Narratives
36	Laminated Approach
46	Pixelated Approach
56	Anchor Approach
66	Mountain Approach
78	Recommendations
82	Appendix

To realize its goals for the downtown, the City must assume greater coordinating and oversight functions to catalyze the market.



The cultural arts district
adopted in 2007
lacks identity! So we
received two NEA*
grants to address it.

*National Endowment for the Arts (NEA)

2013 NEA Grant
West Ave. Housing
focus of this report

Walton Arts
Center

2014 NEA Grant
School Ave. Streetscape
coming soon

More than \$40 million worth of investments have been secured for the cultural arts district. Here's the opportunity to develop the district's anchor as a complete downtown neighborhood.

\$15 million Fayetteville Public Library Addition

\$6 million municipal parking deck

\$20 million renovation of Walton Arts Center

site

\$2 million in trail improvements

WALTON ARTS CENTER

A \$20 million dollar renovation and expansion of the Walton Arts Center is scheduled for completion in 2016.





The new Spring Street
Municipal Parking
Deck is a \$6 million
investment and may
have multi-family liner
lofts developed along
School Avenue.



Street improvements and design should accommodate festivals, the largest of which is Bikes, Blues, and BBQ.

If downtown is to serve as a cultural arts hub a surface parking lot is neither the highest nor best use of this land.



The City must assume
a coordinating role in
the real estate market
to realize its goals for
downtown.

recommended reading...

The Metropolitan Revolution: How Cities and Metros Are Fixing Our Broken Politics and Fragile Economy, Bruce Kratz and Jennifer Bradley

If Mayors Ruled the World: Dysfunctional Nations, Rising Cities, Benjamin Barber

The Hidden Potential of Sustainable Neighborhoods: Lessons from Low-Carbon Communities, Harrison Fraker

Thoughts on Building Strong Towns, Volume 1, Charles Marohn

Walkable City: How Downtown Can Save America, One Step at a Time, Jeff Speck

Reshaping Metropolitan America: Development Trends and Opportunities to 2030, Arthur Nelson

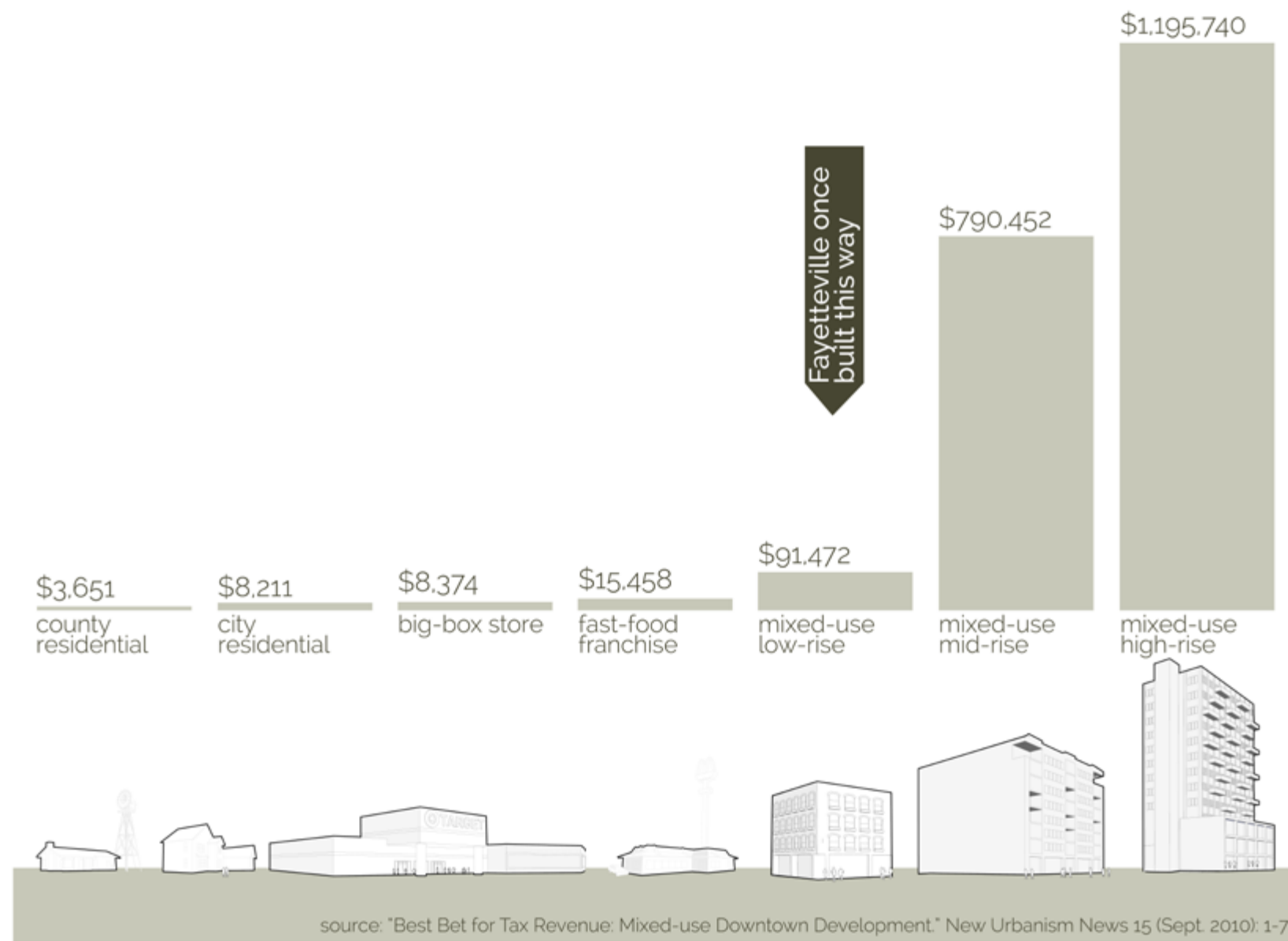
Executive Summary

Purpose: Housing that Regenerates Urban Context

University of Arkansas Community Design Center (UACDC), in collaboration with local cultural institutions, was awarded federal funding to develop an anchor for the emerging arts district in Downtown Fayetteville. The project lies at the center of the cultural hub for the 500,000-person region, but its physical environment is fragmented by publicly-owned surface parking lots and oversized streets. High traffic speeds inappropriate in a downtown setting dominate the patron experience. Infill development, particularly the supply of urban housing, has not kept pace with the demand for downtown living. The project's four-acre general focus area has been included in the city's designated cultural arts district since its creation four years ago, but development of the district has been characterized by ad hoc projects. No overarching vision guides

the district.

To reorient downtown development interests towards an explicit cultural purpose, UACDC developed plans for a walkable mixed-use, mixed-income housing complex (which includes subsidized live-work units for artists). The proposed schemes include a planned retrofit of West Avenue as an arts-focused complete street adjoining Walton Arts Center (WAC). The goal is to create a district anchor to complement the forthcoming renovation of WAC, \$20 million expansion of the Fayetteville Public Library, and \$6+ million construction, as well as the construction of an adjacent mixed-use municipal parking structure. The challenge is to overcome the local development community's tendency to meet housing demand through the application of suburban solutions in the development of downtown. The study's objective is to establish an urban



annual tax yield per acre by land use Sarasota County, Florida Study

When factoring the cost of public safety services, mixed-use downtown development produces more than seven times the tax revenue of suburban real estate products per acre.

vision and pro forma development standards by which public property owners and their economic development team can conduct an effective developer selection process for the project site.

Program: Between Lean Urbanism and Capital-Intensive Urbanism

UACDC collectively prepared four housing formats with increasing levels of urban services and densities. In each approach, the 2.8-acre site, a surface parking lot presently serving WAC, and other downtown patrons is programed as multifamily housing at a minimum 15 units per acre with attendant art and retail functions. Maintaining the capacity of the site to host events is also considered, as the surface lot and adjoining West Avenue currently function as the secured stage grounds for Fayetteville's annual Bike, Blues & BBQ Motorcycle Rally, the nation's largest charity bike event, as well as various

annual arts and community festivals (e.g., Artosphere, a six-week program of outdoor community art events) and parades. Two of the four housing solutions incorporate accommodations for the motorcycle rally's staged performances into their open space systems.

UACDC's approach is framed by consideration for the small town context and its population of 75,000 who are primarily familiar with suburban formats—even in downtown contexts. This approach and UACDC's advocacy for mixed-use urban solutions acknowledges current market challenges related to financing, return on investment in structured parking, vertical mixed-use configurations, elevator expenses, and non-incremental development templates. Three of the four options adhere to lean urbanism tenets, employing common-sense techniques that reduce regulatory

hurdles and compliance challenges. These are accompanied by a capital-intensive high-density option that optimizes vertical mixed-use integration through sophisticated stacking and conveyance technologies. The study provides decision-makers with a full range of appropriate urban options responsive to various levels of funding and political wills.

Each format coordinates sequencing among public and private investments. Public investments include the retrofit of West Avenue and the adjacent pocket park, incorporation of the popular regional bike trail adjoining the west edge of site, preservation of the site's legacy groundwater springs and landscape, public parking, and WAC renovations. Private building programs include housing, an art gallery, and commercial/office functions. Development formats are componentized to accommodate

We have just begun to scratch the surface of downtown's infill potential.

phased participation by multiple participants, and various housing typologies to serve multiple markets. Housing is conceived as a catalyst for repairing Fayetteville's urban fabric and regeneration of the downtown context.

Four Housing Narratives

1. In the **Laminated Approach** alternate parallel bands of public space and housing rows ensure high-quality, socially active frontage for all housing units. The proposal features a block-long *allée* with courtyards, patios, and public recreation areas for residents. (see page 36)

2. In an attempt to reimagine the low-density development familiar to most people, the **Pixelated Approach** creates micro-scale housing pockets and open spaces. West Avenue is reformatted into a boulevard providing a stately setting for the arts district

and new urban housing. (see page 46)

3. The **Anchor Approach** accommodates festivals with a central town plaza, projecting a strong civic identity around which mixed-use housing and commercial functions are arranged. The town plaza provides much needed public assembly space commensurate with the growing density of the downtown arts district. (see page 56)

4. The most ambitious scheme, the **Mountain Approach** stacks housing into dramatic terraced formations, providing the district and the region with a powerful new architectural icon that complements the Walton Arts Center's renovated campus. Terraced housing provides the city with an unrivaled supply of premium urban housing that capitalizes on its proximity to downtown amenities. (see page 66)

Shaping Public Policy that Leads to Urbanism

To realize its goals for the downtown, the City must assume greater coordinating and oversight functions to catalyze the market. Notwithstanding the site's location in the heart of downtown, its Walk Score is only 80; pointing to an underutilization of downtown's development potential due to ad hoc land use and automobile-dominant development. Since public agencies will control development of this site, the four approaches collectively shape public policy, incentives, and expectations for developing mixed-use urban housing in a community otherwise dominated by suburban residential products. Rated from easy to ambitious, each of the four frameworks integrates new public and semi-private open space, parking, streetscapes, and multi-family housing in tandem with renovations to the adjacent performing arts center.



60 units / acre



20 units / acre



30 units / acre



21-

17 units / acre



32 units / acre



10 units / acre



24 units / acre



30 units / acre



1. Laminated Approach:
A midblock *allee* connects townhouses on West Avenue with artists live-work units and surface parking is treated as a garden.



2. Pixelated Approach:
The *mews* walkway
connects podium
parking, walk-ups,
and patio housing—all
flanked by public art.

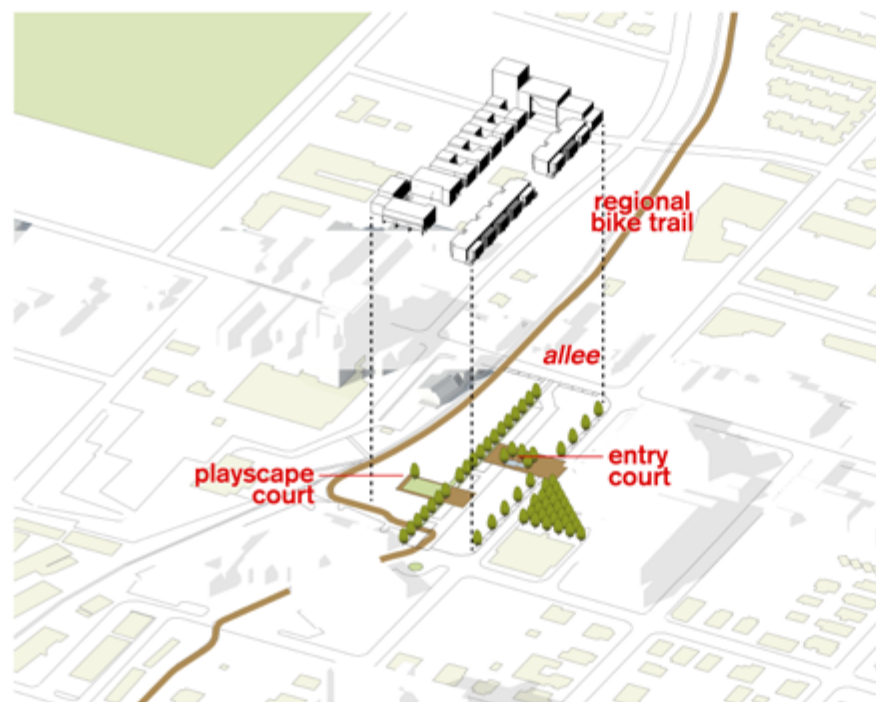


3. Anchor Approach:
A plaza can be designed to accommodate downtown events, such as the nation's largest charitable bike rally—Bikes, Blues, & BBQ.

4. Mountain Approach:

Terraced units atop a parking hall provide city views while a public Art Loop connects Walton Arts Center with the regional trail system.

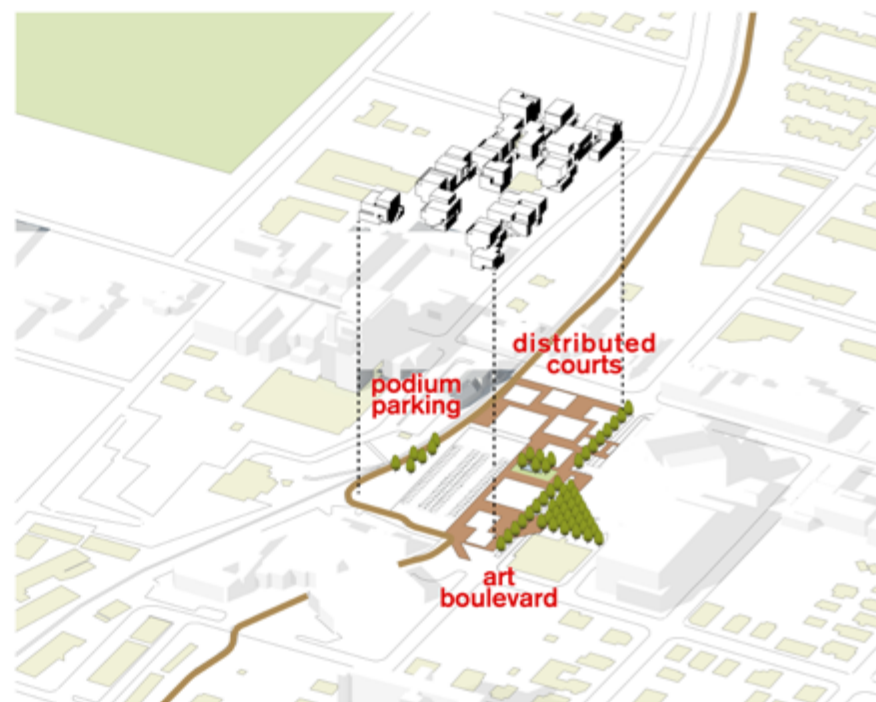




1. Laminated Approach

Units: 51 **Parking Stalls:** 100 = 84 on-site + 16 on-street

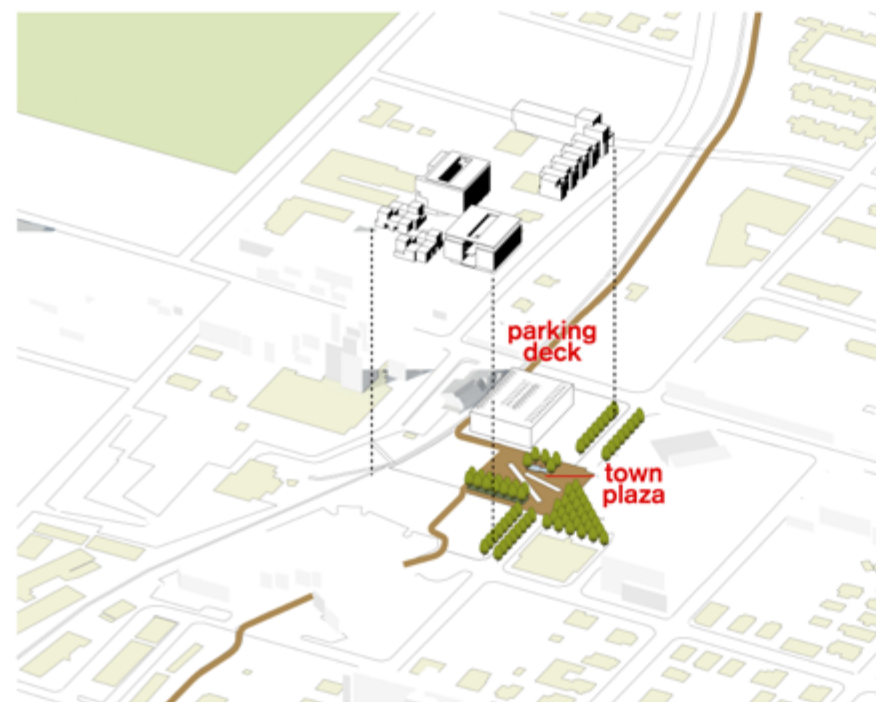
- Surface parking only without the need for costly structured parking.
- Provides the greatest range of housing types within conventional construction systems and low-rise residential formats.
- This is the easiest and least costly scheme to implement since it involves only walk-up residential units (no elevators).
- Real estate products familiar to the local development community.
- Parking onsite only serves housing.



2. Pixelated Approach

Units: 68 **Parking Stalls:** 171 = 168 on-site + 3 on-street

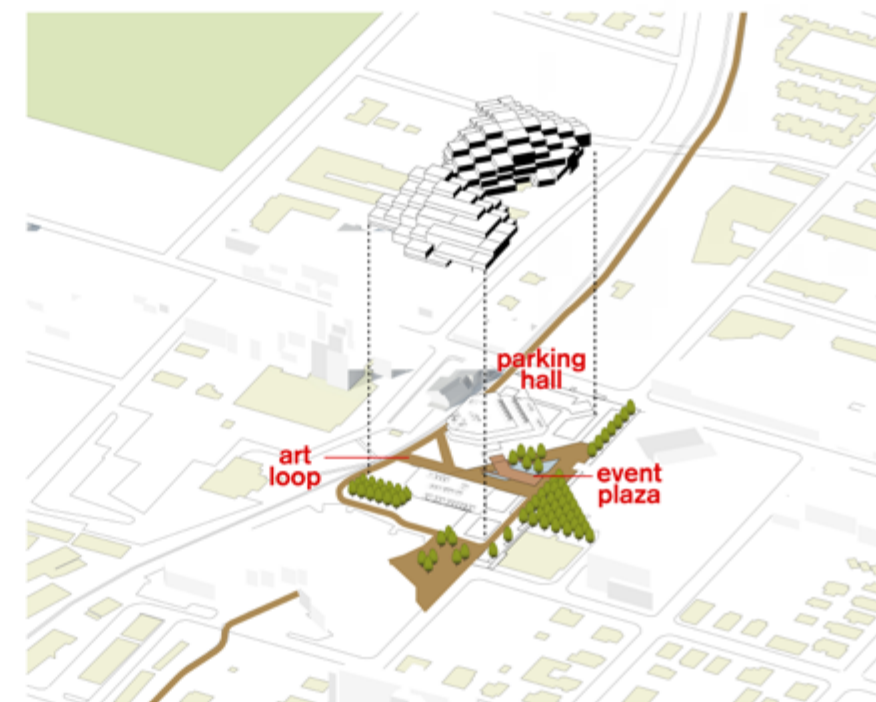
- Creates micro-scale housing pockets and open spaces akin to low-density development familiar to most people.
- Provides highly networked public and semi-public open space system.
- Facilitates a village-like individuation of housing clusters.
- Structured parking is developed as a landscape with recreational amenities and social gathering spaces on top the roof level.
- Units above the parking garage are served by an elevator in addition to stairs.
- Provides some surplus parking onsite for arts district functions.



3. Anchor Approach

Units: 72 **Parking Stalls:** 200 = 194 on-site + 6 on-street

- Provides town plaza to accommodate large festivals, such as Bikes, Blues, and BBQ.
- The mid-rise development solution is a highly efficient use of valuable downtown land.
- Most units will be served by elevators in addition to stairs.
- Provides large amount of surplus parking onsite for arts district functions.



4. Mountain Approach

Units: 84 **Parking Stalls:** 291 = 275 on-site + 16 on-street

- Stacks housing into dramatic terraced formations.
- At 29 units per acre, the approach provides the highest residential density
- Higher construction costs involved with the terracing of building
- Most units will be served by elevators in addition to stairs.
- The Parking Hall provides the city with an exemplary parking structure that replaces the same amount of parking that currently exists onsite.
- Provides the most commercial space for retail, galleries, and restaurants of the four approaches.

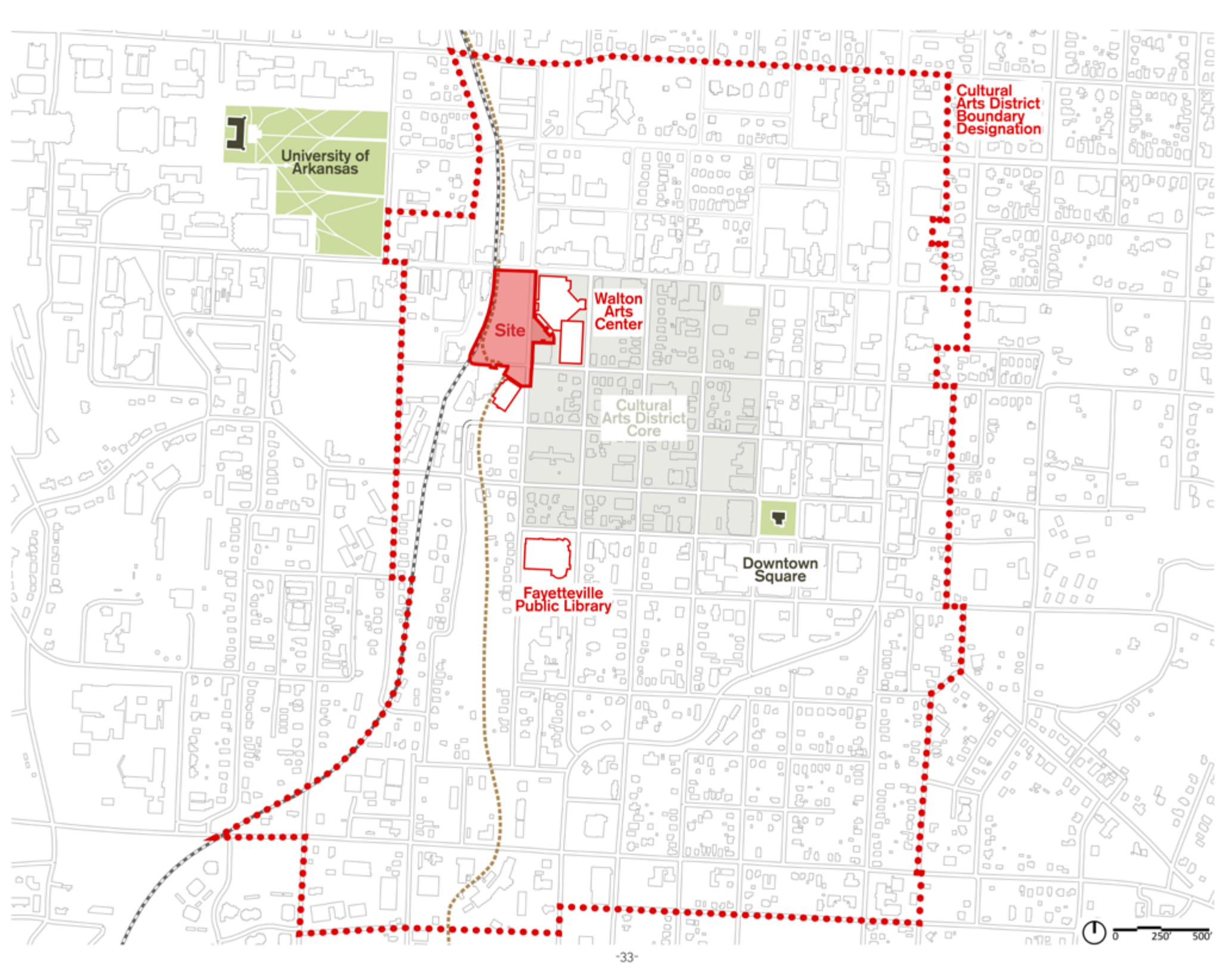
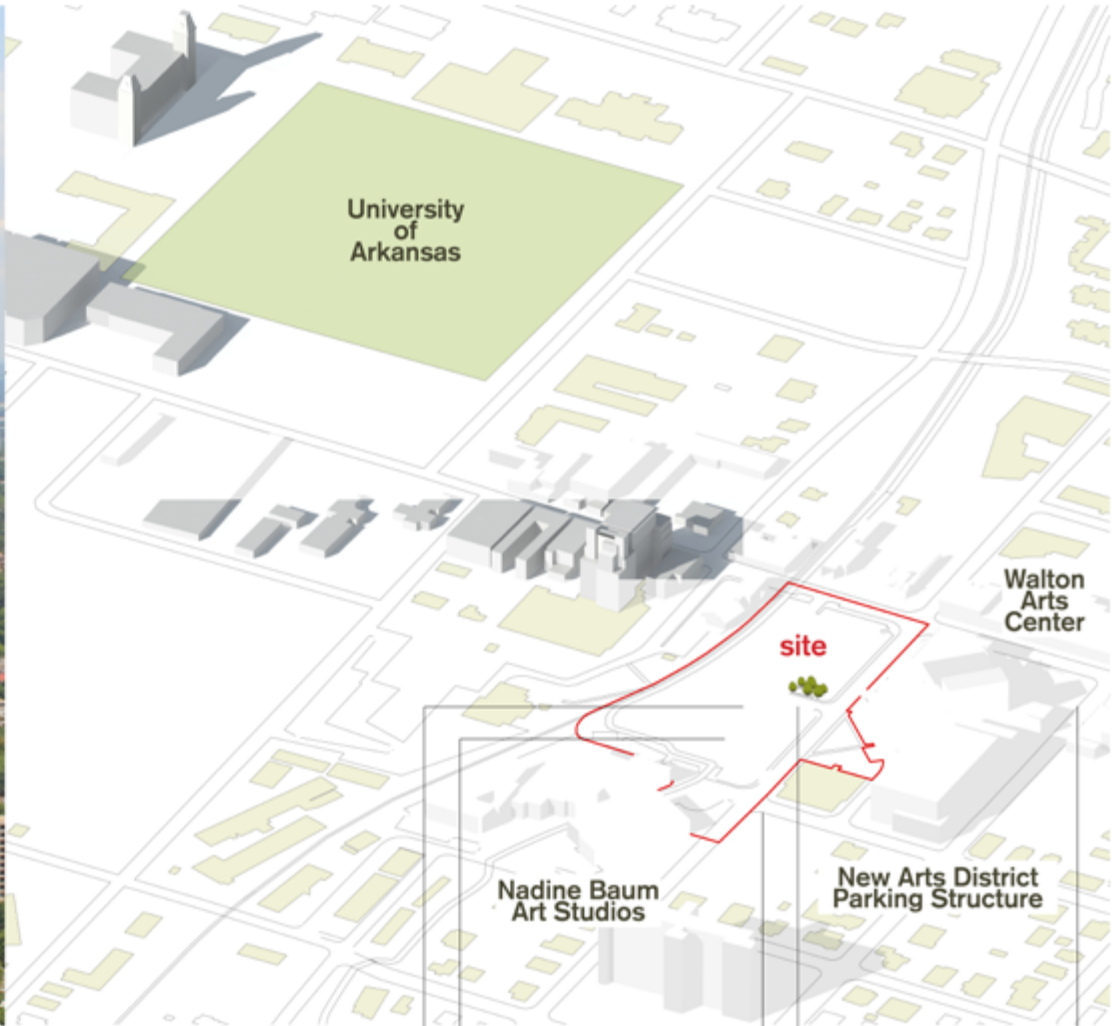




PHOTO COURTESY OF MODUS STUDIO + SPECIALIZED REAL ESTATE



Site Development Challenges

- Challenge 1: Festival Grounds**
Will we maintain accommodations for Fayetteville's annual Bike, Blues & BBQ Motorcycle Rally—attendance now estimated to be 400,000?
- Challenge 2: Surface Parking**
How might event parking be accommodated without surface lots—an obstacle to creating a livable urban environment?
- Challenge 3: Auto-Dominated Street**
How might West Avenue serve an expanded arts and residential district as an arts-focused complete street design?
- Challenge 4: Springs**
How do we incorporate the groundwater springs in the streetscape system?
- Challenge 5: Walton Arts Center Upgrades**
How might we leverage the scheduled additions and improvements to the Walton Arts Center?



PHOTO COURTESY OF MODUS STUDIO + SPECIALIZED REAL ESTATE



Notwithstanding the site's location in the heart of downtown, its Walk Score is only 80 (great walkability would have a score of 90 or higher); pointing to an underutilization of downtown's development potential due to poor land use and automobile-dominant development.



1

LAMINATED APPROACH

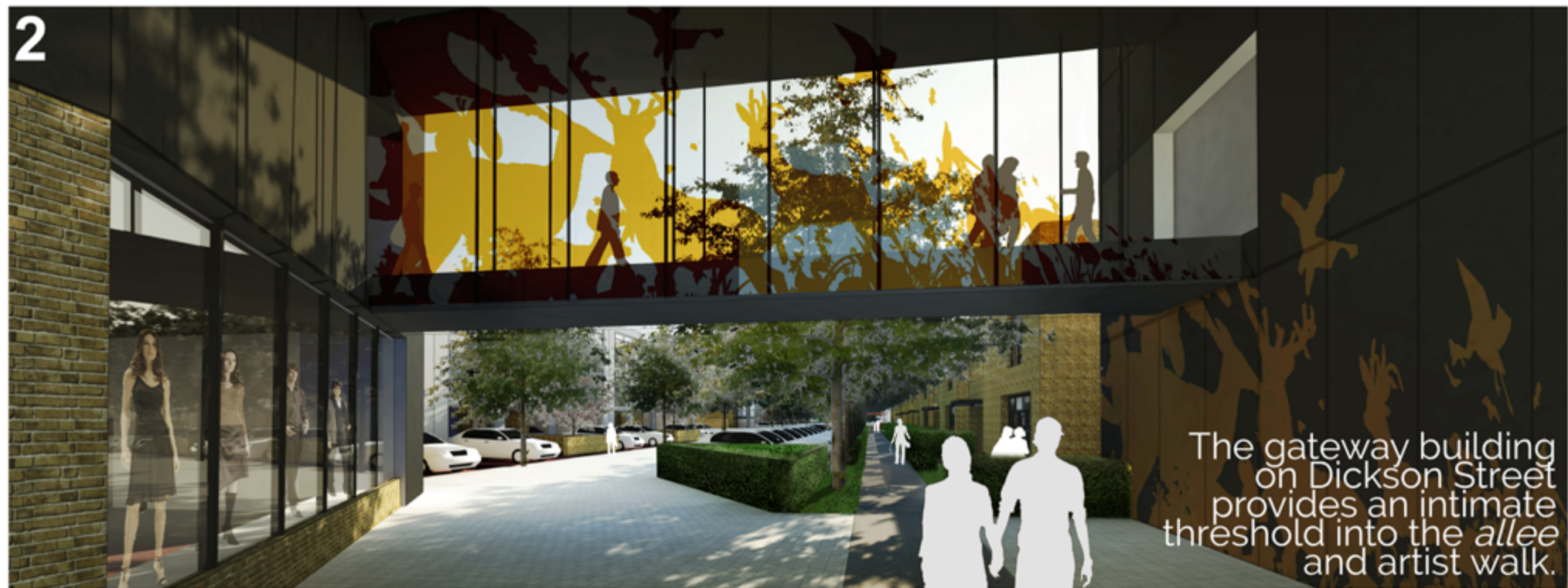
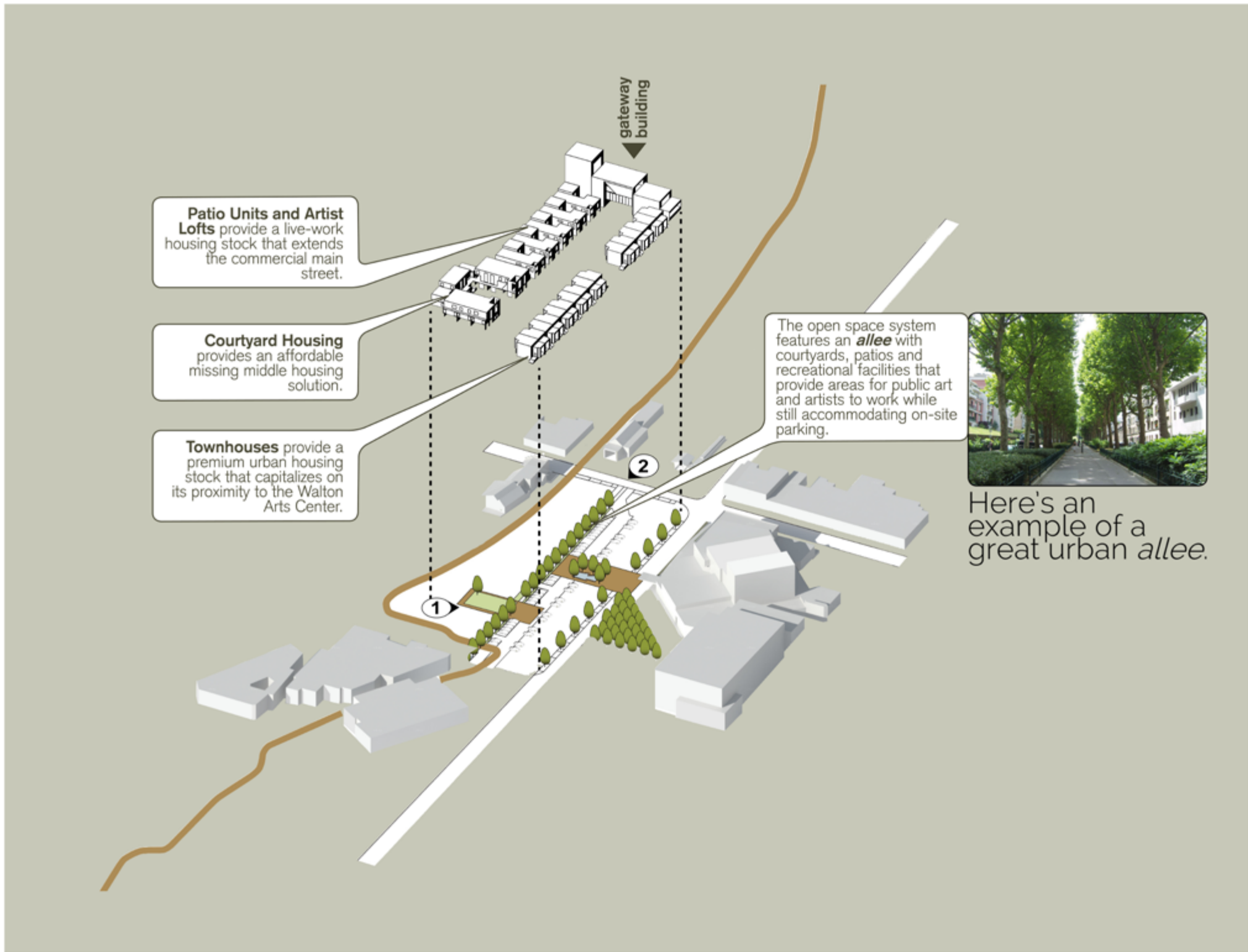
Units: 51 at 17 units/acre **Parking Stalls:** 100 = 84 **on-site** + 16 **on-street**

Laminated Approach alternates parallel bands of public space and housing rows to ensure high-quality urban landscape frontage for all housing units. The proposal features a block-long allee with courtyards, patios, and public recreation areas for residents.

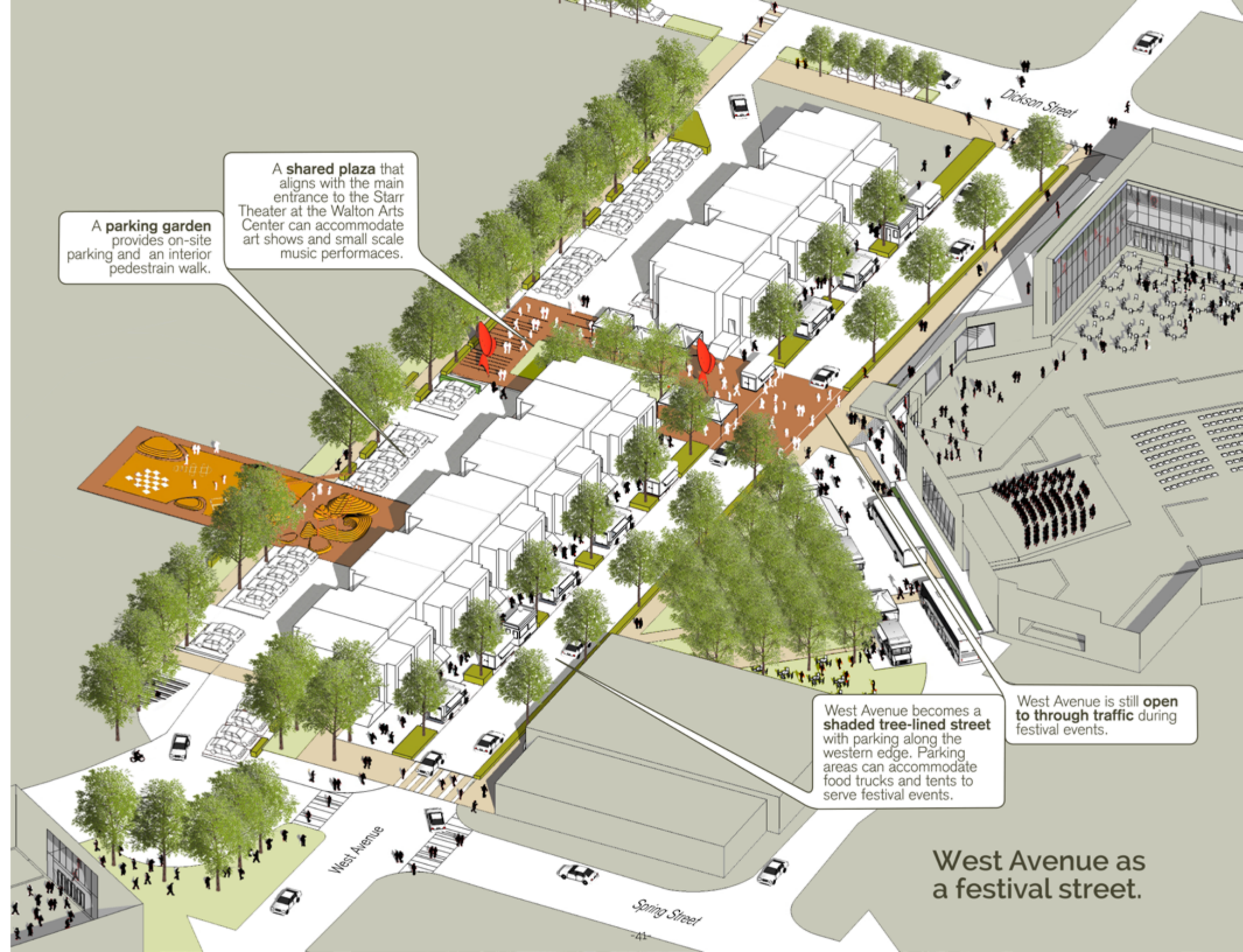
The only approach of the four that relies solely on surface parking without the need for costly structured parking.

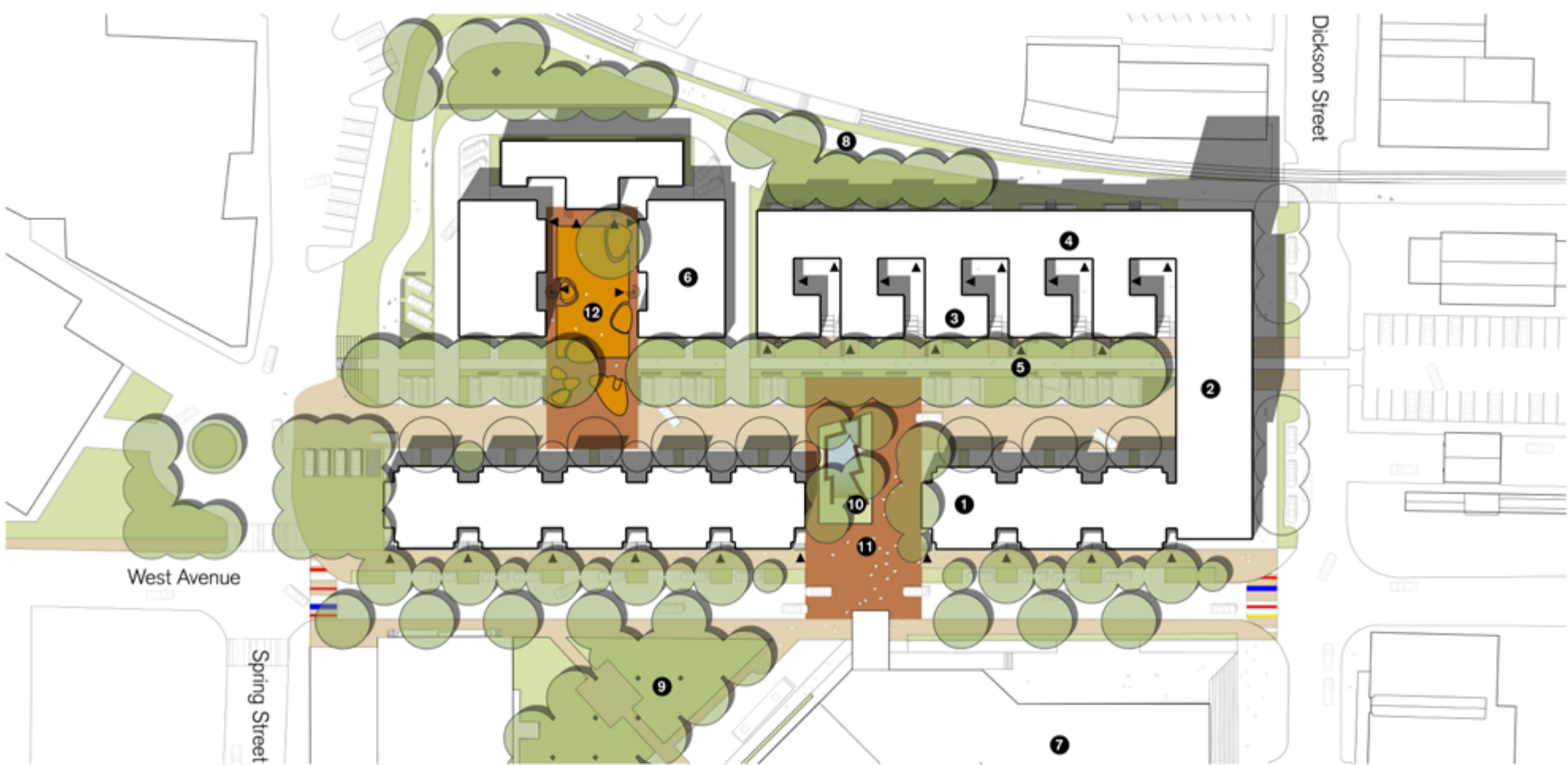
Provides the greatest range of housing types and residential environments within conventional construction systems and low-rise residential formats. The three-story townhouses on West Avenue provide an elegant backdrop to the Walton Arts Center.

This is the easiest and least costly scheme to implement since it involves only walk-up residential units (no elevators) and real estate products familiar to the local development community.

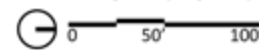


West Avenue becomes a tree-lined street with an elegant backdrop of townhouses to complement the Walton Arts Center and accommodate smaller festival events.





- 1 townhouses
- 2 gallery, office, and retail
- 3 live-work housing
- 4 patio houses
- 5 parking *allee* and artist walk
- 6 courtyard housing
- 7 existing walton arts center
- 8 existing bike trail
- 9 existing pocket park
- 10 existing spring
- 11 entry court
- 12 courtyard playscape



West Avenue (East) Elevation





Patio and
live-work
housing fronting
the *allée*
extend
interior space
where artists
can rehearse,
produce, or sell.



2

PIXELATED APPROACH

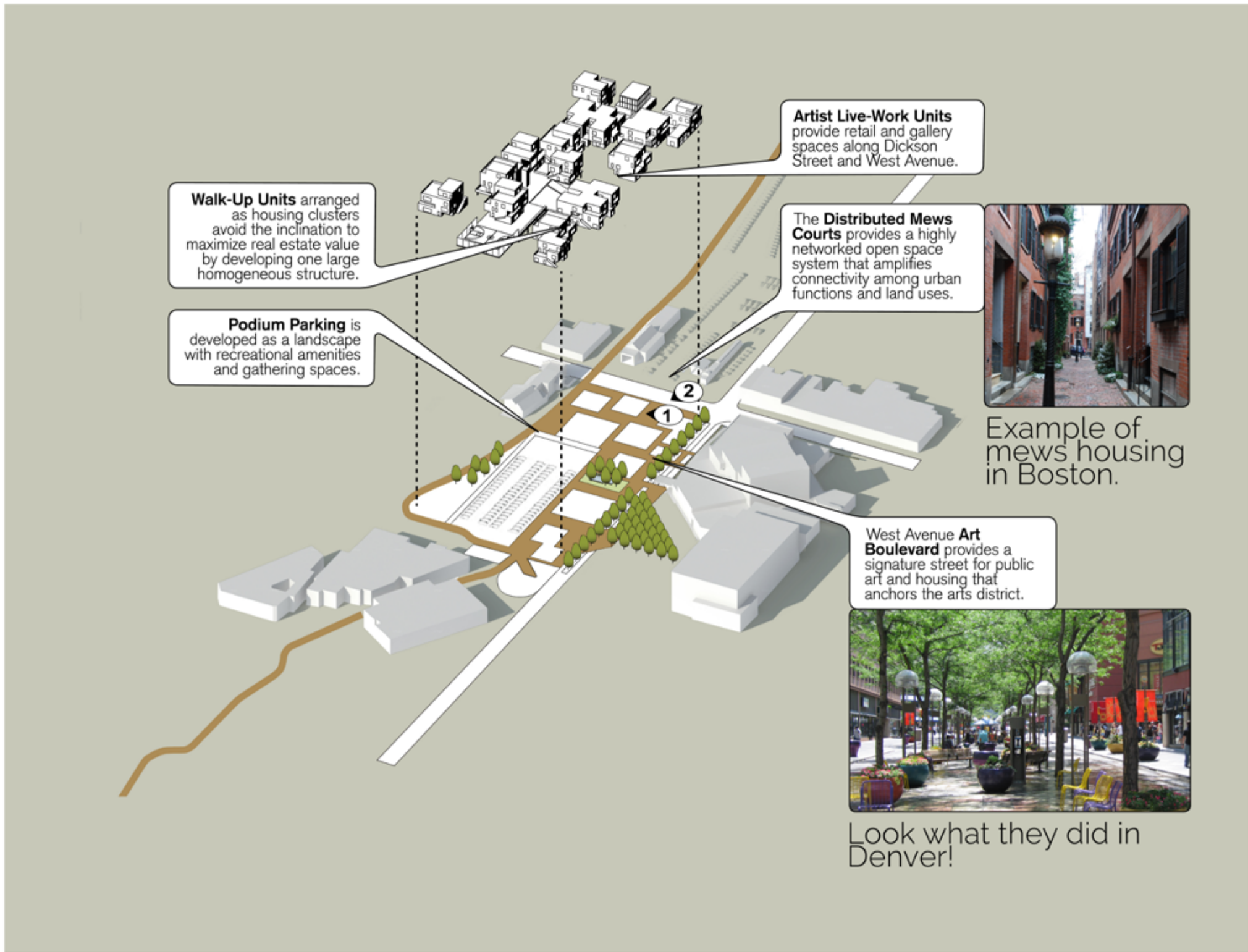
Units: 68 at 23 units/acre **Parking Stalls:** 171 = 168 **on-site** + 3 **on-street**

Pixelated Approach creates micro-scale housing pockets and open spaces akin to low-density development familiar to most people. West Avenue is reformatted into a boulevard providing a stately setting for the arts district and new urban housing.

The approach proposes a highly networked public and semi-public open space system that amplifies connectivity among urban functions and land uses. The open space network's mosaic of outdoor rooms adds value to the housing, and attracts a greater level of pedestrian intensity to the arts district.

The approach facilitates a village-like individuation of housing clusters, avoiding the inclination to maximize real estate value by developing one large homogeneous structure on the site.

Structured parking is developed as a landscape with recreational amenities and social gathering spaces on top the roof level. Units above the parking garage are served by an elevator in addition to stairs.



West Avenue is transformed into a boulevard artscape that provides amenities for festivals and housing.





- 1 west boulevard artscape
- 2 gallery/cafe
- 3 retail court
- 4 live-work housing
- 5 parking podium/art platform
- 6 distributed mews and courts
- 7 walk-ups and flats
- 8 existing walton arts center
- 9 existing bike trail
- 10 existing pocket park
- 11 existing spring

0 50' 100'



0 45' 90'



The connected mews courts link parking and housing—all flanked with public amenities.



3



ANCHOR APPROACH

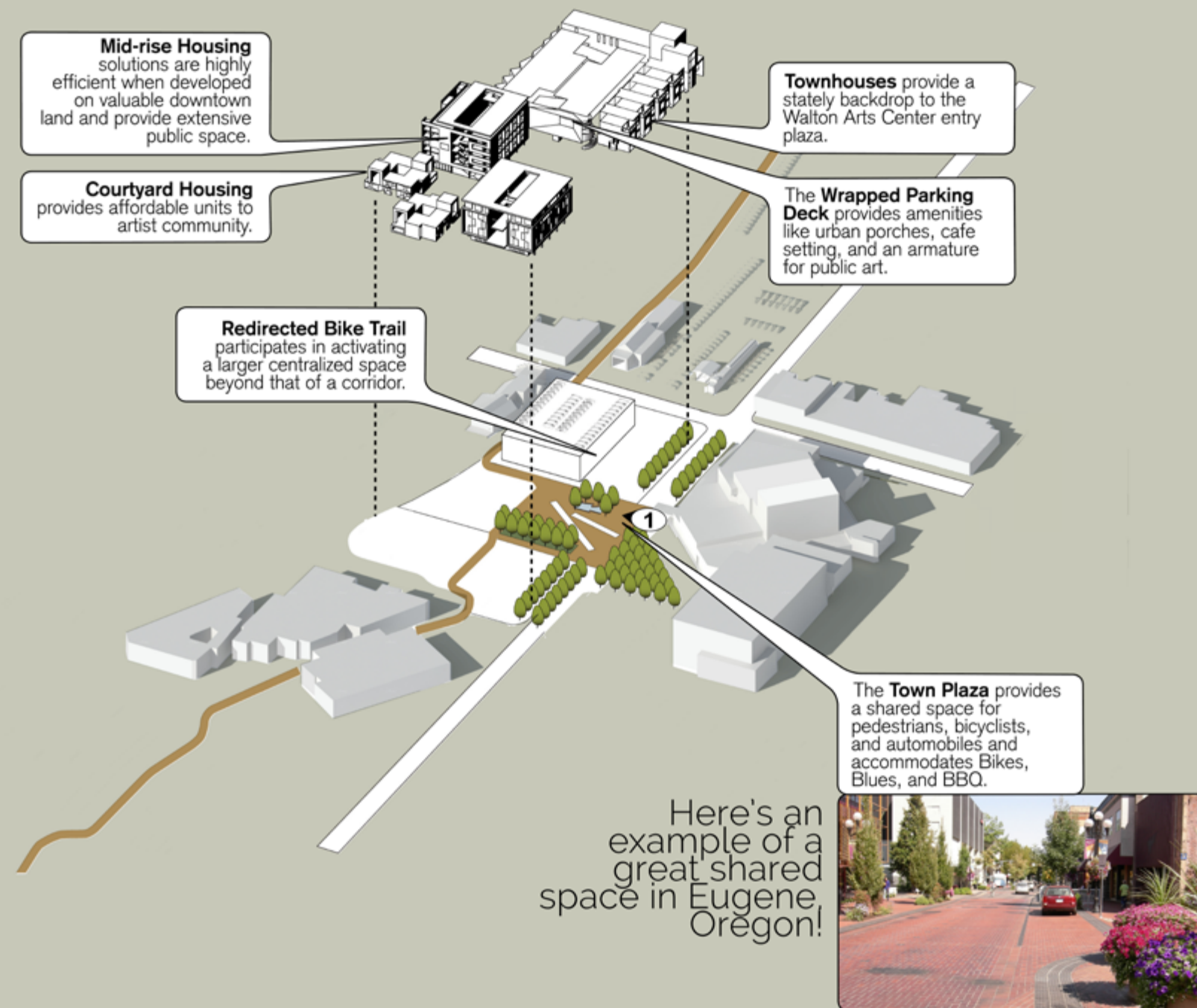
Units: 67 at 23 units/acre **Parking Stalls:** 200 = 194 **on-site** + 6 **on-street**

Anchor Approach provides a central town plaza to accommodate festivals, projecting a strong civic identity around which mixed-use housing and commercial functions are arranged. The town plaza provides much needed public assembly space commensurate with the growing density of the downtown arts district.

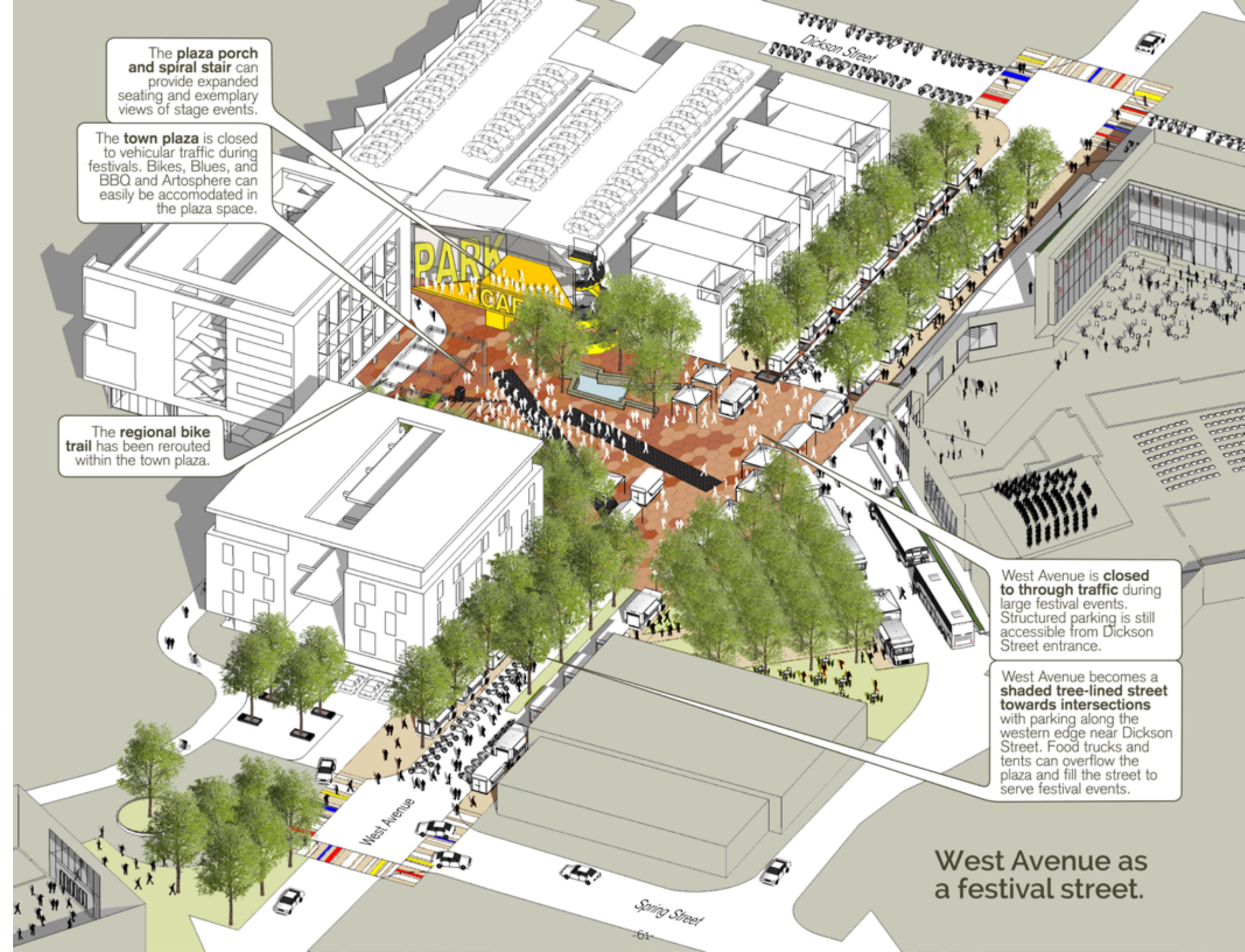
The only approach of the four that maintains accommodation for the city's annual Bikes, Blues & BBQ Motorcycle Rally—the nation's second largest such festival—on site.

Provides the most structured parking for arts district functions of the four approaches in addition to spaces required for residences.

The mid-rise development solution is a highly efficient use of valuable downtown land while providing extensive public space that connects with the Walton Arts Center facilities across the street. Most units will be served by elevators in addition to stairs.

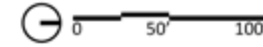


West Avenue townhouses and town plaza mid-rises offer a variety of frontage conditions.





- 1 gallery at ground level
- 2 retail at ground level
- 3 cafe and parking deck
- 4 town plaza
- 5 courtyard housing
- 6 townhouses
- 7 midrise housing
- 8 existing Walton Arts Center
- 9 redirected bike trail
- 10 existing pocket park
- 11 existing spring



West Avenue (East) Elevation

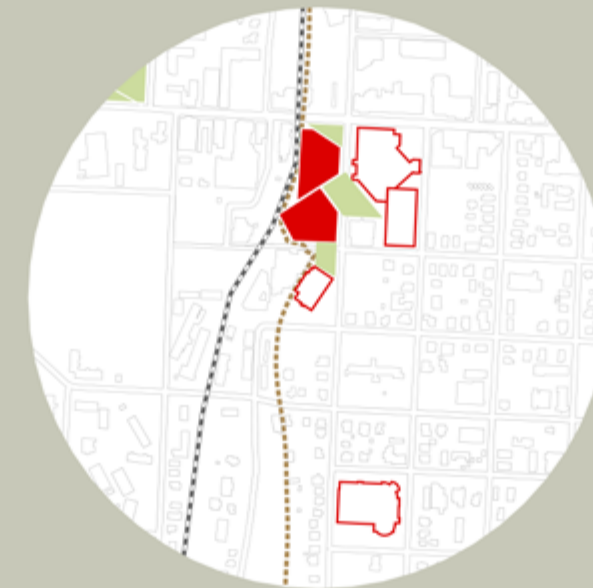


Episodic interventions in the town plaza form an ambulatory around a larger plaza space.





4



MOUNTAIN APPROACH

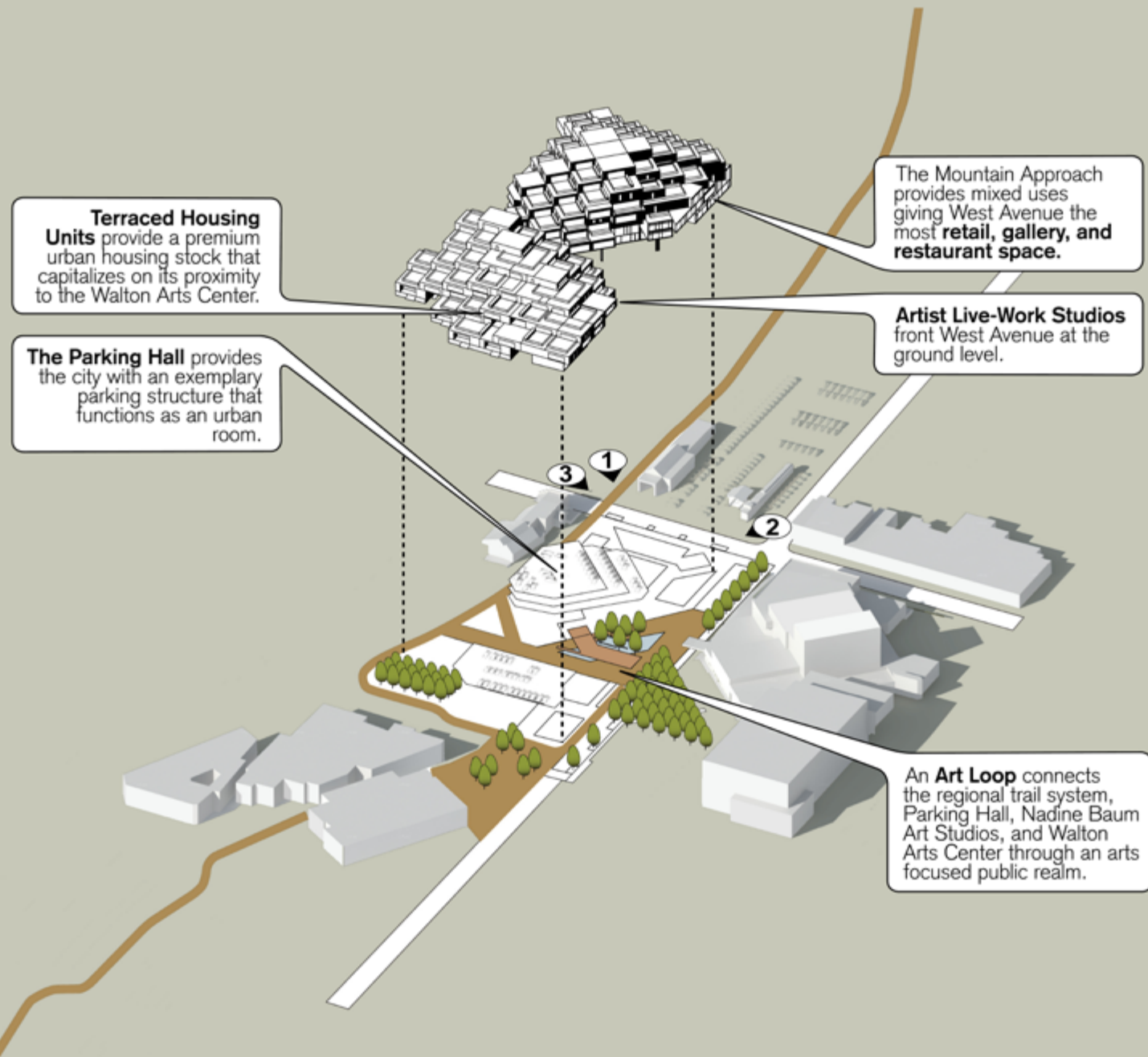
Units: 84 at 29 units/acre **Parking Stalls:** 291 = 275 **on-site** + 16 **on-street**

Mountain Approach stacks housing into dramatic terraced formations, providing the downtown arts district and the region with a powerful new architectural icon that complements the Walton Arts Center. Terraced housing provides the city with an unrivaled supply of premium urban housing that capitalizes on its proximity to the Walton Arts Center.

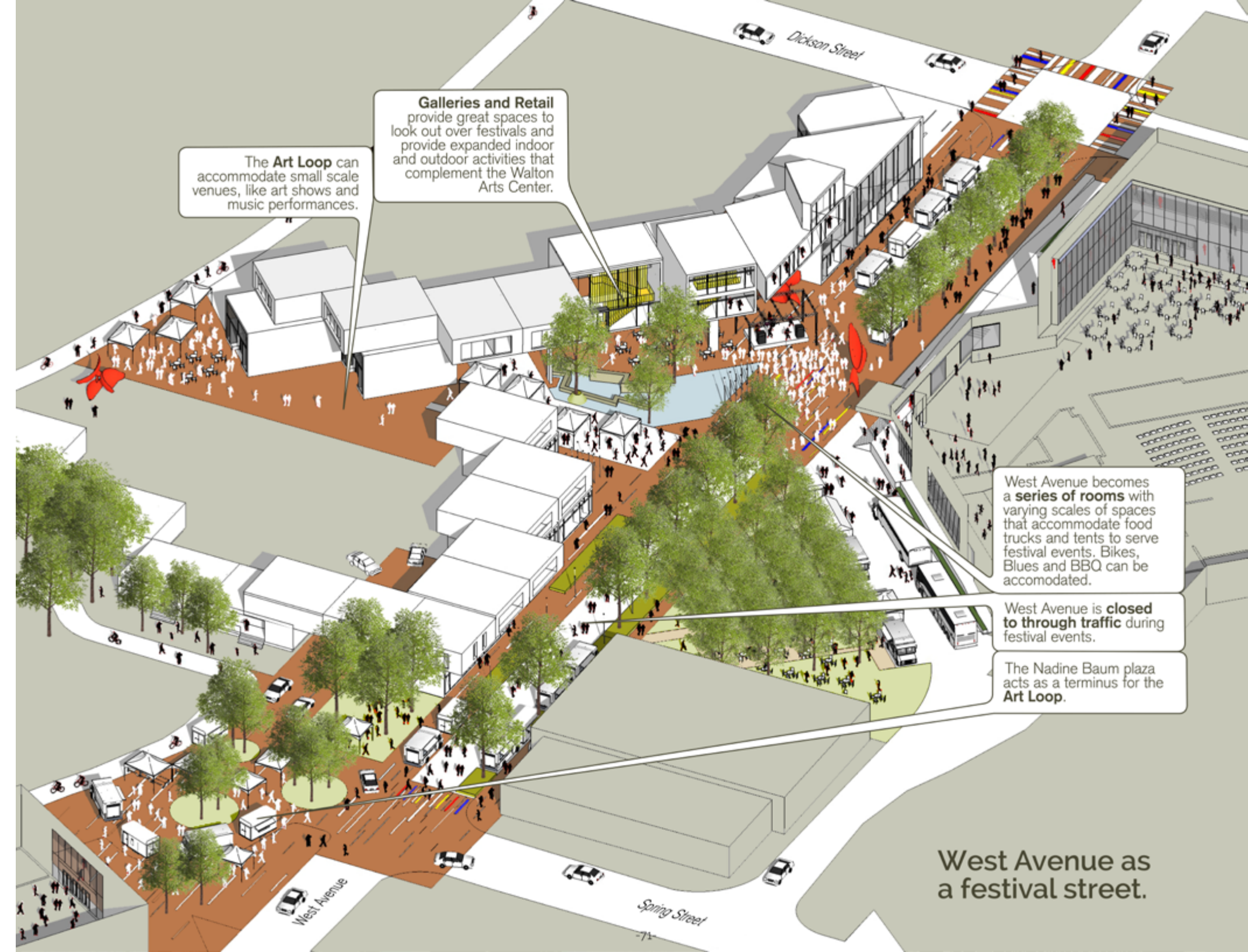
At 29 units per acre, the approach provides the highest residential density, which is helpful in absorbing the higher construction costs involved with the terracing of building levels. Most units will be served by elevators in addition to stairs.

The scheme's unique Parking Hall provides the city with an exemplary parking structure that functions as an urban room connecting the bike trail with new retail shopping on Dickson Street and West Avenue.

The approach provides the most commercial space for retail, galleries, and restaurants of the four approaches. The West Avenue streetscape proposes the most intimate and detailed connections to the Walton Arts Center grounds and park across the street.

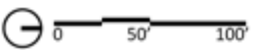


West Avenue is transformed into a series of rooms where housing completes and the public realm around the Walton Arts Center.





- 1 Art Loop
- 2 gallery and cafe at ground level
- 3 retail at ground level
- 4 live-work housing along West Ave.
- 5 terraced housing
- 6 event plaza
- 7 existing Walton Arts Center
- 8 existing bike trail
- 9 existing pocket park
- 10 existing spring



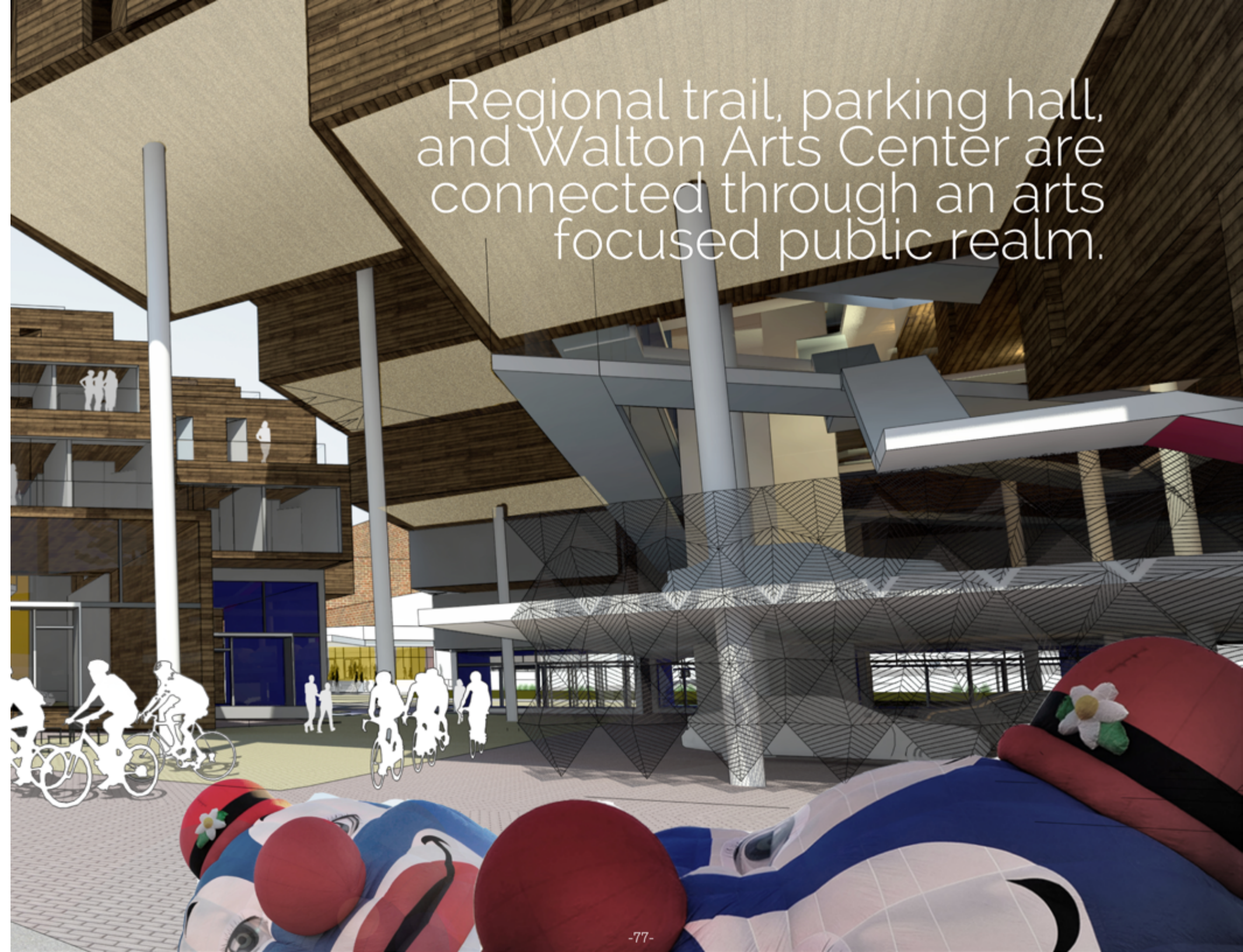
West Avenue (East) Elevation





The Art Loop provides galleries, retail, and restaurants along West Avenue for pre and post show gatherings at the Walton Arts Center.

Regional trail, parking hall,
and Walton Arts Center are
connected through an arts
focused public realm.



These recommendations are intended to catalyze the maturation of an arts district anchored by Walton Arts Center and downtown housing constructed on city property.

Recommendations

While setting the six goals for the City Plan 2030 were important inflection points in Fayetteville's development, the private sector has been slow to apply these principles in the downtown area. Downtown development markets are complex, requiring greater coordination in planning, financing, and management than suburban markets. To realize its goals for the downtown, the City must assume greater coordinating and oversight functions to catalyze the market. Progressive yet business-savvy cities large and small are discovering the benefit of taking on limited developer functions to align private sector actors with long-term aspirations. In the spirit of triangulating the City's interests and real estate assets with nascent housing demand and developer activity, we make the following recommendations. In particular, these recommendations

are intended to catalyze the maturation of an arts district anchored by Walton Arts Center and downtown housing constructed on city property.

1. Since the City has made appropriate infill and revitalization its highest priority, **we recommend that the City develop the surface parking lot on West Avenue for better and higher land uses like housing** once the new Spring Street Municipal Parking Deck becomes operational in 2015. Since the costs and returns on investments in urban infill are greater than those in suburban markets, urban infill must deliver niche qualities to succeed. **We also recommend the development of urban multifamily housing products with high-quality street frontage**

and shared public spaces to meet the unmet demand for downtown living beyond student housing. However, student housing projects certainly indicate a preference for walkable environments among forthcoming graduates. Studies now show that mixed-use development has between 10 and 100 times the fiscal return on investment than single-use land development—including big box development—when measuring annual tax yield per acre.

2. Since the City discourages suburban sprawl, **we recommend that urban housing be developed at a minimum of 15 units per acre (the threshold for rail transit feasibility) to attract development of accompanying support services**

within walkable neighborhood formats. The city should incentivize urban housing as a tactic for economic development in downtown retail sectors, because retail is rationally triggered by population concentrations. As the saying goes, "retail follows rooftops."

3. As the City aims to "make traditional town form the standard", **we recommend mixed-use development with mixed-income housing and parking in neighborhood-oriented formats.** To dramatically increase cultural and economic activity on a block-by-block basis, parking spaces should favor on-street formats alongside nesting of parking within the block interior, and/or accommodation through structured facilities. Housing should be built to the

street edge and contain unit variety to accommodate various incomes. Vertically integrated mixed uses should be part of the overall development of the West Avenue block, particularly on Dickson Street since it is a commercially-oriented public space at the ground level.

4. To grow a livable transportation network, **we recommend the transformation of West Ave into a signature street. The City should use traffic-calming strategies to create a sense of place that enhances non-traffic social functions.** The street should be retrofitted as a setting appropriate to mixed-use pedestrian-oriented environments and advance the identity of the cultural arts district. Traffic moves too fast on West Avenue because

street design and geometry facilitate such behavior. Not only could West Avenue replace the municipal surface parking lot as the festival grounds for events like Bikes, Blues, and BBQ, but West Avenue should be designed to complement the substantial improvements scheduled for Walton Arts Center. We also recommend that the City uncouple its current on-site parking requirements from site development capacity, as it inhibits development of affordable urban housing density (also an overall deterrent to downtown development). Rather, let the market take care of parking demand and supply.

5. Since the City aims to assemble "an enduring green network", **we recommend preservation of the groundwater springs located on the site**

and enhancement of the trail as a signature pocket park with good building frontage, additional landscape features, and other passive uses beyond movement. Recognition of the trail as a public frontage warranting design attention sets a precedent for subsequent trail-fronting development throughout the city.

6. To create opportunities for attainable housing, **we recommend development of mixed-income housing where premium market rate units could subsidize attainable units.** While state laws do not enable inclusionary zoning, the City's control of the property is an important opportunity to realize attainable housing.

To realize a successful outcome that satisfies multiple interests, particularly the arts community and the goal of enhancing the City's cultural infrastructure, it is imperative that the City select a development team whose business model reflects principles outlined in this report and City Plan 2030.

WEST AVENUE CONFIGURATIONS

How does West Avenue's configuration affect the performance of a development scheme?

Unlike roads, streets are a platform for capturing value. A well-designed street provides non-traffic social functions related to gathering, assembly, recreation, and aesthetics. Streets, when designed in conjunction with new development, can reinforce architectural ideas.

Each housing approach is paired with a street section that provides distinct place-making characteristics. Traffic-calming measures like reducing lane widths or adding a median provides a safer pedestrian environment by forcing automobile traffic to reduce speed and pay attention to surroundings. Street trees provide structure, mitigate heat island effect, and provide a shaded environment that encourages pedestrians to shop, dine, or casually stroll. Building frontages are the

"handshake" to the public street. In other words, they provide a valuable buffer between public, semi-public, and private space.

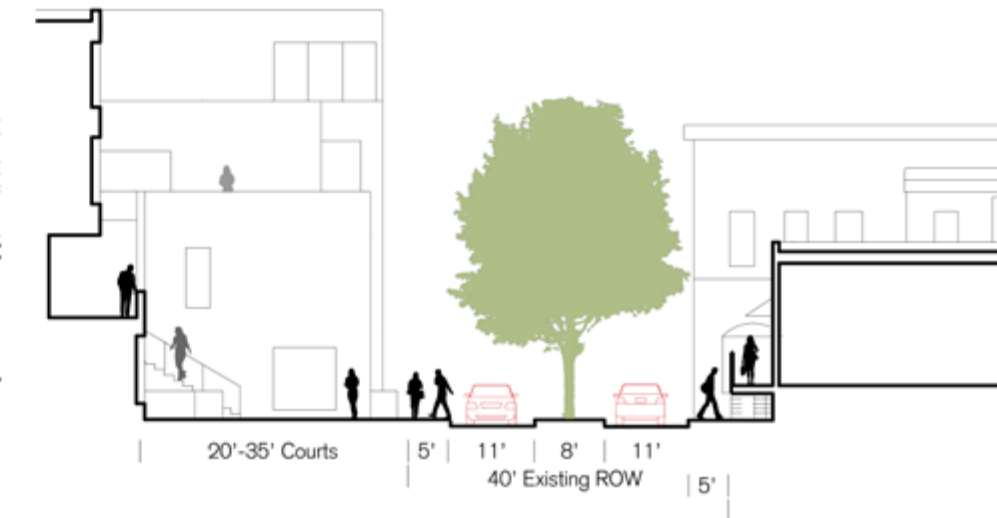
The Laminated and Pixelated approaches provide intimately-scaled streets for predominately residential use while the Anchor and Mountain approaches have wider sidewalks, which are conducive to great shopping streets.



Existing West Avenue



Laminated Approach
West Avenue as a Residential Skinny Street
parallel parking and low-scaled townhouses with stoops provide an intimate scale for a residential street



Pixelated Approach
West Avenue as a Residential Boulevard
a boulevard approach provides traffic calming by separating traffic by tree-lined median, courts provide interest and rhythm to the street edge

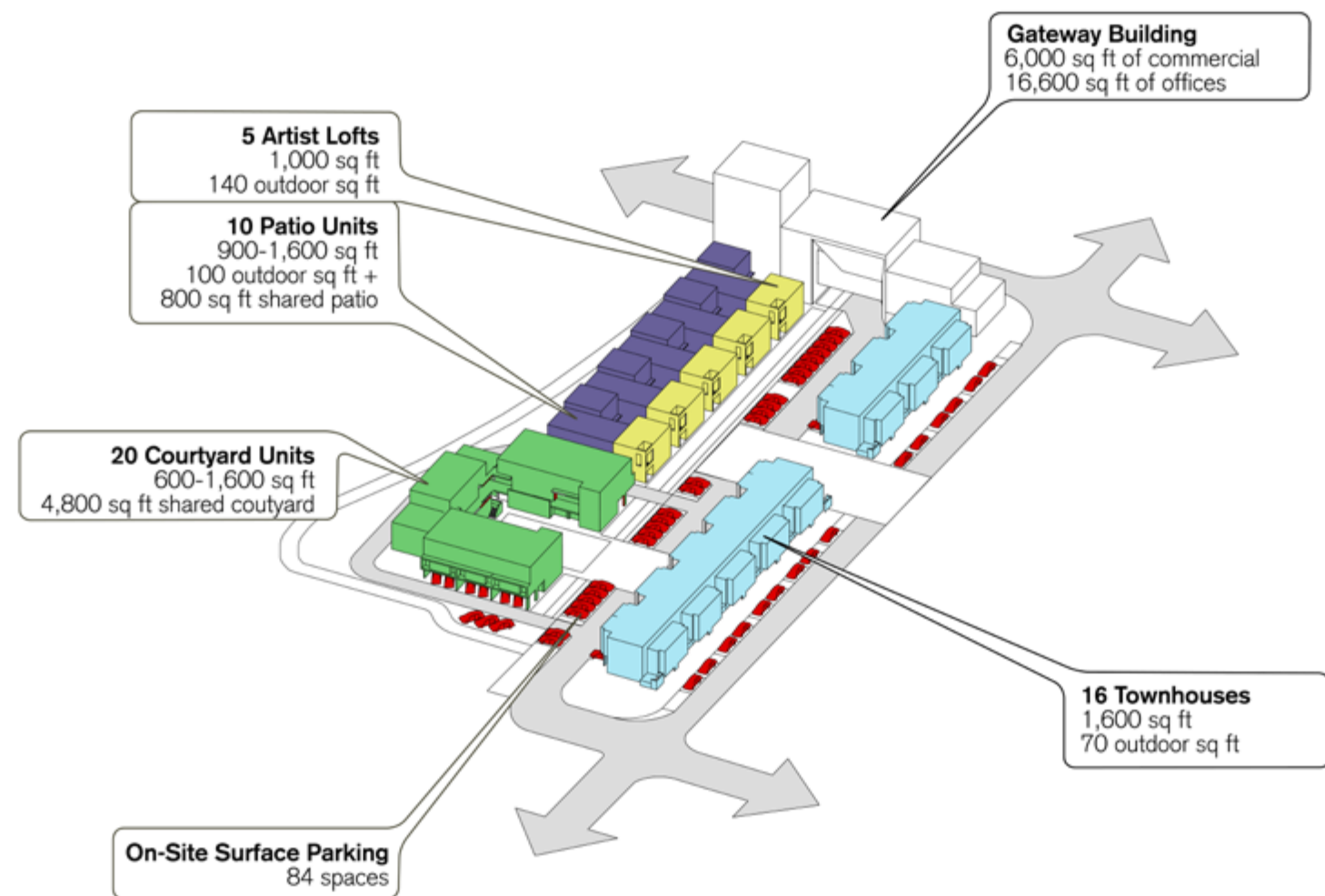


Anchor Approach
West Avenue as a Shopping Boulevard
the sidewalk on the west side is extended and shaded by a row of trees to provide ample space for walking, dining, and shopping



Mountain Approach
West Avenue as a Shopping Skinny Street
the sidewalk on the west side is extended, becoming a mat for art installations, street lighting, and recreation

1 LAMINATED APPROACH



Units: 51 Parking Stalls: 100 = 84 on-site + 16 on-street



EXAMPLES



Duncan Avenue Apartments
Fayetteville, AR
Townhouse



Courts at Whitham
Fayetteville, AR
Courtyard



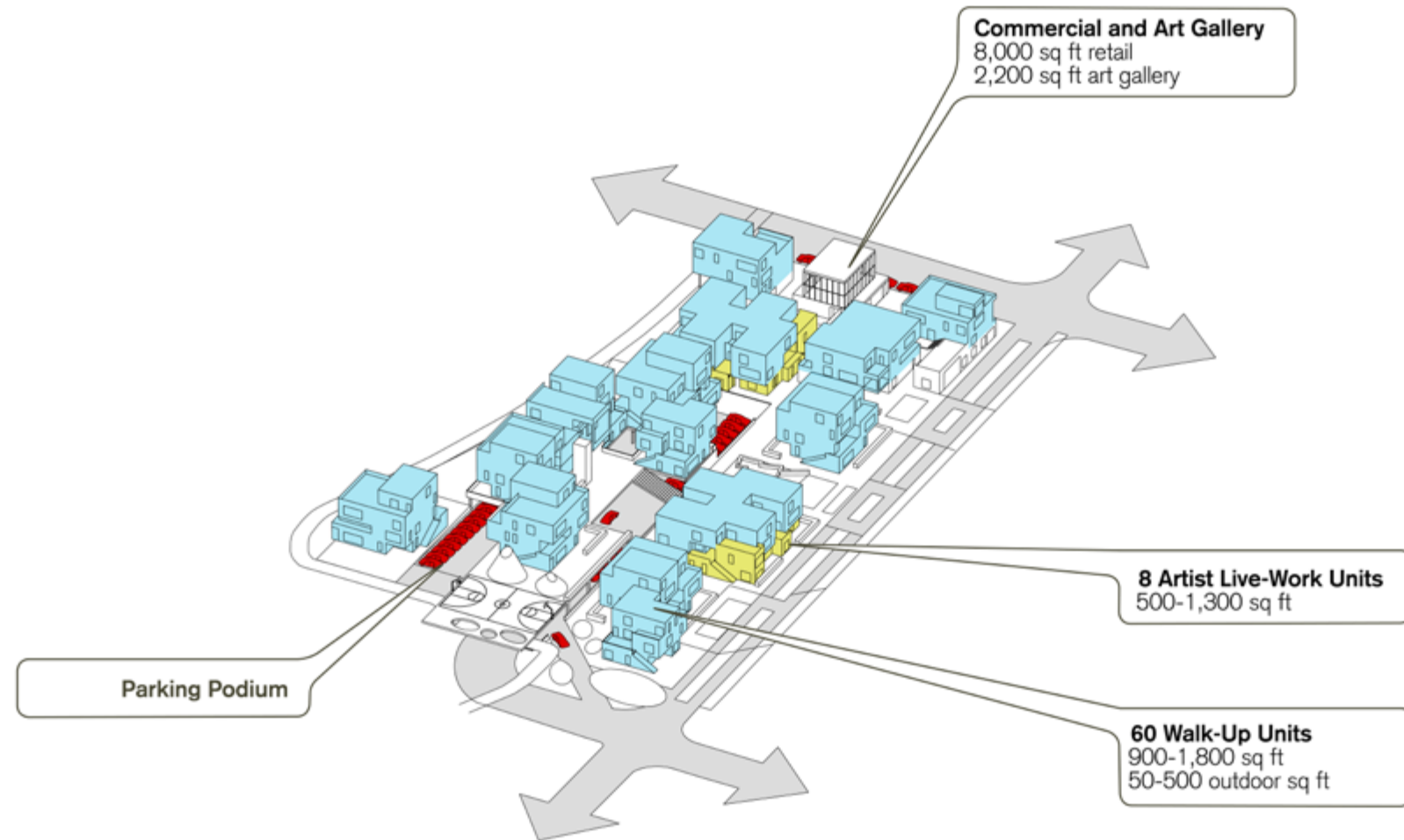
The Charmer
San Diego, CA
Patio Units



Turtle Creek Bend
Dallas, TX
Mid-Block Parking Court

2

PIXELATED APPROACH



Units: 68 Parking Stalls: 171 = 168 on-site + 3 on-street



EXAMPLES



Pearl District
Portland, OR
Mews



Cotton District
Starkville, MS
Mews



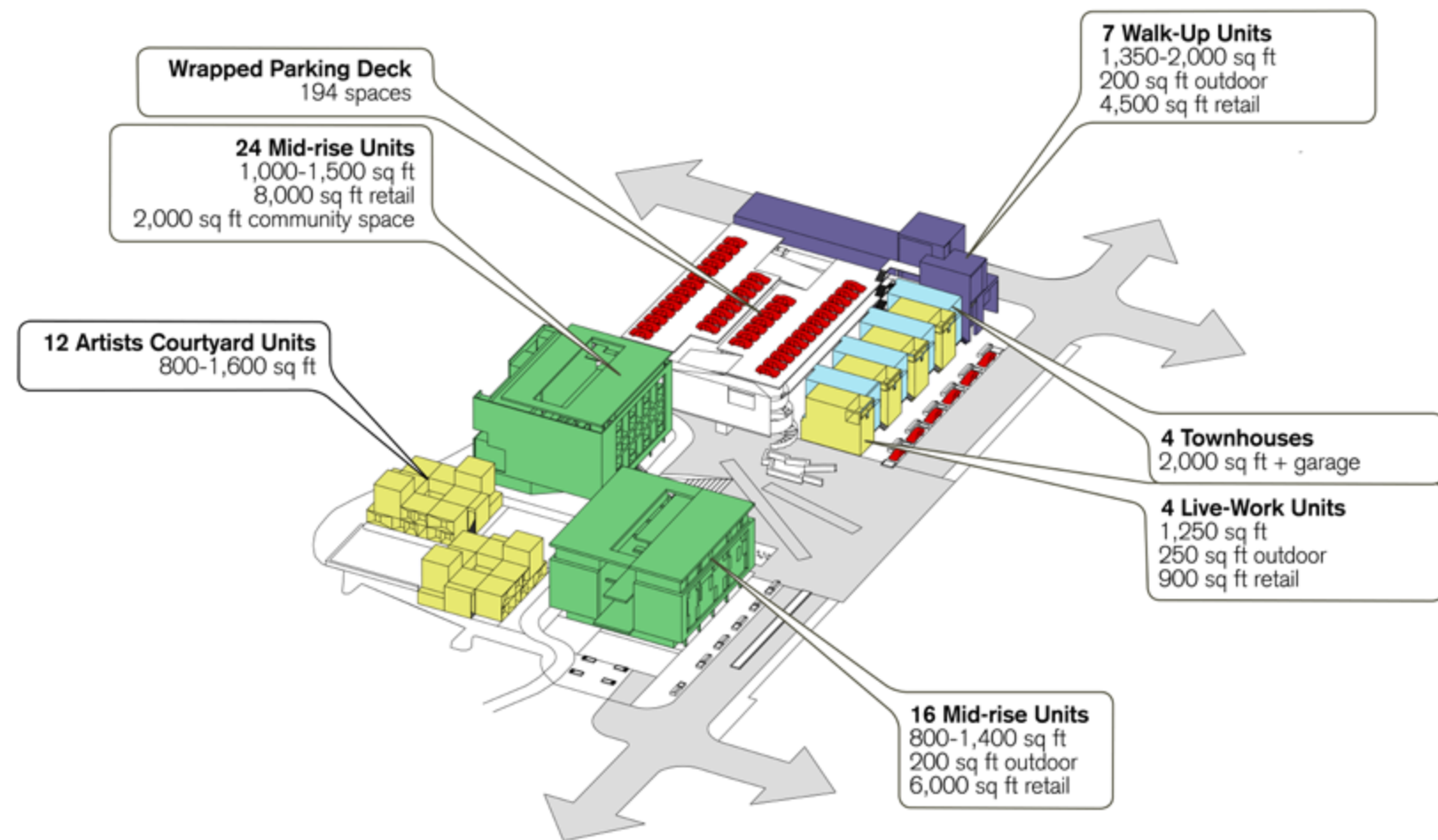
Fillmore Park
San Francisco, CA
Walk-Ups over Podium Parking



Worth Avenue
West Palm Beach, FL
Retail Court

3

ANCHOR APPROACH



Units: 67 Parking Stalls: 200 = 194 on-site + 6 on-street



EXAMPLES



The Dickson
Fayetteville, AR
Mid-Rise



Columbia City
Seattle, WA
Live-Work

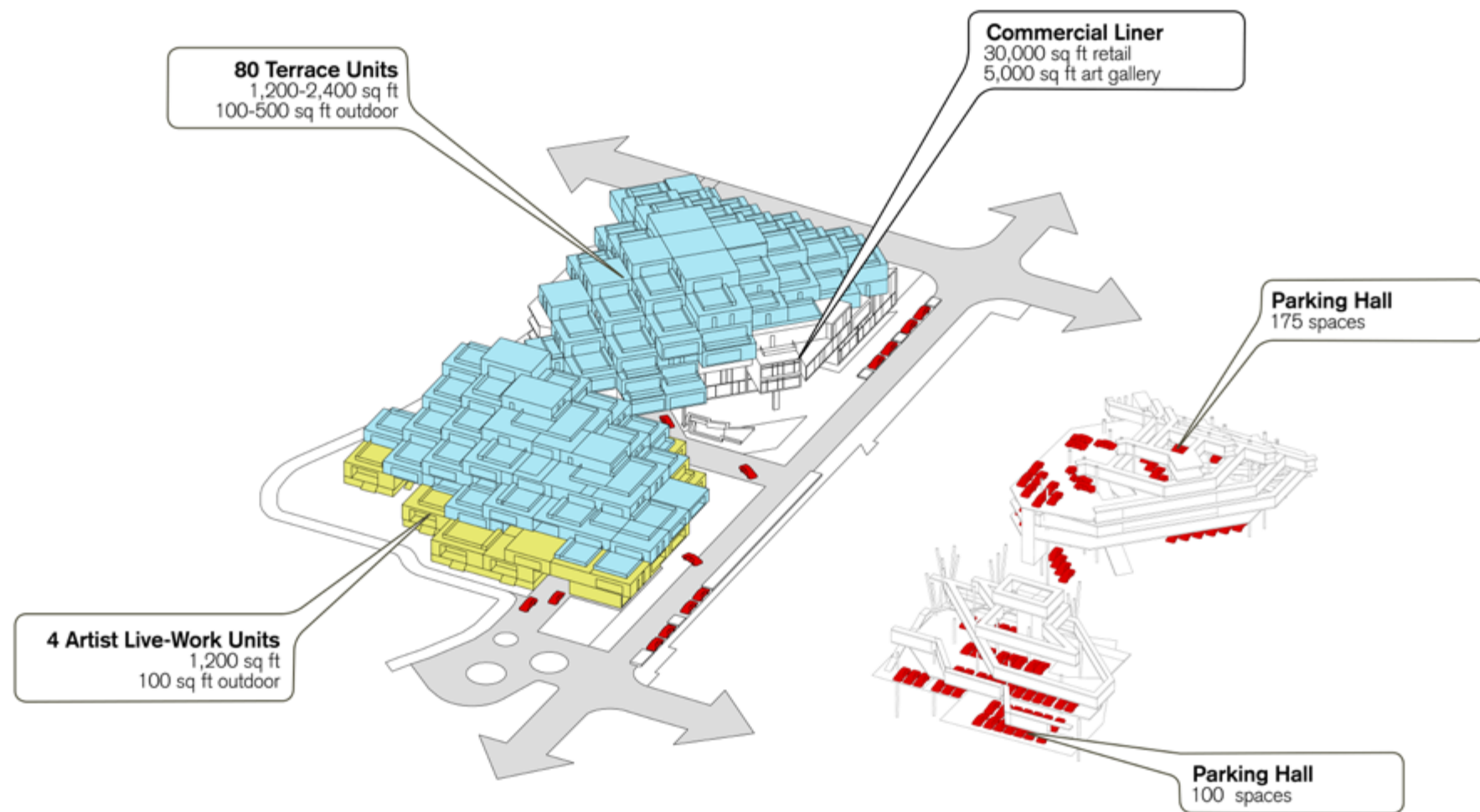


Harbor Town
Memphis, TN
Townhouse



The Piazza at Schidt's
Philadelphia, PA
Town Plaza

4 MOUNTAIN APPROACH



Units: 84 Parking Stalls: 291 = 275 on-site + 16 on-street



EXAMPLES



The Mountain Dwellings
Copenhagen, Denmark
Terraced Units



The Mountain Dwellings
Copenhagen, Denmark
Parking Hall



Jeanne Hachette Complex
Paris, France
Terraced Units



56 Leonard Street
New York, NY
Stacked Retail

comments forthcoming

