City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

City Council Tentative Agenda

Tuesday, July 14, 2026

4:30 PM

City Hall Room 219

City Council Members

Council Member Robert B. Stafford Ward 1
Council Member Dr. D'Andre Jones Ward 1
Council Member Sarah Moore Ward 2
Council Member Mike Wiederkehr Ward 2
Council Member Scott Berna Ward 3
Council Member Sarah Bunch Ward 3
Council Member Teresa Turk Ward 4
Council Member Min. Monique Jones Ward 4

Mayor Molly Rawn
City Attorney Kit Williams
City Clerk Treasurer Kara Paxton

Meeting Information:

1. Webinar ID: 881 5990 1600

Public Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_VJx3qoNhTcmzuF4KHeIhAQ

Public Comment:

1. You may submit a public comment regarding an upcoming City Council agenda item using the below options:

1) You can email your comment to AgendaItemComment@fayetteville-ar.gov
2) You can attend the meeting in person and speak during the public comment period on the item.
3) You can attend the meeting via Zoom and raise your virtual hand during the public comment period on the item.

Call to Order

Roll Call

Pledge of Allegiance

Mayor' s Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

A. Consent

A.1. Approval of the July 7, 2026 City Council Meeting Minutes

A.2. Approve 2027 Employee Benefits Renewal:
A resolution to approve the 2027 Employee Benefits Package. (2026-2007)

A.3. Telecommunications Franchise Agreement with OzarksGo, LLC:
A resolution to approve a non-exclusive telecommunications franchise agreement with OzarksGo, LLC for the placement and maintenance of buried and aerial fiber optic cables and other broadband system equipment within the city's public rights-of-way. (2026-2280)

A.4. Plainview Ave. Construction Manager Contract:
A resolution to award RFQ #26-03 and authorize a general contractor construction management contract with Emery Sapp & Sons in the initial amount of $50,500.00 for the Plainview Avenue Project. (2026-2276)

A.5. Walker Park Improvements Phase 1 – Increase to Project Contingency:
A resolution to increase the project contingency for the Walker Park Improvements Phase 1 Project in the amount of $100,000.00. (2026-2264)

A.6. Approval of Professional Services Agreement with Post Oak Preservation Solutions LLC:
A resolution to award RFP 26-04 and authorize a contract with Post Oak Preservation Solutions, LLC in the amount of $79,280.00 for Phase 2 of a Citywide Windshield Survey of Historic Properties using a combination of grant funds and pre-approved, budgeted funds. (2026-2169)

A.7. Easement Condemnations for South School Waterline Bottleneck Project:
A resolution to authorize the City Attorney to seek condemnation and possession of certain lands owned by individuals needed for the South School Water Line Bottleneck Project. (2026-2261)

B. Unfinished Business

B.1. RZN 2026-0015 NW of N. Deane Solomon Rd. & W. Vanike Dr.:
An ordinance to rezone the property described in Rezoning Petition RZN 2026-15 for approximately 36.2 acres northwest of North Deane Solomon Road and West Vanike Drive in Ward 4 from RSF-4, Residential Single-Family, Four (4) Units Per Acre and CPZD, Commercial Planned Zoning District, to RMF-12, Residential-Multi Family, 12 Units Per Acre and RSF-8, Residential Single-Family, Eight (8) Units Per Acre. (2026-1944)

At the July 7, 2026 City Council meeting, this ordinance was left on the first reading.

B.2. An Ordinance to Promote Transparency:
An ordinance prohibiting the City of Fayetteville from entering into nondisclosure agreements that restrict disclosure of public records or public business beyond that authorized by law, and to declare an emergency. (2026-2142)

At the July 7, 2026 City Council meeting, this ordinance was left on the first reading and tabled to the July 21, 2026 City Council meeting.

C. New Business

C.1. Ordinance to Amend the Definition of "Through Lot" Unified Development Code §155.01:
An ordinance to amend the definition of a “through lot” in § 151.01 Definitions of the Unified Development Code. (2026-2147)

C.2. An Ordinance to Modify Lot Width Minimums in Some Zoning Districts from 18-foot to 12-foot:
An ordinance to reduce the minimum lot width for residential dwellings from 18 feet to 12 feet in the Residential Intermediate-Urban (RI-U), Community Services (CS), Urban Thoroughfare (UT), Main Street/Center (MSC), and Downtown General (DG) Zoning Districts by amending §§ 161.12, 161.22, 161.24, 161.27, and 161.28 of the Unified Development Code. (2026-2148)

C.3. An Ordinance to Amend Residential Parking Requirements:
An ordinance to allow the Planning Commission to grant additional parking reductions for residential uses by amending § 172.05 Standards for the Number of Spaces by use of the Unified Development Code. (2026-2149)

C.4. ADM 2026-0024 West Center St & South Gregg Ave:
An ordinance to amend Ordinance 6957 regarding the conditional removal of 279 linear feet of Tanglewood Branch from the Streamside Protection Zone and allow the developer to submit a revised site plan for the property located South of 576 West Center Street. (2026-2209)

C.5. VAC 2026-0008 North Deane Solomon Road:
An ordinance to approve VAC-26-08 for property located at 2434 North Deane Solomon Road in Ward 2 to vacate 3,320 square feet of tree preservation area contingent on the dedication of a new 12,915 square foot tree preservation easement, the planting of 46 mitigation trees, and other conditions. (2026-2163)

C.6. RZN 2026-0020 North Mission Blvd:
An ordinance to rezone the property described in Rezoning Petition RZN 2026-20 for approximately 0.20 acres located at 518 North Mission Boulevard in Ward 1 from RSF-4, Residential Single-Family, Four Units Per Acre, to RI-12, Residential Intermediate, Twelve Units Per Acre. (2026-2191)

C.7. RZN 2026-0021 North Hughmount Road:
An ordinance to rezone the property described in rezoning petition RZN 2026-21 for approximately 3.78 acres located at 2445 North Hughmount Road in Ward 4 from R-A, Residential, Agricultural and NS-G, Neighborhood Services - General to RSF-8, Residential Single-Family, eight units per acre. (2026-2210)

C.8. RZN 2026-0018 West Wedington Dr. (Appeal of Planning Commission Denial):
An ordinance to rezone the property described in Rezoning Petition RZN 2026-18 for approximately 0.55 acres located at 1845 West Wedington Drive in Ward 4 from RSF-4, Residential Single-Family, Four Units Per Acre, to RI-U, Residential Intermediate-Urban. (2026-2260)

D. Proposed Agenda Additions

E. City Council Agenda Session Presentations

F. City Council Tour

G. Announcements

G.1. **Board, Committee & Commission Vacancies Advertisement:**
The Office of the City Clerk Treasurer is accepting applications for board, committee and commission vacancies. Applications must be submitted by 5:00 p.m. on Friday, July 24, 2026.

H. Adjournment

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2007

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff

FROM: Missy Hutcheson, Human Resources Director

SUBJECT: **2027 Employee Benefits Renewal**

RECOMMENDATION:
Staff recommend City Council approve the employee benefits renewal package for 2027 as outlined below and in the attached presentation.

BACKGROUND:
Staff and Brown & Brown, the City's benefits broker, have reviewed the annual renewals for employee insurance plans. Employee benefits renewals are brought forward at this time to ensure the annual open enrollment may proceed according to schedule.

DISCUSSION:
Health Insurance
The one-year look back period of the City's health claims shows a 109% utilization rate of claims paid versus premiums paid. The renewal with Arkansas Blue Cross Blue Shield (BCBS) resulted in a 7.1% increase to the high deductible health plan (HDHP) and 7.9% increase to the Preferred Provider Organization plan (PPO). The IRS increased the high deductible health plan (HDHP) minimum deductible limits for embedded deductible plans for 2027, resulting in an increase to the HDHP deductible of $100 to $3,500 (individual) and $200 to $7,000 (family). 2027 HSA annual contribution maximums for an individual will be $4,500 (up from $4,400) and for a family $9,000 (up from $8,750).

Dental Insurance
Renew with AR BCBS, no plan or rate changes.

Vision Insurance
Renew with AR BCBS, no plan or rate changes.

City Paid Life/AD&D, Voluntary Life/AD&D and LTD Benefits
Renew these products with USAble through AR BCBS with no changes.

Voluntary Short Term Disability (STD) Benefits
Renew with American Fidelity with no changes.

Flexible Spending Accounts
Renew with American Fidelity as administrator with no changes.

Health Savings Accounts
Renew with First Security Bank as administrator with no changes.

COBRA Administration
Renew with Consolidated Admin Services (CAS) as administrator.

Employee Assistance Program
Renew with Bree Health with no increase to rate ($1.40 per member per month) paid by the City

Supplemental Benefits Paid by Employees
Staff recommends continuing to offer additional supplemental benefits to employees through American Fidelity which include: Disability Income Insurance, Accident Only Insurance, Cancer Insurance, Critical Illness Insurance, Life Insurance, AF Term Life Insurance, AF Term 100 Life Insurance, 98.AF Permanent Life Insurance, Hospital Gap Insurance and Short Term Disability Insurance.

BUDGET/STAFF IMPACT:
The costs of these planned insurance/benefit items are being budgeted in the City's 2027 budget.

ATTACHMENTS: 3. Staff Review Form, 4. BB Presentation-Council 2027 Renewal Final, 5. City of Fayetteville - 2027-2028 Pricing Summary Bree Health EAP

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2007

A RESOLUTION TO APPROVE THE 2027 EMPLOYEE BENEFITS PACKAGE

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 2027 employee benefits package as recommended in the staff memorandum attached to this Resolution.

City of Fayetteville Staff Review Form

2026-2007

Item ID

7/21/2026

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

Missy Hutcheson	6/8/2026	HUMAN RESOURCES (120)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends City Council approve the 2027 employee benefits renewal package.

Budget Impact:

XXXX.XXX.XXXX-5108.XX	Citywide
Account Number	Fund
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	9,478,412.00
		Expenses (Actual+Encum)	$	3,703,845.51
		Available Budget	$	5,774,566.49
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	5,774,566.49

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

Brown & Brown

CITY OF FAYETTEVILLE ARKANSAS

Renewal Analysis and Process

July 2026

Presented By:
Todd Setser

Brown & Brown of Arkansas, Inc.

Overview - Medical

Brown & Brown INSURANCE
EMPLOYEE BENEFITS

Medical-BCBS
- Renewal 7.1% HDHP / 7.9% PPO
- Packaged with Dental, Vision, Life, Disability
- 2021 CY Loss Ratio was 131%
- 2022 CY Loss Ratio was 111.3%
- 2023 CY Loss Ratio was 92.74%
- 2024 CY Loss Ratio was 98.5%
- 2025 CY Loss Ratio was 102%
- 2026 YTD through March 109%

Vision-BCBS VSP
- 2027 Rate Hold; no plan changes

Dental-BCBS
- 2027 Rate Hold; no plan changes

Base Life & LTD-USAble
- 2027 Rate Hold; no plan changes

FSA-American Fidelity
- Continue with administrator

HSA-First Security Bank
- Continue with current administrator
- No Employer contribution changes

Cobra-CAS
- Continue with current administer

Voluntary Benefits-American Fidelity
- Renew all benefits with no changes

Bree Health Employee Assistance Program
- Renew all benefits with no changes
- Cost is $1.40 per employee per month

Historical Lookback

Renewal Year	Percent of Increase
2016	6.4%
2017	5.6%
2018	20%
2019	15%
2020	0%
2021	6%
2022	16.8%
2023	16.8%
2024	4.9%
2025	3.70%
2026	2.60%
2027	7.10%

Experience Period	Total Claims	Premium	Paid Loss Ratio
5/1/15 - 4/30/16	$4,322,202	$4,216,666	102.5%
5/1/16 - 4/20/17	$4,576,036	$4,513,431	101.4%
5/1/17 - 4/30/18	$4,713,036	$4,913,154	95.3%
5/1/18 - 4/30/19	$4,831,586	$5,757,503	83.9%
5/1/19 - 4/30/20	$5,455,647	$6,274,795	86.9%
5/1/20 - 4/20/21	$5,719,772	$6,270,906	91.2%
5/1/21 - 4/30/22	$7,289,359	$6,248,761	116.7%
5/1/22 - 4/30/23	$6,897,808	$6,084,374	113.3%
5/1/23-4/30/24	$6,728,829	$7,319,883	92%
5/1/24-4/30/25	$7,923,055	$8,009,406	99%
4/1/25-3/31/26	$8,803,093	$8,042,015	109%
Totals	**$67,260,423**	**$67,650,894**	**99.4%**

Medical-HDHP

Medical	CURRENT Non Grandfathered BCBS of Arkansas $3,400 HDHP	Renewal Non Grandfathered BCBS of Arkansas $3,500 HDHP
Benefit Comparison	**In-Network**	**In-Network**
Eligibility Definition	All Actively at Work Full Time Employees	All Actively at Work Full Time Employees
Annual Individual / Family Deductible	$3,400 / $6,800	$3,500 / $7,000
Deductible Type	Embedded	Embedded
Coinsurance	Member pays 0% AD	Member pays 0% AD
Annual Out-of-Pocket Maximum	$3,400 / $6,800	$3,500/$7,000
Out-of-Network Coinsurance	Member pays 20% AD	Member pays 20% AD
Preventive Benefit	No Charge if In-Network	No Charge if In-Network
RX - Tier 1 / Tier 2 / Tier 3	Member pays 0% AD	Member pays 0% AD
RX - Specialty	Member pays 0% AD	Member pays 0% AD
RX Mail Order - 90 Day Supply	Available	Available

Deductible change due to IRS revised limit for embedded deductibles

Medical-PPO Plan

Brown & Brown INSURANCE
EMPLOYEE BENEFITS

Medical	Current Non Grandfathered BCBS of Arkansas $1,000 PPO	Renewal Non Grandfathered BCBS of Arkansas $1,000 PPO
Benefit Comparison	**In-Network**	**In-Network**
Eligibility Definition	All Actively at Work Full Time Employees	All Actively at Work Full Time Employees
Annual Individual / Family Deductible	$1,000 / $2,000	$1,000 / $2,000
Deductible Type	Fulfillment	Fulfillment
Coinsurance	Member pays 20% AD	Member pays 20% AD
Annual Out-of-Pocket Maximum	$3,000 / $6,000	$3,000 / $6,000
Out-of-Network Coinsurance	Member pays 40% AD	Member pays 40% AD
Preventive Benefit	No Charge if In-Network	No Charge if In-Network
RX - Tier 1 / Tier 2 / Tier 3	$10 / $40 / $60	$10 / $40 / $60
RX - Specialty	$150	$150
RX Mail Order - 90 Day Supply	Available	Available

Health Plan Comparison 2026 vs 2027

Brown & Brown INSURANCE EMPLOYEE BENEFITS

PPO PLAN

Rate Tier	Enrolled	2026 Total Premium	2027 Total Premium	2026 Employee Contribution	2027 Employee Contribution	2027 Employee Increase	2026 Employer Contribution	2027 Employer Contribution	2027 Employer Increase	Employee/Employer Cost - Share %
Employee Only	27	$958.32	$1,034.02	$244.28	$263.57	$19.29	$714.04	$770.45	$56.41	25.49%/74.51%
Employee + Spouse	5	$2,089.62	$2,254.38	$788.82	$851.03	$62.21	$1,300.80	$1,403.35	$102.55	37.75%/62.25%
Employe + Child(ren)	1	$1,724.94	$1,861.20	$651.16	$702.60	$51.44	$1,073.78	$1,158.60	$84.82	37.75%/62.25%
Family	1	$2,844.06	$3,068.74	$1,073.62	$1,158.45	$84.83	$1,770.44	$1,910.29	$139.85	37.75%/62.25%
Total Monthly	34	$40,891.74	$44,120.38	$12,264.44	$13,232.59	$968.15	$28,627.30	$30,887.79	$2,260.49	
Total Annual		**$490,700.88**	**$529,444.56**	**$147,173.28**	**$158,791.08**	**$11,617.80**	**$343,527.60**	**$370,653.48**	**$27,125.88**	
Total Premium Change			$38,743.68							
% Change			7.9%							

HDHP PLAN

Rate Tier	Enrolled	2026 Total Premium	2027 Total Premium	2026 Employee Contribution	2027 Employee Contribution	2027 Employee Increase	2026 Employer Contribution	2027 Employer Contribution	2027 Employer Increase	Employee/Employer Cost - Share %
Employee Only	328	$479.98	$513.94	$67.48	$72.26	$4.78	$412.50	$441.68	$29.18	14.06%/85.94%
Employee + Spouse	126	$1,035.22	$1,108.48	$154.04	$164.94	$10.90	$881.18	$943.54	$62.36	14.88%/85.12%
Employe + Child(ren)	85	$784.18	$839.66	$116.68	$124.94	$8.26	$667.50	$714.72	$47.22	14.88%/85.12%
Family	241	$1,453.72	$1,556.62	$216.30	$231.63	$15.33	$1,237.42	$1,324.99	$87.57	14.88%/85.12%
Total Monthly	780	$704,872.98	$754,757.32	$103,588.58	$110,926.45	$7,337.87	$601,284.40	$643,830.87	$42,546.47	
Total Annual		**$8,458,475.76**	**$9,057,087.84**	**$1,243,062.96**	**$1,331,117.40**	**$88,054.44**	**$7,215,412.80**	**$7,725,970.44**	**$510,557.64**	
Total Premium Change			$598,612.08							
% Change			7.1%							
Total		**$8,949,176.64**	**$9,586,532.40**							
Change from Current Premium			**$637,355.76**							

HDHP/HSA IRS 2027

The IRS made changes to both HDHP deductibles and HSA contribution limits.

- HDHP deductibles will be increasing to:
  - $3,500 from $3,400 for an individual
  - $7,000 from $6,800 for family

- HSA contribution limits will be increasing to:
  - $4,500 from $4,400 for an individual
  - $9,000 from $8,750 for family

HSA Contributions for HDHP Plan

Brown & Brown INSURANCE
EMPLOYEE BENEFITS

2027 HSA Contributions					
Plan Tier	City's Contribution (per payroll)	City's contribution (per month)	City's Contribution (annual)	Employee's Maximum Annual Contribution*	IRS **Max** Annual Contribution
EE	$43.75	$87.50	$1,050.00	$3,450.00	$4,500.00
ES	$61.67	$123.34	$1,480.08	$7,519.92	$9,000.00
EC	$78.75	$157.50	$1,890.00	$7,110.00	$9,000.00
Family	$95.00	$190.00	$2,280.00	$6,720.00	$9,000.00

Single Dental

Voluntary Dental	CURRENT / Renewal Arkansas BCBS PPO Plus
Benefit Comparison	**In-Network**
Eligibility Definition	All Actively at Work Full Time Employees
Individual / Family Deductible	$50 / $150
Annual Benefit Maximum	$1,500
Carry-Over Benefit	$500 benefit/ $700 threshold / $1,250 max benefit
Coverage Waiting Periods	None
Out of Network Reimbursement / MPA	90% / 70% / 40%
Preventive & Diagnostic Care Benefit	100%
Preventive & Diagnostic Services	Exams, Cleanings, Fluoride, X-Rays, Sealants
Basic Care Benefit	80% after deductible
Major Care Benefit	50% after deductible
Orthodontia Benefit	50% - $1,500 (lifetime max)
Orthodontia Eligibility	Dependent Children to Age 19

Dual Vision

Voluntary Vision	CURRENT / Renewal Arkansas BCBS Gold II VSP Network	CURRENT / Renewal Arkansas BCBS Silver II VSP Network
Benefit Comparison	**In-Network**	**In-Network**
Eligibility Definition	All Actively at Work Full Time Employees	All Actively at Work Full Time Employees
Frequency of Service - Exam/Lenses/Frames	12 / 12 / 12	12 / 12 / 24
Eye Exam	$10 Copay	$10 Copay
Single Vision Lenses	$10 Copay	$15 Copay
Bifocal Lenses	$10 Copay	$15 Copay
Trifocal Lenses	$10 Copay	$15 Copay
Frames	$150 retail allowance	$130 retail allowance
Contact Lenses Exam - Standard	Not to exceed $60	Not to exceed $60
Contact Lenses Exam - Specialty		
Contact Lenses - Elective (conventional or disposable) ***In Lieu of Frames & Lenses***	$150 retail allowance	$130 retail allowance
Contact Lenses - Medically Necessary	$10 Copay	$15 Copay

Bree Health Employee Assistance Program (EAP)

Bree Health offers a comprehensive range of services designed to support your mental health and well-being. Our goal is to make accessing care as easy and effective as possible, so you can focus on what matters most. This includes 8 face to face visits per year per incidence for all household members.

BREE HEALTH FEATURES	
Counseling and Certified Life Coaching (8-session Model)	✓
CBT AI Solutions Paths	✓
Bree Video Library (Relaxation, Meditation, and Insights)	✓
Bree Health Mobile App & Web Portal	✓
Work Life Services (Legal, Financial, Virtual Concierge, e-learning, & Employee Discounts)	✓
Health Advocacy	✓
HR Support and Education	✓
Full Promotional Campaign	✓
On-site Trauma Response (CISD) & Organizational Training (4 Hours of CISD, 6 Hours of Training)	✓
Implementation Fee	*N/A*

CERTIFIED LIFE COACHING & COUNSELING

Access to Certified Life Coaching & Counseling for a variety of personal and professional needs, including managing stress, career growth, relationship challenges, and family matters.

SOLUTIONS PATHS

Get personalized Solutions Paths with step-by-step guidance, tools, and resources that adapt to your needs, providing continuous support to reach your goals.

LEGAL & FINANCIAL RESOURCES

Access no-cost 30-minute legal consultations, 90-minute financial consultations, a library of tools and resources, and discounted rates for continued services.

BREE VIDEO LIBRARY

Access guided meditations, relaxation videos, educational content, and weekly mood-boosting insights to enhance your focus and refresh your mind.

VIRTUAL CONCIERGE SERVICES

Provides dedicated Personal Assistants to help with research, referrals, and information on child/elder care, travel, events, entertainment, relocation, and more.

EMPLOYEE DISCOUNTS

Enjoy exclusive savings on events, entertainment, travel, shopping, experiences, and more through our partner, Working Advantage.

HEALTH ADVOCACY

Get expert support navigating healthcare, from finding providers and managing billing issues to understanding insurance benefits and making informed care decisions.

CONFIDENTIAL ASSISTANCE

We ensure that your information and identity is kept completely confidential - even from your employer. Exceptions occur only when members are at risk of harming themselves or others or when the welfare of a child is in question.



THANK YOU!

Brown & Brown

Any solicitation or invitation to discuss insurance sales or servicing is being provided at the request of Brown & Brown Insurance Services, Inc.. Brown & Brown Insurance Services, Inc. only provides insurance related solicitations or services to insureds or insured risks in jurisdictions where it and its individual insurance professionals are properly licensed.

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City of Fayetteville
2027-2028 Pricing Summary

BREE HEALTH FEATURES	
Counseling and Certified Life Coaching (8-session Model)	✓
CBT AI Solutions Paths	✓
Bree Video Library (Relaxation, Meditation, and Insights)	✓
Bree Health Mobile App & Web Portal	✓
Work Life Services (Legal, Financial, Virtual Concierge, e-learning, & Employee Discounts)	✓
Health Advocacy	✓
HR Support and Education	✓
Full Promotional Campaign	✓
On-site Trauma Response (CISD) & Organizational Training *(*4 Hours of CISD, 6 Hours of Training)	✓
Implementation Fee	*N/A*
PEPM Cost for Eligible Employees: 8 Sessions – per issue, per year *(Spouses and Dependents are covered at no additional cost)*	$1.40
Annual Investment for ~852 Employees	$14,313.60

Rate hold through 12/31/2028

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2280

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH:

FROM: Steven Dotson, Chief Financial Officer

SUBJECT: **Telecommunications Franchise Agreement with OzarksGo, LLC**

RECOMMENDATION:
Staff recommends approval of an Resolution authorizing the Mayor to execute a Non-Exclusive Telecommunications Franchise Agreement with OzarksGo, LLC, for the placement and maintenance of buried and aerial fiber optic cables and other broadband system equipment and facilities for the provision of broadband and telephone services within the City's public rights-of-way.

BACKGROUND:
Arkansas Code Annotated § 14-200-101 authorizes municipalities to grant franchises for the use of public rights-of-way by public utilities. OzarksGo, LLC has requested a non-exclusive telecommunications franchise to construct, operate, maintain, and upgrade fiber optic facilities within City rights-of-way to provide broadband internet and telephone services to customers within the City of Fayetteville.

The proposed agreement establishes the terms and conditions governing OzarksGo's use of public rights-of-way, including construction standards, permitting requirements, insurance and bonding requirements, relocation obligations, and franchise fee payments.

DISCUSSION:
The proposed Resolution authorizes the execution of a Non-Exclusive Telecommunications Franchise Agreement with OzarksGo, LLC, allowing the company to install, operate, maintain, and upgrade fiber optic facilities within the City's public rights-of-way to provide broadband internet and telephone services. The franchise is non-exclusive, meaning the City retains the authority to grant similar franchises to other telecommunications providers.

The agreement establishes the terms and conditions governing OzarksGo's use of the City's rights-of-way. The company will be required to obtain all necessary permits and comply with City standards for construction, maintenance, restoration, and operation of its facilities. The agreement also requires OzarksGo to maintain appropriate insurance coverage and a $100,000 performance bond to ensure that any damage to public infrastructure resulting from construction activities is repaired in accordance with City requirements.

As compensation for the use of the public rights-of-way, OzarksGo will remit a franchise fee equal to four percent (4%) of its gross revenues derived from broadband and telephone services provided within the City. Franchise fees will be remitted monthly, and the agreement provides the City with the authority to review records necessary to verify compliance with the payment requirements.

The agreement also requires OzarksGo to relocate or remove its facilities, at its expense, when necessary to accommodate public improvements or other municipal projects. In addition, the agreement includes provisions allowing the City to terminate the franchise in the event of material noncompliance following notice and an opportunity for the company to cure the violation. Upon approval of the ordinance and execution by both parties, the franchise agreement will become effective on August 1, 2026.

BUDGET/STAFF IMPACT:
Approval of the Resolution is anticipated to generate franchise fee revenue equal to 4% of OzarksGo's gross revenues from broadband and telephone services provided within the City, although the amount will depend on subscriber growth and service revenues.

ATTACHMENTS: 3. Staff Review Form, 4. Non-Exclusive Telecommunications Franchise Agreement for Broadband and Telephone Services

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2280

A RESOLUTION TO APPROVE A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE AGREEMENT WITH OZARKSGO, LLC FOR THE PLACEMENT AND MAINTENANCE OF BURIED AND AERIAL FIBER OPTIC CABLES AND OTHER BROADBAND SYSTEM EQUIPMENT WITHIN THE CITY'S PUBLIC RIGHTS-OF-WAY

WHEREAS, A.C.A. § 14-200-101 authorizes municipalities to grant franchises for the use of public rights-of-way by public utilities; and

WHEREAS, OzarksGo, LLC has requested a non-exclusive telecommunications franchise agreement to construct, operate, maintain, and upgrade fiber optic facilities within the City to provide non-regulated broadband internet and telephone services; and

WHEREAS, as compensation for the use of the public rights-of-way, OzarksGo will remit a franchise fee equal to four percent (4%) of its gross revenues derived from non-regulated broadband and telephone services provided within the City.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Rawn to sign a non-exclusive telecommunications franchise agreement with OzarksGo, LLC. for the placement and maintenance of buried and aerial fiber optic cables and other broadband system equipment within the City's public rights-of-way with a franchise fee of 4% of gross revenues derived from non-regulated broadband and telephone services provided within the City.

City of Fayetteville Staff Review Form

2026-2280

Item ID

7/21/2026

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

Steven Dotson	7/1/2026	CHIEF FINANCIAL OFFICER (110)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approval of an ordinance authorizing the Mayor to execute a Non-Exclusive Telecommunications Franchise Agreement with OzarksGo, LLC, for the installation, operation, and maintenance of broadband and telephone facilities within the City's public rights-of-way.

Budget Impact:

1010.001.0001-4105.14	General
Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Amendment attached?	No	Budget Amendment	$	-
		Remaining Budget	$	-

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE AGREEMENT for Broadband and Telephone Services

This Agreement is entered into this 1st day of July, 2026, between the City of Fayetteville, Arkansas, a municipal corporation duly organized pursuant to the laws of the State of Arkansas, and OzarksGo, LLC, a corporation authorized to do business in the State of Arkansas.

WITNESSETH

WHEREAS, Fayetteville recognizes that broadband internet and telephone services are essential telecommunication services within the City of Fayetteville; and

WHEREAS, OzarksGo, LLC may seek to use public rights-of-way, which may include streets, alleys, sidewalks and public utility easements available for broadband and telephone system purposes that belong to or are controlled by the City or which are held in trust for the public by the City, hereinafter referred to as the "public rights-of-way," to install conduit, aerial or other cased fiber optic facilities which may be used by OzarksGo, LLC to offer broadband internet and telephone services at retail or wholesale to the general public within the City; and

WHEREAS, the Parties agree that these broadband internet services are nonregulated broadband services, as defined by Ark. Code Ann. § 23-18-802(8), and that they constitute a telecommunications service and, therefore, a utility for which a written franchise agreement may be entered pursuant to Ark. Code Ann. § 14-200-101 and Fayetteville City Code § 110.02 **Telecommunication Franchises**; and

WHEREAS, the City intends to exercise the full scope of its municipal powers, including both its police power and contracting authority, to promote the public interest and to protect the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, IN CONSIDERATION OF THE COVENANTS AND AGREEMENTS SET FORTH BELOW, THE PARTIES DO HEREBY CONTRACT AND AGREE AS FOLLOWS:

Section 1: (a) Subject to the provisions of this Agreement and § 110.02 of the Fayetteville Code, a non-exclusive Telecommunications Franchise is hereby granted to OzarksGo, LLC for the placement and maintenance of buried and aerial fiber optic cables and other broadband system

equipment and facilities for the provision of broadband and telephone services (the "Services") in the public rights-of-way as approved by the City of Fayetteville to serve customers within the City.

(b) The failure of OzarksGo, LLC to meet any of the terms of this Agreement shall, after sixty (60) days-notice and opportunity to cure, constitute cause for termination of this franchise by the City. Any termination will be declared in writing by the Mayor of the City of Fayetteville and shall be subject to due process review by the Fayetteville City Council.

(c) This franchise is non-exclusive, and nothing in this Agreement shall limit or otherwise impact the right of the City to enter into other franchise agreement with other parties.

(d) All references to the City Engineer shall be deemed to refer to the City Engineer or the employees of the City designated by the City Engineer.

Section 2: (a) All work involved in the construction, operation, maintenance, repair, upgrade, and removal of materials, equipment, and other facilities (the "Facilities") used for the provision of the Services shall be performed by OzarksGo, LLC in a manner and using material in accordance with City standards as determined by the City Engineer. OzarksGo, LLC shall bore streets whenever possible. Where street cuts are unavoidable, as determined by the City Engineer, they shall be approved by the City Engineer and performed in accordance with the City's Unified Development Code. This shall include obtaining an excavation permit or any other permit required by the City and compliance with all applicable provisions of Chapter 171, Streets and Sidewalks of the Fayetteville Unified Development Code.

(b) Any construction project, including initial installation, will be completed by OzarksGo, LLC within ninety (90) days from the date of commencement (if any City permit is necessary, the date of the permit shall be the "date of commencement"), provided the City Engineer may allow reasonable extension due to unexpected weather, acts of God or other reasonable circumstances that in the sole discretion of the City Engineer justify an extension of the project target completion date. Failure to complete the project by the completion date will result in the assessment of liquidated damages in an amount determined in writing by the City Engineer at the time the City issues any permit or authorizations for the construction project (or the sum of $250.00 per day if other sum is not so established).

Section 3: The City Shall have no responsibility for the maintenance of OzarksGo, LLC's Facilities. If those Facilities are damaged to the point of becoming inoperable in any manner, they shall be removed by OzarksGo, LLC at OzarksGo, LLC's sole cost and expense and in a manner approved by the City Engineer. The City Engineer may allow abandonment rather than removal if removal would cause undue hardship to OzarksGo, LLC and is not necessary for the public good.

Section 4: OzarksGo, LLC shall hold the City of Fayetteville harmless from and indemnify the City from all expenses, losses, costs, causes of action and judgments, including legal fees and expenses, arising from the placement, maintenance operation, repair and removal of said Facilities.

Section 5: OzarksGo, LLC shall be a member of and shall conform to the requirements of the Arkansas One Call system for all purposes including field locations of utilities prior to placement of its Facilities and any maintenance or repair work thereto.

Section 6: OzarksGo, LLC shall place a $100,000.00 standing performance bond with the City to cover the cost of repairs or other incidental costs to the City associated with service interruption to the City's utilities or other public infrastructure resulting from the installation of any Facilities by OzarksGo, LLC within public rights-of-way or easements.

Section 7: OzarksGo, LLC shall procure and maintain in effect the following insurance policies in amounts determined appropriate by the City Engineer at the time of issuance of permits or authorizations for construction activities: Commercial General Liability Insurance, Automobile Liability Insurance, and Workers Compensation Insurance.

Section 8: The Franchise Fee for all Services is set at four percent (4%) of OzarksGo, LLC's Gross Revenues received for its Services within Fayetteville during the preceding month pursuant to State law, and § 110.02(G) of the Fayetteville Code. OzarksGo, LLC as the franchisee may, to the extent allowed by law, bill its customers within the corporate limits of the City the franchise fee and reflect such charge on its invoices to customers within the corporate limits of the City. Pursuant to § 110.02(G)(3), OzarksGo, LLC shall remit the franchise fees collected to the City monthly accompanied by a statement certified as true by an appropriate employee explaining the basis of the calculation on which the payment was made. Pursuant to § 110.02(G)(4), the City has the right to inspect and copy OzarkGo, LLC's books and records that are reasonably necessary to determine compliance.

Section 9: OzarksGo, LLC shall, at its expense, protect, support, temporarily disconnect, relocate or remove from the subject public rights-of-way any property of OzarksGo, LLC when required at the sole discretion of the City due to City installation or construction of any type of structure or improvement or due to traffic conditions, public safety, street vacation, freeway and street construction, a change or establishment of street grade, installation or construction of sewers, drains or water pipes. In such case OzarksGo, LLC shall have the right to abandon its property, subject to prior written approval of the City Engineer. If federal or state funds are available at no expense to the City (including actual cost or the cost of a pro-rata obligation of the City where a project is funded partially by the State or federal funds and partially by the City funds) for the purpose of defraying the costs of any utility company of any of the foregoing, such funds shall also be made available to OzarksGo, LLC if the federal or state regulations permit.

Section 10: The City shall comply with the applicable provisions of the Arkansas Underground Facilities Damage Prevention Act, Ark. Code Ann. § 14-271-101, et seq., provided that nothing

herein shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville under the Constitution and Statutes of the State of Arkansas.

Section 11: Any notice of communications required in the administration of this Agreement shall be sent by first class mail and electronic mail and shall be addressed as follows:

City of Fayetteville
Attn: Mayor's Office
113 W. Mountain Street
Fayetteville, AR 72701
mayorsoffice@fayetteville-ar.gov

A copy of the notice shall also be sent by email to city_attorney@fayetteville-ar.gov.

OzarksGo, LLC
Attn: Chris Holloway
P.O. Box 848
Fayetteville, AR 72702
cholloway@ozarksgo.net

A copy of the notice shall also be sent by email to sbandy@ozarksgo.net.

or to such other physical or email address as OzarksGo, LLC and the City of Fayetteville may, in writing, designate from time to time.

WHEREUPON, the City and OzarksGo, LLC, acting through their duly authorized officers and pursuant to appropriate authority granted by their respective authorizing body or governing documents, do hereby execute this Franchise Agreement with an effective date of **August 1, 2026**.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
MOLLY RAWN, Mayor

ATTEST:

By: _____
KARA PAXTON, City Clerk Treasurer

OZARKSGO, LLC

By: Chris Holloway

WITNESS:

By: _____

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2276

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Chris Brown, Public Works Director

FROM: Justin Bland, City Engineer

SUBJECT: **Plainview Ave. Construction Manager Contract**

RECOMMENDATION:
Engineering Staff recommends approval of the Preconstruction Services Proposal from Emery Sapp & Sons in the amount of $50,500 for the Plainview Ave. project, pursuant to RFQ 26-03.

BACKGROUND:
The construction of the Plainview Ave. project is expected to have some complexity with respect to maintaining traffic through the Fiesta Square shopping center and the intersection of College Ave. and Rolling Hills Dr. Due to this, staff is proposing to use a Construction Manager method of project delivery rather than the traditional design-bid process. A Construction Manager will allow for more involvement with the contractor during the design of the project. In addition, the Construction Manager will be able to be more responsive to requests from property owners/tenants during construction.

DISCUSSION:
Since Construction Managers are considered a professional service, staff posted a request for qualifications for the Plainview Ave. project (RFQ 26-03). Staff received four responses to this request, of which three firms were selected to be interviewed. After the interview, the selection committee chose Emery Sapp & Sons (ESS) for this work. ESS has reviewed the project documents and provided the attached document for pre-construction services. This scope of work will allow them to begin collaborating with the civil engineering consultant on the final design, prepare bid packages and begin site exploration for utility and geotechnical concerns. Once the project is bid, ESS will propose a guaranteed maximum price for the project which staff will present to the Transportation Committee and City Council for approval.
This contract was reviewed by the Transportation Committee at their June 30th meeting and reccomended to be forward to City Council for approval.

BUDGET/STAFF IMPACT:
This will be funded from Transportation Bond funds using the account below:

Description	Account	Project	Amount
Transportation Bond Program	4702.860.7221-5809.00	46020.7221.1000	$50,500

ATTACHMENTS: 3. Staff Review Form, 4. RFQ 26-03 ESS Contract Complete

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2276

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A RESOLUTION TO AWARD RFQ #26-03 AND AUTHORIZE A GENERAL CONTRACTOR CONSTRUCTION MANAGEMENT CONTRACT WITH EMERY SAPP & SONS IN THE INITIAL AMOUNT OF $50,500.00 FOR THE PLAINVIEW AVENUE PROJECT

WHEREAS, the construction of the Plainview Avenue project is expected to have some complexity with respect to maintaining traffic through the Fiesta Square shopping center and the intersection of College Avenue and Rolling Hills Drive; and

WHEREAS, a Construction Manager will allow for more involvement with the contractor during the design of the project and will be able to be more responsive to requests from property owners/tenants during construction; and

WHEREAS, the initial scope of work will allow them to begin collaborating with the civil engineering consultant on the final design, prepare bid packages and begin site exploration for utility and geotechnical concerns and, once the project is bid, Emery Sapp & Sons will propose a guaranteed maximum price for the project.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards RFQ #26-03, and authorizes Mayor Rawn to sign a general contractor construction management contract with Emery Sapp & Sons in the initial amount of $50,500.00 for the Plainview Avenue Project.

City of Fayetteville Staff Review Form

2026-2276

Item ID

7/1/2026

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

Justin Bland	7/2/2026	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Engineering Staff recommends approval of the Preconstruction Services Proposal from Emery Sapp & Sons in the amount of $50,500 for the Plainview Ave. project.

Budget Impact:

4702.860.7221-5809.00	Streets Projects 2022 Bonds
Account Number	Fund
46020.7221.1000	Hwy 71B Corridor, Appleby/Plainview/Rolling Hills Connection
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	4,947,863.00
		Expenses (Actual+Encum)	$	4,229,037.68
		Available Budget	$	**718,825.32**
Does item have a direct cost?	Yes	Item Cost	$	50,500.00
Is a Budget Amendment attached?	No	Budget Amendment	$	-
		Remaining Budget	$	**668,325.32**

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

Docusign Envelope ID: 9E7E4B28-49E0-865B-83C3-9202CB334727

CITY OF FAYETTEVILLE ARKANSAS

Contract for General Contractor Construction Management Services Plainview Avenue Extension BETWEEN City of Fayetteville, Arkansas and Emery Sapp & Sons, Inc.

THIS AGREEMENT is made this _____ day of _____, 2026, by and between **City of Fayetteville**, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE or CITY) and **Emery Sapp & Sons, Inc.** (general contractor construction manager, hereinafter called GCCM, Construction Manager, or Emery Sapp), and CITY OF FAYETTEVILLE from time to time requires professional GCCM services in connection with the evaluation of design, and/or construction supervision of capital improvement projects. Therefore, CITY OF FAYETTEVILLE and GCCM in consideration of their mutual covenants agree as follows:

GCCM shall serve as CITY OF FAYETTEVILLE's professional GCCM consultant in those assignments to which this Agreement applies and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of services defined in the scope of work. All services shall be performed under the direction of a GCCM registered in the State of Arkansas and licensed by the Arkansas Contractor's Licensing Board with a Municipal and Utility Construction classification.

1. **Contracted parties and relationship:** This agreement shall be binding between all parties. Fees for GCCM services shall be provided as identified in appendices:
    a. EMERY SAPP's Tax identification number (TIN) ending in 8848
    b. EMERY SAPP's Arkansas Contractor License No. 0133390426
    c. EMERY SAPP's Secretary of State Filing No. 100212597

2. **Entire Agreement and Exhibits:** This Agreement sets forth the entire agreement and understanding between the parties on the subject matter of this Agreement. Neither party shall be bound by any conditions, definitions, representations or warranties with respect to the subject matter of this Agreement other than those as expressly provided herein.
    a. Appendices included under this agreement include the following:
        i. **Appendix A**: Scope of Work
        ii. **Appendix B**: GCCM Fee Schedule
        iii. **Appendix C**: RFQ 26-03, GCCM for Plainview Avenue Extension
        iv. **Appendix D:** EMERY SAPP's Response to RFQ 26-03
        v. **Appendix E**: EMERY SAPP's current Certificate of Insurance
    b. This agreement may be modified only by a duly executed written instrument signed by the CITY and GCCM.
    c. ORDER OF PRECEDENCE: In case of any inconsistency, conflict, or ambiguity among the Contract Documents, the documents shall govern in the following order: (a) Change Orders, affidavits, and written amendments to this Agreement which are executed by all parties; (b) the Agreement; (c) GCCM's response to RFQ 26-03 (d) City's published RFQ 26-03 and associated Addenda and attachments.

3. **Notices:** Any notice required under this Agreement shall be in writing, address to the appropriate party at the following addresses:
    a. City of Fayetteville: Attention: Mayor Molly Rawn, 113 W. Mountain, Fayetteville, AR 72701
    b. Emery Sapp & Sons, Inc.: Attention: Jason Eldredge, 5168-A North Oak, Springdale, AR 72764

Docusign Envelope ID: 9E7E4B28-49E0-865B-83C3-9202CB334727

4. General Provisions:

a. ETHICS: All parties shall perform with integrity. Each shall avoid conflicts of interest and promptly disclose to any other part any conflicts that may arise. All parties warrant that it has not and shall not pay or receive any contingent fees or gratuities to or from any other party, including agents, officer's employers, Subcontractors, Sub subcontractors, Suppliers, Volunteers, Elected Officials, or Others to secure preferential treatment.

b. When the Construction Documents, Guaranteed Maximum Price (GMP), and other descriptive documents defining the work are complete, they shall be identified and included in this Agreement by mutually agreed upon amendment to this Agreement.

c. Workmanship: The Work shall be executed in accordance with the Contract Documents in a workmanlike manner. All materials used in the Work shall be furnished in sufficient quantities to facilitate the proper and expeditious execution of the Work and shall be new except as otherwise provided in the Contract Documents.

d. MATERIALS FURNISHED BY OWNER OR OTHERS: If the Work includes installation of materials or equipment furnished by City or Others, it shall be the responsibility of Construction Manager to examine the items so provided and thereupon handle, store, and install the items, unless otherwise provided in the Contract Documents, with such skill and care as to provide a satisfactory and proper installation. Loss or damage due to acts or omissions of Construction Manager shall be the responsibility of Construction Manager and may be deducted from any amounts due or to become due to Construction Manager after Construction Manager's failure to provide a remedy within 21 calendar days of written notification by City. Any defects discovered in such materials or equipment shall be reported at once to the City and the City's contracted third-party Design Professional. Following receipt of written notice from Construction Manager of defects, City and Design Professional shall promptly inform Construction Manager what action, if any, Construction Manager shall take with regard to the defects.

e. WORKSITE VISIT: Construction Manager acknowledges that it has visited, or has had the opportunity to visit, the Worksite to visually inspect the general and local conditions which could affect the Work.

f. If applicable, Construction Manager shall perform cutting, fitting, and patching necessary to coordinate the various parts of the Work and to prepare its Work for the work of City or Others.

    i. Cutting, patching, or altering the work of City or Others shall be done with the prior written approval of City and Design Professional. Such approval shall not be unreasonably withheld.

g. COMPLIANCE WITH LAWS: Construction Manager shall comply with all the Law at its own cost. Construction Manager shall be liable to City for all loss, cost, or expense attributable to any acts or omissions by Construction Manager, its employees, subcontractors, suppliers, and agents for failure to comply with Laws, including fines, penalties, or corrective measures.

    i. CHANGES IN THE LAW: The GMP, estimated Cost of the Work, Construction Manager's Fee, Date of Substantial Completion or Date of Final Completion, and, if appropriate, the Compensation for Preconstruction Services shall be equitably adjusted for additional costs or time needed resulting from Laws enacted after the date of this Agreement, including taxes.

h. COST OF CORRECTING DAMAGED OR DESTROYED WORK: With regard to damage or loss attributable to the acts or omissions of City or Others and not to Construction Manager, City may either (a) promptly remedy the damage or loss and assume affected warranty responsibilities, (b) accept the damage or loss, or (c) issue a Change Order to remedy the damage or loss. If Construction Manager incurs costs or is delayed due to such loss or damage, Construction Manager may seek an equitable adjustment in the GMP, estimated Cost of the Work, Construction Manager's Fee, Date of Substantial Completion or Date of Final Completion,

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and, if appropriate, the Compensation for Preconstruction Services under this Agreement. Any equitable adjustment shall be approved by all parties.

i. Taxes and Permits: Construction Manager shall give public authorities all notices required by law and shall obtain and pay for all necessary permits, licenses, taxes, and renewals pertaining to the Work. Construction Manager shall provide to City copies of all notices, permits, licenses, and renewals required under this Agreement.

j. DISCOUNTS: All discounts for prompt payment shall accrue to City. All trade discounts, rebates, and refunds, and all returns from sale of surplus materials and equipment, shall be credited to the Cost of the Work, or directly to the City after final payment, provided City makes prompt payment to Construction Manager within time constraints to obtain prompt payment discounts from vendors.

k. City may occupy or use completed or partially completed portions of the Work when (a) the portion of the Work is designated in a Certificate of Substantial Completion, (b) appropriate insurer(s) consent to the occupancy or use, and (c) public authorities authorize the occupancy or use. Construction Manager shall not unreasonably withhold consent to partial occupancy or use.

l. JOINT DRAFTING: All Parties expressly agree that this Agreement was jointly drafted, and that both had opportunity to negotiate its terms and to obtain the assistance of counsel in reviewing its terms before execution. Therefore, this Agreement shall be construed neither against nor in favor of either Party but shall be construed in a neutral manner.

m. EXTENT OF AGREEMENT: Except as expressly provided, this Agreement is for the exclusive benefit of all Parties, and not the benefit of any third party. This Agreement represents the entire and integrated agreement between the Parties, and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement and each and every provision is for the exclusive benefit of all Parties and not for the benefit of any third party.

n. ASSIGNMENT: Except as to the assignment of proceeds, no Party shall assign their interest in this Agreement without the written consent of the other Party. The terms and conditions of this Agreement shall be binding upon all Parties, their partners, successors, assigns, and legal representatives. No Party shall assign the Agreement without written consent of the other.

o. Where figures are given, they shall be preferred to scaled dimensions.

p. The drawings and specifications are complementary. If Work is shown only on one but not on the other, Construction Manager shall perform the Work as though fully described on both. GCCM shall seek clarification from Design Professional for any discrepancies.

q. In case of conflicts between the drawings and specifications, the specifications shall govern. In any case of omissions or errors in figures, drawings, or specifications, Construction Manager shall immediately submit the matter to City and Design Professional for clarification, upon GCCM becoming aware of the conflict. Design Professional should be the initial Decision Maker but GCCM has right to claim if decision is disputed. GCCM and Owner will work through the claim to develop a resolution.

r. DEBARMENT AND SUSPENSION**:** By execution of this agreement, GCCM certifies that to the best of its knowledge and belief that the GCCM and its principals:

   i. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

   ii. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission

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of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

iii. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and

iv. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

v. GCCM understands that a false statement on certification regarding debarment and suspension may be grounds for rejection of this proposal or termination of the award. I further certify that I will obtain a similar certification for each subcontract awarded in excess of $25,000.

vi. Certifications for subcontracts or sub-subcontracts executed under this agreement shall include all language in this section.

5. Definitions:

a. Unless otherwise specifically defined in this Agreement, any terms that have well-known technical or trade meanings shall be interpreted in accordance with their well-known meanings.

b. “Business Day” means all Days, except weekends and official federal or state holidays where the Project is located.

c. A “Change Order” is a written order signed by all Parties after execution of this Agreement, indicating changes in the scope of the Work.

d. “Contract Time” is the period between the Date of Notice to Proceed and the total time authorized to achieve Final Completion.

e. “Cost of the Work” means the sum of all allowed direct and indirect costs necessarily and reasonably incurred and paid by GCCM in the performance of the Work including those set forth in the Guaranteed Maximum Price Amendment.

f. The “General Contractor Construction Manager” (GCCM or CM) is the person or entity identified in this contract and includes Construction Manager's Representative.

g. “Day” means a calendar day unless otherwise specified.

h. “Defective Work” is any portion of the Work that that does not conform with the requirements of the Contract Documents.

i. “Design Professional” means the licensed engineer and its subconsultants retained by the City and its subconsultants, to perform design services for the Project.

j. “Final Completion” occurs on the date when GCCM’s obligations under this Agreement are complete and accepted by City and final payment becomes due and payable. This date shall be confirmed by a Certificate of Final Completion signed by all Parties.

k. “Hazardous Material” is any substance or material identified now or in the future as hazardous under the Law, or any other substance or material that may be considered hazardous or otherwise subject to statutory or regulatory requirement governing handling, disposal, or cleanup.

l. “Interim Directive” is a written order containing change to the Work directed by and in consultation with City and Design Professional after execution of this Agreement and before Substantial Completion. Interim Directives shall be consolidated and formalized in a change order to be signed by all parties.

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m. "Law" means federal, state, or local laws, ordinances, codes, rules, and regulations applicable to the Work with which Construction Manager must comply that are enacted as of the Agreement date.

n. "Others" means City's other: (a) contractors/constructors, (b) suppliers, (c) subcontractors, sub subcontractors, or suppliers of (a) and (b); and others employed directly or indirectly by (a), (b), or (c) or any by any of them or for whose acts any of them may be liable.

o. "Overhead" means (a) payroll costs, burden, and other compensation of GCCM's employees in GCCM's principal and branch offices for work associated with this project.

p. "Owner" is the City of Fayetteville, Arkansas (City).

q. The "Parties" are collectively City and GCCM.

r. The "Project," is the building, facility, or other improvements for which GCCM is to perform Work under this Agreement. It may also include construction by Owner or Others.

s. The "Schedule of the Work" is the document prepared by GCCM that specifies the dates on which GCCM plans to begin and complete various parts of the Work, including dates on which information and approvals are required from City.

t. "Subcontractor" is a person or entity retained by GCCM as an independent contractor to provide the labor, materials, equipment, or services necessary to complete a specific portion of the Work. The term Subcontractor does not include Design Professional or Others.

u. "Substantial Completion" of the Work, or of a designated portion, occurs on the date when the Work is sufficiently complete in accordance with the Contract Documents so that City may occupy or utilize the Work, or a designated portion, for the use for which it is intended, without unapproved disruption. This date shall be confirmed by a certificate of Substantial Completion signed by all Parties.

v. A "Sub subcontractor" is a person or entity who has an agreement with a Subcontractor or another sub subcontractor or Supplier to perform a portion of the Subcontractor's Work or supply material or equipment.

w. A "Supplier" is a person or entity retained by GCCM to provide material or equipment for the Work.

x. "Terrorism" means a violent act, or an act that is dangerous to human life, property, or infrastructure, that is committed by an individual or individuals and that appears to be part of an effort to coerce a civilian population or to influence the policy or affect the conduct of any government by coercion. Terrorism includes, but is not limited to, any act certified by the United States government as an act of terrorism pursuant to the Terrorism Risk Insurance Act, as amended.

y. "Work" means the construction and administrative and management services necessary or incidental to fulfill Construction Manager's obligations for the Project in accordance with and reasonably inferable from the Contract Documents. The Work may refer to the whole Project or only a part of the Project if work is also being performed by Owner or Others.

z. "Worksite" means the area of the Project where the Work is to be performed.

aa. "Bi-monthly basis" means every fourteen to sixteen calendar days.

6. Contract Document Review and Administration

a. Before commencing the Work, Construction Manager shall examine and compare the drawings and specifications with information furnished by the City and Design Professional that are considered Contract Documents, relevant field measurements made by Construction Manager, and any visible conditions at the Worksite affecting the Work.

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b. Should Construction Manager discover any errors, omissions, or inconsistencies in the Contract Documents, Construction Manager shall promptly report them to the City and Design Professional. Following receipt of written notice from Construction Manager of defects, City shall promptly inform Construction Manager what action, if any, Construction Manager shall take with regard to the defect.

c. Nothing in this section shall relieve GCCM of responsibility for its own errors, inconsistencies, or omissions.

d. COST REPORTING: Construction Manager shall maintain complete, accurate, and current records that comply with generally accepted accounting principles and calculate the proper financial management under this Agreement. Construction Manager shall maintain a complete set of all books and records prepared or used by Construction Manager with respect to the Project. City shall be afforded access to all of Construction Manager's records, books, correspondence, instructions, drawings, receipts, vouchers, memoranda, and similar data relating to this Agreement. Construction Manager shall preserve all such records for a period of three years after the final payment or longer where required by Law.

7. Warranty

a. Construction Manager warrants all materials and equipment furnished under the Construction Phase of this Agreement will be new unless otherwise specified, of good quality, in conformance with the Contract Documents, and free from defective workmanship and materials. At City or Design Professional request, Construction Manager shall furnish satisfactory evidence of the quality and type of materials and equipment furnished. Construction Manager further warrants all Work shall be free from material defects not intrinsic in the design or materials required in the Contract Documents. Construction Manager's warranty does not include remedies for defects or damages caused by normal wear and tear during normal usage beyond the warranty period, use for a purpose for which the Project was not intended, improper or insufficient maintenance, modifications performed by the City or others, or abuse. Construction Manager's warranty shall commence on the Date of Final Completion of the Project.

b. To the extent products, equipment, systems, or materials incorporated in the Work are specified and purchased by the City, they shall be covered exclusively by the warranty of the manufacturer. There are no warranties which extend beyond the description on the face of any such warranty. For such incorporated items, ALL OTHER WARRANTIES EXPRESSED OR IMPLIED INCLUDING THE WARRANTY OF MERCHANTABILITY AND THE WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY DISCLAIMED.

c. Construction Manager shall obtain from its Subcontractors and Suppliers any special or extended warranties required by the Contract Documents. Construction Manager's liability for such warranties shall be limited to the two-year correction period, as further defined in this Agreement. After that period Construction Manager shall provide full and comprehensive assistance to the City in enforcing the obligations of Subcontractors or Suppliers for such extended warranties.

d. Correction of Work within Two Years

   i. If before Substantial Completion or within two-years after the date of Final Completion of the Work any Defective Work is found, City shall promptly notify Construction Manager in writing. Unless City provides written acceptance of the condition, Construction Manager shall promptly correct the Defective Work at its own cost and time and bear the expense of additional services required for correction of any Defective Work for which it is responsible. If within the two-year correction period City discovers and does not promptly notify Construction Manager or give Construction Manager an opportunity to test or correct Defective Work as reasonably requested by Construction Manager, City waives Construction Manager's obligation to correct that Defective Work as well as City's right to claim a breach of the warranty with respect to that Defective Work.

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ii. If Construction Manager fails to correct Defective Work within a reasonable time after receipt of written notice from City before final payment, City may correct it in accordance with Owner's right to carry out the Work. In such case, an appropriate Change Order shall be issued deducting the cost of correcting the Defective Work from payments then or thereafter due Construction Manager. If payments then or thereafter due Construction Manager are not sufficient to cover such amounts, Construction Manager shall pay the difference to City.

iii. Construction Manager's obligations and liability, if any, with respect to any Defective Work discovered after the two-year correction period shall be determined by the Law. If, after the two-year correction period but before the applicable limitation period has expired, City discovers any Work which City considers Defective Work, City shall, unless the Defective Work requires emergency correction, promptly notify Construction Manager and allow Construction Manager an opportunity to correct the Work if Construction Manager elects to do so. If Construction Manager elects to correct the Work, it shall provide written notice of such intent within fourteen (14) Days of its receipt of notice from City and shall complete the correction of Work within a mutually agreed timeframe. If Construction Manager does not elect to correct the Work, City may have the Work corrected by itself or Others, and, if City intends to seek recovery of those costs from Construction Manager, City shall promptly provide Construction Manager with an accounting of the actual correction costs.

iv. If Construction Manager's correction or removal of Defective Work causes damage to or destroys other completed or partially completed work or existing building, Construction Manager shall be responsible for the cost of correcting the destroyed or damaged property.

v. The two-year period for correction of Defective Work does not constitute a limitation period with respect to the enforcement of Construction Manager's other obligations under the Contract Documents.

vi. Before final payment, at City option and with Construction Manager's agreement, City may elect to accept Defective Work rather than require its removal and correction. In such cases the GMP shall be equitably adjusted for any diminution in the value, as determined by City, of the Project caused by such Defective Work.

8. Safety of Persons and Property

a. SAFETY PROGRAMS: Construction Manager holds overall responsibility for safety programs. However, such obligation does not relieve Subcontractors of their safety responsibilities and to comply with the Law. Construction Manager shall prevent against injury, loss, or damage to persons or property by taking reasonable steps to protect: (a) its employees and other persons at the Worksite; (b) materials and equipment stored at onsite or offsite locations for use in performing the Work; and (c) property located at the Worksite and adjacent to work areas, whether or not the property is part of the Worksite.

b. CONSTRUCTION MANAGER'S SAFETY REPRESENTATIVE: Construction Manager shall designate an individual at the Worksite in its employ as its safety representative. Unless otherwise identified by Construction Manager in writing to City, Construction Manager's project superintendent shall serve as its safety representative. Construction Manager shall report promptly in writing all recordable accidents and injuries occurring at the Worksite. When Construction Manager is required to file an accident report with a public authority, Construction Manager shall furnish a copy of the report to City.

c. Construction Manager shall provide City with copies of all notices required of Construction Manager by the Law. Construction Manager's safety program shall comply with the requirements of governmental and quasi-governmental authorities having jurisdiction.

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i. Damage or loss not insured under property insurance that may arise from the Work, to the extent caused by negligent or intentionally wrongful acts or omissions of Construction Manager, or anyone for whose acts Construction Manager may be liable, shall be promptly remedied by Construction Manager.

d. If City deems any part of the Work or Worksite unsafe, City, without assuming responsibility for Construction Manager's safety program, may require Construction Manager to stop performance of the Work, take corrective measures satisfactory to City. If Construction Manager does not adopt corrective measures, City may perform them and deduct their cost from the GMP. Construction Manager agrees to make no claim for damages, or an increase in the GMP, or for a change in the Dates of Substantial or Final Completion based on Construction Manager's compliance with City's reasonable request.

9. Subcontracts:

a. BINDING OF SUBCONTRACTORS AND SUPPLIERS: Construction Manager agrees to bind every Subcontractor and Supplier and require every Subcontractor to so bind its subcontractors and significant supplier, to the Contract Documents as they apply to the Subcontractor's or Supplier's applicable provisions to that portion of the Work.

b. Construction Manager agrees not to subcontract general contractor construction management related services without prior written consent from the City.

c. If the City deems any subcontractor or subcontractor's work as unacceptable, the Construction Manager shall solicit a different subcontractor (with City's approval) to perform work assigned.

10. Fees, Expenses, and Payments: The maximum not-to-exceed amount authorized for this agreement is included in the breakdown shown below. Fees shall be paid to the GCCM as described in Appendix B.

a. Phase 1: Pre-Construction Services

i. The maximum not-to-exceed amount authorized for this phase is $50,500.00 US Dollars. Fees shall be paid to the GCCM from the City based Lump Sum basis as described in Appendix A.

b. Phase 2: Guaranteed Maximum Price (GMP)

i. If this Agreement is executed before establishment of the Guaranteed Maximum Price and its acceptance by the City, then the GMP and its basis shall be set forth in a GMP Change Order.

ii. The GMP proposal shall include the cost of the Work, Construction Manager's Fee, the clarifications upon which it is based, but shall not include compensation for Pre-construction Services (Phase 1).

iii. FAILURE TO ACCEPT THE GMP PROPOSAL: Unless the City accepts the GMP Proposal in writing, the GMP Proposal shall not be effective. If City fails to accept the GMP Proposal, or rejects the GMP Proposal, City shall have the right to:

1. suggest modifications to the GMP Proposal

2. terminate the Agreement for convenience

iv. PRE-GMP WORK: Before City acceptance of the GMP Proposal, Construction Manager shall not incur any cost to be reimbursed as part of the Cost of the Work, except as provided in this Agreement or by change order executed by the Parties.

v. GMP shall be itemized, including but not limited to:

1. Wages for labor directly employed by Construction Manager in the performance of the Scope of Services.

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2. Salaries of Construction Manager's employees when stationed at the field office, in whatever capacity employed, employees engaged on the road expediting the production or transportation of material and equipment, and employees from the principal or branch office as mutually agreed by the Parties in writing.

3. Cost of all employee benefits and taxes, including but not limited to, workers' compensation, unemployment compensation, social security, health, welfare, retirement, and other fringe benefits as required by law, labor agreements, or paid under Construction Manager's standard personnel policy, insofar as such costs are paid to employees of Construction Manager who are included in the Cost of the Work.

4. Transportation, travel, hotel, and moving expenses of Construction Manager's personnel incurred in connection with the Work.

5. Cost of all materials, supplies, and equipment incorporated in the Work, including costs of inspection and testing if not provided by City, transportation, storage, and handling.

6. Payments made by Construction Manager to Subcontractors for work performed under this Agreement.

7. Cost, including transportation and maintenance of all materials, supplies, equipment, temporary facilities, and hand tools not owned by the workers that are used or consumed in the performance of the Work, less salvage value or residual value; and cost less salvage value on such items used, but not consumed that remain the property of Construction Manager.

8. Rental charges of all necessary machinery and equipment, exclusive of hand tools owned by workers, used at the Worksite, whether rented from Construction Manager or others, including installation, repair, and replacement, dismantling, removal, maintenance, transportation, and delivery costs at competitive market rates.

9. Cost of the premiums for all insurance and surety, performance or payment bonds which Construction Manager is required to procure or deems necessary and approved by City including any additional premium incurred as a result of any increase in the GMP at fixed rates approved by the City.

10. Sales, use, gross receipts, or other taxes, tariffs, or duties related to the Work for which Construction Manager is liable.

11. Permits, taxes, fees, licenses, tests, royalties.

12. Losses, expenses, or damages to the extent not compensated by insurance or otherwise, and the cost of corrective work during the Construction Phase and for the warranty period.

13. Costs associated with establishing, equipping, operating, maintaining, mobilizing and demobilizing the field office.

14. Water, power, and fuel costs necessary for the Work.

15. Cost of removal of all nonhazardous substances, debris, and waste materials

16. Costs incurred due to an emergency affecting the safety of individuals or property.

c. Costs directly incurred in the performance of the Work or in connection with the Project, and not included in Construction Manager's Fee, which are reasonably inferable from the Contract Documents. Fees set for the construction of this project are intended to be executed upon agreement of all parties in a not to exceed

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form via change order. Due to the funding nature of this project, all parties agree payment to the GCCM shall be made as follows:

i. The City shall be responsible for a not to exceed cap.

ii. Final amounts shall be identified with a Change Order, pursuant to agreement of all parties of a Guaranteed Maximum Price.

d. GCCM shall track, log and report expenses directly related to this Agreement along with invoice which shall include schedule of values for payment for each month. Invoices shall be itemized. Invoice and payment requests shall not exceed the percentage of work completed as defined.

e. Payment Terms: All invoices are payable upon approval and due within thirty (30) calendar days. If a portion of an invoice or statement is disputed by CITY, the undisputed portion shall be paid. CITY OF FAYETTEVILLE shall advise GCCM in writing of the basis for any disputed portion of any invoice. CITY shall make reasonable effort to pay invoices within 30 calendar days of date the invoice is approved.

f. STORED MATERIALS AND EQUIPMENT: Unless otherwise provided in the contract documents, applications for payment may include materials and equipment not yet incorporated into the Work but delivered to and suitably stored onsite or offsite including applicable insurance, storage, and costs incurred transporting the materials to an offsite storage facility. Approval of payment applications for stored materials and equipment stored offsite shall be conditioned on a submission by Construction Manager of bills of sale and proof of required insurance, or such other documentation satisfactory to City to establish the proper valuation of the stored materials and equipment, City's title to such materials and equipment, and to otherwise protect City's interests therein, including transportation to the Worksite. Materials and equipment stored offsite shall be in a bonded, insured, and secure facility.

g. Monthly invoices for each calendar month shall be submitted to City or such parties as City may designate for professional services consistent with GCCM's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Invoices shall be made in accordance with a format to be developed by GCCM and approved by City. 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 professional services for the Project.

i. Retainage in the amount of five percent (5%) will be withheld from each payment until project final completion.

ii. Upon Substantial Completion, the City may release retainage on that portion of the Work a Subcontractor has completed in whole or in part, and which City have accepted.

h. Final Payment: 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, GCCM 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 GCCM to be set forth therein.

i. 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 GCCM or sureties under this Agreement.

11. Project Bonding: Performance and payment bonding. After execution of this contract by all parties, GCCM shall provide 100% separate performance and payment bonds from a bonding company, licensed to do business in the

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state of Arkansas, to the City of Fayetteville after being file marked at the Washington County Circuit Clerk's Office. Bonds shall be inclusive of any approved contingency. Bonds shall be provided within ten (10) calendar days after GMP change order has been executed and approved by all parties.

a. Construction contracts for the project shall not be entered into between the GCCM and sub-contractor without 100% payment and performance bonds in the amount of the contract (including any approved contingency) and any amendments thereto and shall provide for the manner in which the construction shall be managed and supervised. Bonds shall be valid and exchanged between all parties prior to the start of work.

b. A maintenance bond shall be provided for the duration of the entire warranty period.

c. All bonds shall be listed with the U.S. Treasury Department listing of approved surety's (T-List) and shall be rated A+ minimum by A. M. Best.

12. Time:

a. SUBSTANTIAL and FINAL COMPLETION: Date of Substantial Completion and the Date of Final Completion shall be established in a GMP Change Order to this Agreement (GMP) as a hard not to exceed date. If such dates are not established upon the execution of this Agreement, at such time as GMP is accepted a Date of Substantial Completion and Date of Final Completion of the Work shall be established in a GMP Change Order.

b. Time is of the essence with regards to the obligations of the Contract Documents.

c. Unless instructed by City in writing, Construction Manager shall not knowingly commence the Work before the effective date of Construction Manager's required insurance and bonds.

d. Schedule of Work: Before submitting its first application for payment, Construction Manager shall submit to City and, if directed, Design Professional a Schedule of the Work showing the dates on which Construction Manager plans to begin and complete various parts of the Work, including dates on which information and approvals are required from City. Except as otherwise directed by City, Construction Manager shall comply with the approved Schedule of the Work or Construction Manager.

   i. Unless otherwise agreed, the Schedule of the Work shall be formatted in a detailed precedence-style critical path method that (a) provides a graphic representation of all activities and events, including float values that will affect the critical path of the Work, and (b) identifies dates that are critical to ensure timely and orderly completion of the Work.

   ii. Construction Manager shall update the Schedule of the Work on a bi-monthly basis or as mutually agreed by all Parties.

   iii. City may determine the sequence in which the Work shall be performed, provided it does not unreasonably interfere with the approved project schedule. City may require Construction Manager to make reasonable changes in the sequence at any time during the performance of the Work in order to facilitate the performance of work by City or Others. If Construction Manager consequently incurs additional costs or is delayed, Construction Manager may seek equitable adjustment of the GMP or the Dates of Substantial or Final Completion, or both.

e. NOTICE OF DELAY CLAIMS: If Construction Manager requests an equitable extension of the Contract Time or an equitable adjustment in the GMP as a result of a delay described, Construction Manager shall give City written notice of the claim. If Construction Manager causes delay in the completion of the Work, City shall be entitled to recover its additional costs.

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13. Substantial Completion:

a. Construction Manager shall notify City and, if directed, Design Professional when it considers Substantial Completion of the Work or a designated portion to have been achieved. City, with the assistance of its Design Professional, shall promptly conduct an inspection to determine whether the Work or designated portion can be occupied or used for its intended use by City without excessive interference in completing any remaining unfinished Work. If City determines the Work or designated portion has not reached Substantial Completion, City, with the assistance of its Design Professional, shall promptly compile a list of items to be completed or corrected so City may occupy or use the Work or designated portion for its intended use. Construction Manager shall promptly and accurately complete all items on the list.

b. When Substantial Completion of the Work or a designated portion is achieved, Construction Manager shall prepare a Certificate of Substantial Completion establishing the date of Substantial Completion and the respective responsibilities of each Party for interim items such as security, maintenance, utilities, insurance, and damage to the Work, and fixing the time for completion of all items on the list accompanying the Certificate. The Certificate of Substantial Completion shall be submitted by Construction Manager to City and, if directed, to Design Professional for written acceptance of responsibilities assigned in the Certificate of Substantial Completion.

c. Upon City's written acceptance of the Certificate of Substantial Completion, City shall pay to Construction Manager the remaining retainage held by City for the Work described in the Certificate of Substantial Completion less a sum equal to one hundred and fifty percent (150%) of the estimated cost of completing or correcting remaining items on that part of the Work, as agreed to by the Parties as necessary to achieve Final Completion, including all close outs. Uncompleted items shall be completed by Construction Manager in a mutually agreed timeframe.

14. Final Completion:

a. Upon notification from Construction Manager that the Work is complete and ready for final inspection and acceptance, City, with the assistance of its Design Professional shall promptly conduct an inspection to determine if the Work has been completed and is acceptable under the Contract Documents.

b. When the Work is complete, Construction Manager shall prepare for City's written acceptance a final application for payment stating that to the best of Construction Manager's knowledge, and based on City's inspections, the Work has reached Final Completion in accordance with the Contract Documents.

c. Final payment of the balance of the GMP shall be made to Construction Manager within thirty (30) Days after Construction Manager has applied for final payment, pending the application has been approved by the City, including submissions required, and a Certificate of Final Completion has been executed by all Parties.

d. Final payment shall be due on Construction Manager's submission of the following to the City:

   i. an affidavit declaring any indebtedness connected with the Work, to have been paid, satisfied, or to be paid with the proceeds of final payment, so as not to encumber City property;

   ii. as-built drawings, manuals, copies of warranties, and all other close-out documents required by the Contract Documents;

   iii. release of any liens, conditioned on final payment being received;

   iv. consent of any surety; and

   v. any outstanding known and unreported accidents or injuries experienced by Construction Manager or its Subcontractors at the Worksite.

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e. If, after Substantial Completion of the Work, the Final Completion of a portion of the Work is materially delayed through no fault of Construction Manager. The City may pay the balance due for any portion of the Work fully completed and accepted. If the remaining contract balance for Work not fully completed and accepted is less than the retained amount before payment, Construction Manager shall submit to City and, if directed, Design Professional the written consent of any surety to payment of the balance due for portions of the Work that are fully completed and accepted. Such payment shall not constitute a waiver of claims.

f. Warranties required by the Contract Documents shall commence on the date of Final Completion of the Work or a designated portion.

g. ACCEPTANCE OF FINAL PAYMENT: Unless Construction Manager provides written identification of unsettled claims with an application for final payment, its acceptance of final payment constitutes a waiver of such claims.

h. GCCM shall ensure that the City of Fayetteville receives lien waivers from all material suppliers, subcontractors and sub-subcontractors and **before** work begins on the project. The contractor shall give written notice to the material suppliers, subcontractors and sub-subcontractors providing work on the project that states the following:

i. *'According to Arkansas law, it is understood that no liens can be filed against public property if valid and enforceable payment and performance bond is in place. Regarding this Project and Agreement, the valid and enforceable bonds are with (____name of surety____).'*

ii. GCCM shall direct its subcontractors to obtain a written receipt evidencing acknowledgment of this statement from sub-subcontractors.

15. **Notices**: Any notice required to be given under this Agreement to either party to the other shall be sufficient if addressed and mailed, certified mail, postage paid, delivery, fax or e-mail (receipt confirmed), or overnight courier.

16. **Jurisdiction**: Legal jurisdiction to resolve any disputes shall be Arkansas with Arkansas law applying to the case.

17. **Venue**: Venue for all legal disputes shall be Washington County, Arkansas.

18. **Freedom of Information Act:** City of Fayetteville contracts and documents prepared while performing 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 GCCM shall do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo coping costs pursuant to the FOIA may be assessed for this compliance.

19. **Changes in Scope or Price:** Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the City **in advance** of the change in scope, cost, or fees.

20. **Digital Accessibility Requirements:** If applicable, Contractor shall provide accessibility conformance reports (ACRs) for any software provided by the Contractor that will be accessible by the public upon delivery, whether developed by the Contractor or a third party. Visit the link for more information: https://www.fayetteville-ar.gov/DocumentCenter/View/39767/Web-Accessibility-Requirements-for-Vendors_-and-Technology-Addendum

a. Contractor must address all accessibility issues in any software provided or licensed by the Contractor and delivered to the City, as well as any documents delivered by the Contractor.

b. Contractor must ensure that end user deliverables adhere to the WCAG 2.1 AA standard as defined by title II of the Americans with Disabilities Act.

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i. Deliverables are defined as any web platform or mobile application, or documents that may be hosted on a web or mobile platform. This includes documents, spreadsheets or presentations regardless of format (Microsoft Office products, PDF, etc.).

c. Contractor must ensure accessibility is addressed during all stages of a project, from commencement to implementation. Contractor must meet with City staff at the City's discretion to review accessibility issues.

d. If Contractor deliverables fail to comply with WCAG 2.1 Level AA standard, the Contractor shall provide the City with a credit to cover the cost of additional accessibility testing and resolution. Such credits shall not exceed 5% of either (1) the total fixed price due to the Contractor under the contract or (2) the total not-to-exceed amount of the contract if entered under a time and materials basis.

21. Insurance:

a. Before starting the Work and as a condition precedent to payment, Construction Manager shall procure and maintain in force Workers' Compensation Insurance, Employers' Liability Insurance, Business Automobile Liability Insurance, and Commercial General Liability Insurance ("CGL"). The CGL policy shall include coverage for liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, contractual liability, pollution coverage, and broad form property damage. Construction Manager shall maintain completed operations liability insurance for one year after Substantial Completion, or as required by the Contract Documents, whichever is longer. Construction Manager's Employers' Liability, Business Automobile Liability and CGL policies shall be written with at least the limits of liability presented in Appendix E.

b. Employers' Liability, Business Automobile Liability, and CGL coverages required may be provided by a single policy for the full limits required or by a combination of underlying policies with the balance provided by excess or umbrella liability policies.

c. Construction Manager shall maintain in effect all insurance coverage required with insurance companies lawfully authorized to do business in the jurisdiction in which the Project is located. If Construction Manager fails to obtain or maintain any insurance coverage required under this Agreement, City may purchase such coverage and charge the expense to Construction Manager or terminate this Agreement.

d. To the extent commercially available to Construction Manager from its current insurance company, insurance policies required shall contain a provision that the insurance company or its designee shall give City written notice transmitted in paper and electronic format: (a) 30 Days before coverage is nonrenewed by the insurance company and (b) within 10 Business Days after cancelation of coverage by the insurance company. Before commencing the Work and upon renewal or replacement of the insurance policies, Construction Manager shall furnish City with certificates of insurance until one year after Substantial Completion or longer if required by the Contract Documents. In addition, if any insurance policy required is not to be immediately replaced without lapse in coverage when it expires, exhausts its limits, or is to be cancelled, Construction Manager shall give City prompt written notice upon actual or constructive knowledge of such condition.

e. Certificates of Insurance shall list the City as Additional Insured Parties.

f. PROPERTY INSURANCE:

i. At no time shall any policy be covered by self-insurance or in a self-insured format. All policies shall be covered by an approved commercial insurance professional properly licensed to do business in Arkansas.

ii. Unless otherwise directed in writing by City, before starting the Work, GCCM shall obtain and maintain a Builder's Risk Policy upon the entire Project for the full cost of replacement at the time of loss, including existing structures. This insurance shall also (a) name Construction Manager,

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Subcontractors, Sub subcontractors, and Design Professional as named insureds; (b) be written in such form to cover all risks of physical loss except those specifically excluded by the policy; and (c) insure at least against and not exclude:

1. the perils of fire, lightning, explosion, windstorm, hail, smoke, aircraft (except aircraft, including helicopter, operated by or on behalf of Construction Manager) and vehicles, riot and civil commotion, theft, vandalism, malicious mischief, debris removal, flood, earthquake, earth movement, water damage, wind damage, testing if applicable, collapse, however caused;

2. damage resulting from defective workmanship or material;

3. coverage extension for damage to existing buildings, plant, or other structures at the Worksite, when the Project is contained within or attached to such existing buildings, plant or structures. Coverage shall be to the extent loss or damage arises out of Constructor's activities or operations at the Project;

4. equipment breakdown, including mechanical breakdown, electrical injury to electrical devices, explosion of steam equipment, and damage to steam equipment caused by a condition within the equipment;

5. testing coverage for running newly installed machinery and equipment at or beyond the specified limits of their capacity to determine whether they are fit for their intended use; and

6. physical loss resulting from Terrorism.

iii. The Party that is the primary cause of a Builder's Risk Policy claim shall be responsible for any deductible amounts or coinsurance payments. If no Party is the primary cause of a claim, then the Party obtaining and maintaining the Builder's Risk Policy shall be responsible for the deductible amounts or coinsurance payments. This policy shall provide for a waiver of subrogation. This insurance shall remain in effect until final payment has been made or until no person or entity other than City has an insurable interest in the property to be covered by this insurance, whichever is sooner. Partial occupancy or use of the Work shall not commence until City has secured the consent of the insurance company or companies providing the coverage required in this subsection. Before commencing the Work, City shall provide a copy of the property policy or policies obtained.

iv. If City elects to purchase the property insurance required by this Agreement, including all of the coverages and deductibles for the same durations specified, City shall give written notice to Construction Manager before the Work is commenced and provide a copy of the property policy or policies obtained in compliance with this agreement. City may then provide insurance to protect its interests and the interests of the Constructor, Subcontractors, Suppliers, and Sub subcontractors. The cost of this insurance shall be paid by City in a Change Order. If City gives written notice of its intent to purchase property insurance required by this Agreement and fails to purchase or maintain such insurance, City shall be responsible for costs reasonably attributed to such failure.

v. The Parties each waive all rights against each other and their respective employees, agents, contractors, subcontractors, suppliers, sub subcontractors, and design professionals for damages caused by risks covered by the property insurance, except such rights as they may have to the proceeds of the insurance.

1. To the extent of the limits of Construction Manager's Commercial General Liability Insurance, Construction Manager shall indemnify and hold harmless City against any and

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all liability, claims, demands, damages, losses, and expenses, including attorneys' fees, in connection with or arising out of any damage or alleged damage to any of City's existing adjacent property, including personal property, that may arise from the performance of the Work, to the extent caused by the negligent or intentionally wrongful acts or omissions of Construction Manager, Subcontractor, Supplier, Sub subcontractor, or anyone employed directly or indirectly by any of them or by anyone for whose acts any of them may be liable.

g. RISK OF LOSS: Except to the extent a loss is covered by applicable insurance, risk of loss from damage to the Work shall be upon the Party obtaining and maintaining the Builder's Risk until the Date of Final Completion.

h. ADDITIONAL GENERAL LIABILITY COVERAGE: City shall require Construction Manager to purchase and maintain additional liability coverage. Construction Manager shall provide:

    i. Additional Insured. City shall be named as an additional insured on Construction Manager's Commercial General Liability (CGL) specified, for on-going operations and completed operations, excess/umbrella liability, commercial automobile liability, and any required pollution liability, but only with respect to liability for bodily injury, property damage, or personal and advertising injury to the extent caused by the negligent acts or omissions of Construction Manager, or those acting on Construction Manager's behalf, in the performance of Construction Manager's work for Owner at the Worksite. The insurance of the Construction Manager and its Subcontractors (both primary and excess) shall be primary to any insurance available to the Additional Insureds. Any insurance available to the Additional Insureds shall be excess and non-contributory.

    ii. OCP. Construction Manager shall provide an Owners' and Contractors' Protective Liability Insurance ("OCP") policy with limits equal to the limits on CGL specified, or limits as otherwise required by Owner.

i. Any documented additional cost in the form of a surcharge associated with procuring the additional liability coverage in accordance with this subsection shall be paid by GCCM. Before commencing the Work, Construction Manager shall provide either a copy of the OCP policy, or a certificate and endorsement evidencing that City has been named as an additional insured, as applicable.

    i. ROYALTIES, PATENTS, AND COPYRIGHTS: Construction Manager shall pay all royalties and license fees , unless otherwise specified in the Contract Documents, which may be due on the inclusion of any patented or copyrighted materials, methods, or systems selected by Construction Manager and incorporated in the Work. Construction Manager shall defend, indemnify, and hold City harmless from all suits or claims for infringement of any patent rights or copyrights arising out of such selection unless such design, process or product of a particular manufacturer or manufacturers is required by the Contract Documents, or where the copyright violations are contained in documents prepared by the Owner.

j. PROFESSIONAL LIABILITY INSURANCE: To the extent Construction Manager is required to procure design services, Construction Manager shall require its design professionals to obtain a commercial professional liability insurance for claims arising from the negligent performance of professional services under this Agreement, with a company reasonably satisfactory to City, including coverage for all professional liability caused by any consultants to Construction Manager's design professional, written for not less than one million US dollars ($1,000,000) per claim and in the aggregate. Construction Manager's design professional shall pay the deductible. The Professional Liability Insurance shall contain a retroactive date providing prior acts coverage sufficient to cover all Services performed by the Constructor's design professional for this Project. Coverage shall be continued in effect for the entire warranty period.

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22. Professional Responsibility: GCCM will exercise reasonable skill, care, and diligence in the performance of services and will carry out its responsibilities in accordance with customarily accepted professional practices. CITY OF FAYETTEVILLE will promptly report to GCCM any defects or suspected defects in services of which CITY OF FAYETTEVILLE becomes aware, so GCCM 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 GCCM.

23. Responsibility of the City of Fayetteville

    a. CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of GCCM:

        i. Provide full information as to the requirements for the Project.

        ii. Assist GCCM by placing at GCCM's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.

        iii. Assist GCCM in obtaining access to property reasonably necessary for GCCM to perform its services.

        iv. Examine all studies, reports, sketches, cost opinions, proposals, and other documents presented by GCCM and render in writing decisions pertaining thereto.

        v. Review all documents and provide written comments to GCCM in a timely manner.

        vi. The City of Fayetteville Public Works Director, or their designee, is the project representative with respect to the services to be performed under this Agreement. The Public Works Director shall have complete authority to transmit instructions, receive information, interpret and define 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.

24. Cost Opinions and Projections: Cost opinions and projections prepared by the GCCM relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, cost estimating, and operating results are based on GCCM's experience, qualifications, and judgment as a GCCM professional.

25. Period of Service: This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.

    a. 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. GCCM shall 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.

26. Termination:

    a. 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:

        i. Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

        ii. An opportunity for consultation with the terminating party prior to termination.

    b. This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that GCCM is given:

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i. Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

ii. An opportunity for consultation with the terminating party prior to termination.

c. If termination for default is affected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but

i. No amount shall be allowed for anticipated profit on unperformed services or other work,

ii. Any payment due to GCCM at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of GCCM's default.

d. If termination for default is affected by GCCM, or if termination for convenience is affected 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 GCCM for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by GCCM relating to commitments which had become firm prior to the termination.

e. Upon receipt of a termination action under Paragraphs above, GCCM shall:

i. Promptly discontinue all affected work (unless the notice directs otherwise),

ii. 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 GCCM in performing this Agreement, whether completed or in process.

f. Upon termination under sections above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.

g. If, after termination for failure of GCCM to fulfill contractual obligations, it is determined that GCCM 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 this agreement.

27. Delays

a. In the event the services of GCCM are suspended or delayed by CITY OF FAYETTEVILLE, or by other events beyond GCCM's reasonable control, GCCM shall be entitled to additional compensation and time for reasonable documented costs incurred by GCCM in temporarily closing down or delaying the Project.

b. In the event the services are suspended or delayed by GCCM, CITY shall be entitled to compensation and time for reasonable costs incurred in temporarily closing down or delaying the Project.

28. Rights and Benefits: GCCM's services shall be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

29. Dispute Resolution

a. Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and GCCM 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 GCCM in the performance of this Agreement, and disputes concerning payment.

b. Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given as described in this agreement, but an action is initiated prior to exhaustion of these procedures,

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such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in this agreement have been complied with.

c. Notice of Dispute

i. 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.

ii. For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give GCCM written Notice at the address listed in this agreement within thirty (30) calendar 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.

iii. Negotiation: Within seven (7) calendar days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and GCCM 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 GCCM, and the Mayor of CITY OF FAYETTEVILLE or his or her designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 calendar days of the written request to resolve the dispute.

30. Sufficient Funds: The CITY represents to have sufficient funds or the means of obtaining funds to remit payment to GCCM for services rendered by GCCM. All parties agree that if funding should become insufficient to complete the project, GCCM shall be notified in a timely manner.

31. Publications: Recognizing the importance of professional services on the part of GCCM's employees and the importance of GCCM's public relations, GCCM may prepare publications, such as technical papers, articles for periodicals, promotional materials, and press releases, in electronic or other format, pertaining to GCCM'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 GCCM, 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. Approved materials may be used in a variety of situations and do not require additional review or approval for each use. The cost of GCCM's activities pertaining to any such publication shall be for GCCM's account.

32. Indemnification: To the fullest extent permitted by law, the GCCM shall indemnify and hold harmless the City from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the Work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death or injury to or destruction of tangible property (other than the Work itself) but only to the extent caused by the negligent acts or omissions of the GCCM, a Subcontractor, anyone directly or indirectly employed by them, or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss, or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity that would otherwise exist as to a party or person described in this Agreement.

33. Ownership of Documents:

a. 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. GCCM may retain reproduced copies of drawings and copies of other documents.

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b. Engineering and architectural documents, computer models, drawings, specifications and other hard copy or electronic media prepared by GCCM as part of the Services shall become the property of CITY OF FAYETTEVILLE when GCCM has been compensated for all Services rendered, provided, however, that GCCM shall have the unrestricted right to their use. GCCM 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 GCCM.

c. Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. GCCM 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.

34. Additional Responsibilities of GCCM:

a. Review, approval, or acceptance of design drawings, specifications, reports and other services furnished here under by CITY shall not in any way relieve GCCM of responsibility for the technical adequacy of the work. Review, approval or acceptance of, or payment for any of the services by CITY shall not 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.

b. GCCM shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by GCCM's negligent performance, except beyond the GCCM's normal standard of care, of any of the services furnished under this Agreement, and except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.

c. GCCM's obligations under this clause are in addition to GCCM'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 GCCM for faulty materials, equipment, or work.

d. GCCM shall provide weekly updates to appropriate City staff, identified by the City, throughout the duration of the project. Each update shall include all reports, photographs, schedules, and any other documentation that may be requested or specified by the City. GCCM shall submit such updates in the format and manner directed by the City and within the deadlines established by City staff.

35. Audit and Access to Records:

a. GCCM 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.

b. GCCM shall also maintain the financial information and data used by GCCM 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, auditing and copying during normal business hours. GCCM will provide proper facilities for such access and inspection.

c. Records 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.

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d. This right of access clause (with respect to financial records) applies to:

i. Negotiated prime agreements

ii. Negotiated change orders or agreement amendments affecting the price of any formally advertised, competitively awarded, fixed price agreement

iii. 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 sub agreement or purchase order awarded after effective price competition, except:

1. With respect to record pertaining directly to sub agreement performance, excluding any financial records of GCCM;

2. If there is any indication that fraud, collusion, gross abuse or corrupt practices may be involved;

3. If the sub agreement is terminated for default or for convenience.

36. Covenant Against Contingent Fees: GCCM 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 continent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by GCCM 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.

37. Gratuities:

a. If CITY OF FAYETTEVILLE finds after a notice and hearing that GCCM or any of GCCM 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 or related third party contractor associated with this project, 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 GCCM 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 findings shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

b. The CITY may pursue the same remedies against GCCM as it could pursue in the event of a breach of the Agreement by GCCM. 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, which shall be not less than three nor more than ten times the costs GCCM incurs in providing any such gratuities to any such officer or employee.

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IN WITNESS WHEREOF, **CITY OF FAYETTEVILLE, ARKANSAS** by and through its Mayor, and **EMERY SAPP & SONS, INC** by its authorized officer have made and executed this Agreement as of the day and year first above written:

CITY OF FAYETTEVILLE, ARKANSAS

By:_____
Molly Rawn, Mayor

ATTEST:

By:_____
Kara Paxton, City Clerk-Treasurer

Date Signed: _____

EMERY SAPP & SONS, INC.

DocuSigned by:
By: Billy Wallis
25428DD5AD79474...
Billy Wallis, Vice President, Operations

Date Signed: 7/1/2026

APPENDIX A – SCOPE OF WORK

for

RFQ 26-03, GCCM – Plainview Avenue Extension

1. PROJECT SUMMARY

Emery Sapp & Sons, Inc. shall provide general contractor construction management (GCCM) services for the Plainview Avenue Extension Project. This project includes storm drainage, trail, sidewalks, enhanced crosswalks, turn lanes, traffic signal modifications, street lighting, and landscaping.

2. SCOPE OF WORK

a. **Overview:** Anticipated phases are identified below with associated scope of work. Scope of work is not limited to any additional industry standard scope of work necessary to complete each phase. **Design Team is composed of Garver Inc. and the City of Fayetteville. Selected GCCM shall coordinate with the Design Team in order to achieve best value for the overall success of the project, including working to achieve maximum cost savings**.

b. PHASE 1: Pre-Construction Services:

i. Construction Documents Phase

1. GCCM shall develop a construction phasing plan.
2. GCCM shall develop a construction schedule.
3. GCCM shall develop cost estimates for the most current design set and specifications and evaluate cost reduction alternatives and control.
4. Provide industry standard construction manager services, including but not limited to development of costs, identifying potential design changes which could result in cost savings or construction efficiencies, interact with the Design Team for review of documents, etc.
5. Coordinate with Garver on Final Design Document sets, Final Specifications, and Cost Estimates and Schedule to present to the Design Team. (90% plan review).
6. After receiving 90% design review comments, meet with applicable City of Fayetteville Staff to resolve comments.
7. Assist Garver in responding in writing to all City of Fayetteville comments on plans.
8. Assist Garver in coordinating with City-owned utilities, private utilities, and service providers.
9. Attend follow-up meetings with the Design Team.
10. Construction Documents/Plans, Specifications and Project Drawings shall be routed through the City of Fayetteville for required approvals.
11. Assist Garver and the City with the bid form and identify all separate trade packages.

12. Facilitate with the Design Team in conducting cost-benefit analyses to understand construction costs, life-cycle cost impacts and long-term maintenance costs.

13. Coordinate with the Design Team to create plans for closure and detour of both pedestrian and street zones based on construction phasing.

14. Provide pedestrian access and ADA accessibility plan for construction duration.

ii. Bid Phase

1. Coordinate with City Procurement Division to ensure all procedures followed for this phase meet state laws and City of Fayetteville Procurement Policies.

2. Provide services for reproduction and dissemination of bid sets (project manual and stamped drawings) to the City Design Team [PM (1), Procurement (1), and interested bidders]. Documents should be made available to any interested party electronically at no cost.

3. Provide distribution of plans to all interested parties.
    a. Maintain open communication with the City of Fayetteville Procurement Division throughout the bidding process.
    b. Distribution of all documents shall be done in a fair and unbiased manner while keeping all interested parties on equal terms.
    c. Document and keep an updated accurate record of plan holders and provide updated listings to all interested parties in a timely manner.
    d. Answers to questions and inquiries shall be made in the form of an addendum and shall be provided to all interested parties at the same time.

4. Coordinate with City Procurement Division during pre-bid meeting(s) and facilitate and attend the Bid Opening.

5. Maintain open communication with the City Procurement Division during any process involving Request for Information (RFI).

6. Any addenda shall be provided to the Procurement Division for review and approval in advance of issuance. Bidders, interested parties, and plan holders shall receive all information included in addenda at the time addenda is issued.

7. In the event GCCM desires to self-perform a portion of the work or a trade package, the GCCM shall submit a bid package at the same time and manner as other interested parties.

8. Assist with the design of all Bid Proposals.

9. Review Garver's Recommendation of Award Letter that includes the following required content (and assist with):
    a. Check for math errors and reconcile any mathematical discrepancies,
    b. Review for unbalanced bid items,
    c. Coordinate with the City Procurement Division in finalizing a Certified Bid Tabulation including Engineer's estimate,

d. Review of contractor's financial standing and references provided,

e. Explanation of discrepancies between the Engineer's estimate and bids, and

f. Meet with the City to provide a formal written recommendation of award.

10. Attend City Council meeting(s) for the recommendation for award of Contract(s) for construction.

c. Phase 2 Guaranteed Maximum Price and Construction Administration Phase

iii. Construction Administration Phase

1. Put forth diligent and fiscally responsible efforts to ensure the project will be completed on time and within budget.

2. Attend pre-construction meetings and conduct regular update meetings as jointly determined by the Design Team and contracted sub-contractors.

3. Provide weekly updates of project progress, including work during the previous period, work planned in the upcoming period, outstanding RFI's and other issues, pending change order items, and other relevant project information.

4. Coordinate with Design Team on all Request for Change Proposals, Change Orders, etc. including maintaining a log of all such documents.

5. The City of Fayetteville intends to provide regular project management and construction administration services. Garver will provide field services, progress meetings, progress payment review, and assistance on a bi-monthly basis.

6. Review site visit report from Design Team at least two (2) times per month.

7. Coordinate with the Design Team to conduct Substantial Completion Inspection, coordinate with Garver to create punch list, substantiate that items noted are completed, and issue Substantial Completion Certificate.

8. The Design Team shall be notified to attend all on-site meetings, review and approval all pay requests, and change order review prior to Mayor's approval.

iv. Project Close Out

1. Provide Warranty Services during the entire Warranty Period. Garver to issue Warranty Reports and review items after the GCCM has notified the City that these items are complete.

2. Provide support services as needed during the project close out process.

3. Provide close out submittal to Garver for completeness before transmitting to the City which include but are not limited to:

a. Contractor's red lines and as-built notes

b. Provide as-built record drawings noting any changes to the plans prepared by Garver (both hard copy and digital formats)

c. Produce a project narrative that provides a comprehensive review of the construction activities for the project with a project narrative submitted for City approval at the completion of each contract phase

EMERY SAPP & SONS

100% EMPLOYEE OWNED
5184 North Oak| Springdale, AR 72764 | o 417-833-9915

Plainview Avenue Extension CMAR

Preconstruction Proposal

Attn: ***Chase Webb, P.E.***				
Proposal Submitted To: **City of Fayetteville**	Phone	Fax		Date 6 / 24 / 26
Street **125 W Mountain St.**	Job Name **Plainview Avenue Extension**			
City, State, & Zip Code **Fayetteville, AR 72701**	Job Location **Fayetteville, AR**			
E-Mail chwebb@fayetteville-ar.gov	Architect / Engineer ***Garver***	Date of Plans 6/1/26	**Addendums Acknowledged**	

ITEM #	*ITEM DESCRIPTION*	*Qty*	*Units*	*$/Units*	*Amount*
1	**Preconstruction Services**	**1**	**LS**	**$ 30,000.00**	**$ 30,000.00**
	- Initial Budget Pricing for Current Pricing Verification				
	- VE Process with Garver, If Needed				
	- Development of Bid Manual and Scope Packages				
	- Evaluation of Bids Through the City of Fayetteville Bid Software and Recommendation to the City				
2	**Hydro-Excavation & Utility Locates**	**1**	**LS**	**$ 10,500.00**	**$ 10,500.00**
	- Hydrovac and Locate Potential Utility Conflicts				
	- Hydrovac and Verify with GPS Water & Sewer Relocations				
	- Coordinate with Utility Companies if Conflicts Arise				
3	**Geotechnical Exploration & Testing**	**1**	**LS**	**$ 10,000.00**	**$ 10,000.00**
	- Geotechnical Samples and Recommendations				
	- ESS Test Pits for Soil Examination				
Total:			**TOTAL CHANGE ORDER AMOUNT:**		**$50,500.00**
			PRECONTRUCTION CALENDAR DAYS:		**0**

Change Order Proposal Inclusions & Clarifications

NOTES

Change Order Proposal Exclusions

NOTES

Submitted by:

Cody Vandegriffe, Project Manager, Sr.
Emery Sapp & Sons, Inc.
Phone: (479)844-5030
Mobile: (573)881-7894

Acceptance of Proposal The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Authorized Signature **Date**

Owner Initials: _____ ESS Rep Initials: _____

City of Fayetteville, AR
Procurement Division, Room 306
113 W. Mountain Street
Fayetteville, AR 72701
Phone: 479-575-8256
TDD (Telecommunication Device for the Deaf): 479.521.1316

RFQ (REQUEST FOR QUALIFICATIONS)

RFQ 26-03, GCCM for Plainview Avenue Extension

DEADLINE: Wednesday, April 22, 2026 prior to 2:00:00 PM, local time

PRE-PROPOSAL CONFERENCE: Wednesday, April 8, 2026 at 10:00 AM
Room #101 of Fayetteville City Hall
113 W. Mountain St., Fayetteville, AR 72701

PROCUREMENT DIRECTOR: Amanda Beilfuss, abeilfuss@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: 03/29/26, 03/30/26 & 03/31/26

Appendix C
RFQ 26-03, GCCM -
Plainview Avenue Extension
City Issued RFQ

Late qualifications will not be accepted.

Request for Qualifications (RFQ's) shall be submitted in accordance with the attached City of Fayetteville specifications and RFQ documents attached hereto. Each Proposer is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection. Any statement of qualification will be rejected that violates or conflicts with state, local, or federal laws, ordinances, or policies.

All RFQ's shall be submitted electronically via the City's third-party electronic bidding portal at http://fayetteville-ar.gov/bids. If submitting a physical statement of qualifications is necessary, contact the City's Procurement Division.

The proposer hereby offers to furnish & deliver the articles or services as specified, at the terms stated herein, and in strict accordance with the specifications and general conditions of submitting, 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 Procurement Director.

City of Fayetteville, Arkansas
Request for Statements of Qualification
RFQ 26-03, General Contractor Construction Management (GCCM)
for Plainview Avenue Extension

The City of Fayetteville is accepting statements of qualifications from construction management firms properly licensed to provide, General Contractor Construction Management services (GCCM) for the Plainview Avenue Extension. The project includes storm drainage, trail, sidewalks, enhanced crosswalks, turn lanes, traffic signal modifications, street lighting, and landscaping.

Professional Services required include:

1. Ensure all funds are spent in accordance with State of Arkansas Procurement laws
2. Guaranteed maximum price (GMP) development
3. Cost Estimating
4. Sub-contractor bidding and procurement
5. Project and change order pricing
6. Schedule control
7. Cost reduction and control
8. Project coordination with the design engineer and the City of Fayetteville.
9. Project close out
10. Warranty

Appendix C
RFQ 26-03, GCCM -
Plainview Avenue Extension
City Issued RFQ

To be considered, statements of qualification shall be received electronically through the City of Fayetteville, Procurement Division's online bidding platform by **Wednesday, April 22, 2026 before 2:00:00 PM,** local time.

The solicitation RFQ & addendums can be downloaded from the City's web site at http://fayetteville-ar.gov/bids. All questions regarding the process should be directed to Amanda Beilfuss at abeilfuss@fayetteville-ar.gov.

A pre-proposal conference will be held on Wednesday, April 8, 2026 at 10:00 am, in Room #101 of Fayetteville City Hall. All interested parties are encouraged to attend.

Firms submitting a statement of qualification shall be qualified to do business and licensed in accordance with all applicable laws of the state and local governments where the project is located. Proposers shall have a current, valid Arkansas Contractor's License at time of RFQ deadline. Valid registration with the Arkansas Secretary of State will be required before recommendation of award to Fayetteville City Council.

Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women 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 business enterprises.

The City of Fayetteville reserves the right to reject any or all proposals and to waive irregularities therein, and all Proposers shall agree that such rejection shall be without liability on the part of the City of Fayetteville for any damage or claim brought by any Proposer because of such rejections, nor shall the Proposers seek any recourse of any kind against the City of Fayetteville because of such rejections. The filing of any Proposal in response to this invitation shall constitute an agreement of the Proposer to these conditions.

City of Fayetteville
By: Amanda Beilfuss, Procurement Director
P: 479.575.8220 abeilfuss@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316
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1. SUBMISSION OF A STATEMENT OF QUALIFICATIONS SHALL INCLUDE:

Each statement of qualifications ("SOQ" or "proposal") shall contain the following at a minimum. Proposer must also address detailed requirements as specified in the Scope of Work.

a. A written narrative describing the method or manner in which the Proposer proposes to satisfy requirements of this RFQ in the most cost-effective manner. The term Proposer shall be in reference to a firm or individual responding to this solicitation. The term proposal is used in these documents as equal to statement of qualification.

b. A description of the Proposer's experience in providing the same or similar services as outlined in the RFQ. This description should include the names of the person(s) who will provide the services, their qualifications, and the years of experience in performing this type of work. Also, include the reference information requested in this RFQ.

c. Submittal Instructions: Proposers shall go to www.fayetteville-ar.gov/bids and follow the prompts to submit a statement of qualifications within the electronic bidding platform. All Proposers must register in order to be able to submit. There is no fee for registration. If submitting a physical statement of qualifications is necessary, contact the City's Procurement Division.

   i. SOQ's (proposals) shall be prepared simply and economically, providing a straightforward, concise description of its ability to meet the requirements for the project. Fancy bindings, colored displays, and promotional material are not required. Emphasis should be on completeness and clarity of content. All submittals shall be formatted for standard 8 ½" x 11" size documentation. Exceptions would be schematics, exhibits, one-page resumes, and City required forms. Proposals shall be limited to twenty- five (25) pages or less, excluding one-page team resumes, references, and forms required by the City for completion.

d. Proposals will be reviewed following the stated deadline, as shown on the cover sheet of this document. Only the names of Proposer's will be available after the deadline until a contract has been awarded by the Fayetteville City Council. All interested parties understand proposal documents will not be available until after a valid contract has been executed and at that time only for the intended selection.

e. Proposers shall submit a statement of qualification based on documentation published by the Fayetteville Procurement Division.

f. Proposals shall be uploaded as a single PDF document to the City of Fayetteville's online electronic bidding platform

g. Proposals must follow the format of the RFQ. Proposers should structure their responses to follow the sequence of the RFQ, if provided.

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h. Proposers shall have experience in work of the same or similar nature and must provide references that will satisfy the City of Fayetteville. Proposer may furnish a reference list of clients for whom they have performed similar services and must provide information as requested in this document.

i. Proposer is advised that exceptions to any of the terms contained in this RFQ or the attached service agreement must be identified in its response to the RFQ. 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.

c. Local time shall be defined as the time in Fayetteville, Arkansas on the due date of the deadline. Documents shall be received before the deadline time as shown by the atomic clock located in the Procurement Division Office and electronic clock located in the City's third-party bidding software.

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 proposal must be sent in writing via e-mail to the Procurement Division. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the proposal. 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 RFQ made or given prior to the award of the contract.

3. RIGHTS OF CITY OF FAYETTEVILLE IN THIS PROCESS:

In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the following:

a. The City of Fayetteville reserves the right to rank firms and negotiate with the highest-ranking firm. Negotiation with an individual Proposer does not require negotiation with others.

b. The City of Fayetteville reserves the right to select the proposal that it believes will serve the best interest of the City.

c. The City of Fayetteville reserves the right to accept or reject any or all proposals.

d. The City of Fayetteville reserves the right to cancel the entire request.

e. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the request for statements of qualification or resulting submittal.

f. The City of Fayetteville reserves the right to request any necessary clarifications, additional information, or proposal data without changing the terms of the proposal.

g. The City of Fayetteville reserves the right to make selection of the Proposer to perform the services required on the basis of the original proposals without negotiation.

4. EVALUATION CRITERIA:

The evaluation criteria define the factors that will be used by the selection committee to evaluate and score responsive, responsible and qualified proposals. Proposers shall include sufficient information to allow the

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selection committee to thoroughly evaluate and score proposals. Each proposal submitted shall be evaluated and ranked by a selection committee. The contract will be awarded to the most qualified Proposer, per the evaluation criteria listed in this RFQ. Proposers are not guaranteed to be ranked.

5. COSTS INCURRED BY PROPOSERS:

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

6. ORAL PRESENTATION:

An oral presentation and/or interview may be requested of any firm, at the selection committee's discretion.

7. CONFLICT OF INTEREST:

a. The Proposer 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 "Limited Authority of City Employee to Provide Services to the City".

b. The Proposer shall promptly notify Amanda Bellfuss, City Procurement Director, 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 Proposer'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 Proposer 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 Proposer. The City agrees to communicate with the Proposer its opinion via e-mail or first-class mail within thirty days of receipt of notification.

8. WITHDRAWAL OF PROPOSAL:

A proposal may be withdrawn at any time.

9. LATE PROPOSAL OR MODIFICATIONS:

Proposal and modifications received after the time set for the proposal submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected proposals. Proposers should refer to their submission status in the online electronic bidding platform to ensure submission confirmation.

10. CONSTITUTIONAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

a. The laws of the State of Arkansas apply to any purchase made under this request for statements of qualification. Proposers shall comply with all constitutional, 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.

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b. Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women 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 business enterprises.

11. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "Proposer certifies that his proposal 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 JURISDICITON:

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 Arkansas with Arkansas law applying to the case.

13. CITY INDEMNIFICATION:

The successful Proposer(s) agrees to indemnify the City and hold it harmless from and against 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 services or any part thereof covered by this order, and such obligation shall survive acceptance of the services and payment thereof by the City.

14. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for statements of qualification apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by Proposers 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, Procurement Division, immediately.

16. DIGITAL ACCESSIBILITY REQUIREMENTS:

If applicable, the awarded Contractor shall provide accessibility conformance reports (ACRs) for any software provided by the Contractor that will be accessible by the public upon delivery, whether developed

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by the Contractor or a third-party. Visit the link for more information: https://www.fayetteville-ar.gov/DocumentCenter/View/39767/Web-Accessibility-Requirements-for-Vendors -and-Technology-Addendum.

a. Contractor must address all accessibility issues in any software provided or licensed by the Contractor and delivered to the City, as well as any documents delivered by the Contractor.

b. Contractor must ensure that end user deliverables adhere to the WCAG 2.1 AA standard as defined by title II of the Americans with Disabilities Act.

    i. Deliverables are defined as any web platform or mobile application, or documents that may be hosted on a web or mobile platform. This includes documents, spreadsheets or presentations regardless of format (Microsoft Office products, PDF, etc.).

c. Contractor must ensure accessibility is addressed during all stages of a project, from commencement to implementation. Contractor must meet with City staff at the City's discretion to review accessibility issues.

d. If Contractor deliverables fail to comply with WCAG 2.1 Level AA standard, the Contractor shall provide the City with a credit to cover the cost of additional accessibility testing and resolution. Such credits shall not exceed 5% of either (1) the total fixed price due to the Contractor under the contract or (2) the total not-to-exceed amount of the contract if entered under a time and materials basis.

17. PAYMENTS AND INVOICING:

The Proposer must specify in their proposal the exact company name and address which must be the same as invoices submitted for payment as a result of award of this RFQ. Further, the successful Proposer is responsible for immediately notifying the Procurement Division of any company name change, which would cause invoicing to change from the name used at the time of the original RFQ. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest or penalty for untimely payments. **Payments can be processed through Proposer's acceptance of Visa at no additional costs to the City for expedited payment processing.** The City will not agree to allow any increase in hourly rates by the contract without PRIOR Fayetteville City Council approval.

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.

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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 GCCM shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a Proposer intends to subcontract a portion of this work, the Proposer shall disclose such intent in the proposal submitted as a result of this RFQ.

b. In the event of a corporate acquisition and/or merger, the GCCM 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 RFQ, without exception shall constitute approval for purpose of this Agreement.

20. NON-EXCLUSIVE CONTRACT:

Award of this RFQ 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-phase contracts, this provision shall apply separately to each item.

21. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this RFQ from the Proposer. 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.

22. SERVICES AGREEMENT:

A written agreement incorporating the RFQ and the successful proposal will be prepared by the City, signed by the successful Proposer, and presented to the Fayetteville City Council for approval and signature of the Mayor.

23. INTEGRITY OF STATEMENT OF QUALIFICATION (RFQ) DOCUMENTS:

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

24. LOBBYING:

Lobbying or communicating with 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

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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 Procurement Division to address situations such as clarification and/or questions related to the procurement process. For purposes of this provision lobbying activities or communication 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.

25. OTHER GENERAL CONDITIONS:

a. **Proposers shall provide documentation that their firm currently has a valid Arkansas Contractor's License. Valid registration with the Arkansas Secretary of State is required at time of contract award.**

b. Proposers shall provide the City with proposals signed by an employee having legal authority to submit proposals on behalf of the Proposer. The entire cost of preparing and providing responses shall be borne by the Proposer.

c. The City reserves the right to request any additional information it deems necessary from any or all Proposers after the submission deadline.

d. The request for statement of qualification 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 Proposer in preparation. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for statements of qualification is at the Proposer'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.

e. If products, components, or services other than those described in this bid document are proposed, the Proposer must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.

f. **Any uncertainties shall be brought to the attention to Amanda Beilfuss immediately via e-mail at (abeilfuss@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Procurement 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 Proposers to be on equal terms.**

g. No oral interpretation or clarifications will be given as to the meaning of any part of this request for statements of qualification. 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.

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h. At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews.

i. Any information provided herein is intended to assist the Proposer in the preparation of proposals necessary to properly respond to this RFQ. The RFQ 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 RFQ's content or to exclude any relevant or essential data.

j. Proposers irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be controlled by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.

k. The successful Proposer 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 Proposer 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 is agreed that the right of the assignee in and to any monies due or to become due to the successful Proposer 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 Proposer'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 Proposer 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 these 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.

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26. INSURANCE:

Any project selected under this RFQ shall require professional liability insurance in the amount of $10 million US dollars, at minimum. Such Certificate of Insurance shall list the City as an additional insured and not be required unless firm is awarded a contract. Certificate of insurance shall be provided within 10 (ten) calendar days after contract award. The City reserves the right to provide builder's risk insurance in the event it results in a cost savings to the overall project.

i. Professional/Comprehensive General Liability Insurance: Minimum $10 million
ii. Builder's Risk
iii. Worker's Compensation: Statutory amount
iv. General Automotive Insurance as required by state law

27. SELECTION CRITERIA:

The evaluation criterion below defines the factors which will be used by the selection committee to evaluate and score responsive, responsible and qualified proposals. The evaluation factors are as follows:

1. 30 Points – Specialized experience and technical competence of the firm with respect to the type of professional services required

2. 25 Points – Capacity and capability of the firm to perform the work in question including specialized services, within the time limitations fixed for the completion of the project

3. 25 Points – Past record of performance of the firm with respect to such factors as control of costs, quality of work, and ability to meet schedules and deadlines

4. 20 Points – Firm's proximity to and familiarity with the area in which the project is located

****NOTE: Fees shall NOT be included with any statement of qualification. Price shall not be a considered a factor used to select a vendor. Price and fees will not be considered until the negotiating process and will be a factor in the award of any proposed contract. In the event the City is not able to negotiate a successful contract with the selected vendor, the City reserves the right to cease negotiations with such selected vendor and proceed on to the next selected vendor.

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END OF GENERAL TERMS AND CONDITIONS

1. PROJECT SUMMARY

a. The City of Fayetteville is accepting statements of qualifications from licensed professionals to provide general contractor construction management (GCCM) services for the Plainview Extension Project. This project includes storm drainage, trail, sidewalks, enhanced crosswalks, turn lanes, traffic signal modifications, street lighting, and landscaping.

b. **Project Sections:** The project consists of two (2) separate sections to include the following. These project sections may be scheduled to be constructed concurrently:

   i. Section 1 – Plainview Avenue Extension from Longview Street to the Fiesta Square Shopping Center

      1. Street sidewalk and associated drainage construction on a new location
      2. Water and sewer relocations and coordination with franchise utilities for other necessary relocations.
      3. 3-barrel box culvert installation

   ii. Section 2 – Extension of Rolling Hills Drive west of College Avenue and extension of Plainview Drive south through the Fiesta Square Shopping Center

      1. Demolition of existing parking lot and driveway pavement
      2. Construction of street sidewalk and related drainage improvements
      3. Signal modifications at Rolling Hills and College Avenue
      4. Construction of a roundabout at the intersection of Rolling Hills and Plainview
      5. Water and sewer relocations and coordination franchise utilities for other necessary relocations
      6. Coordination with adjacent businesses for temporary traffic pattern modifications
      7. Parking lot restriping and reconfiguration on adjacent properties in accordance with design plans.

c. Garver, Inc. (Engineer) is serving as the lead design professional for this project.

d. **Project Funding:** The total project funding is to be provided by a voter approved bond item.

2. PROJECT INFORMATION & REQUIREMENTS

a. Request for Qualifications (RFQ) responses shall be submitted from one single primary construction manager firm with each additional contracted third party as a subcontractor to the primary. The primary firm in addition to any contracted third party shall be disclosed with the RFQ response and be considered the project team for the overall construction scope of the project. This requirement to provide sub-consultant professionals does not include subcontractor trades for the actual construction items (Electrical, Masonry etc.) as those items will be bid after contract award.

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b. Responses **shall NOT include** price, hourly rates, or any pricing structure. Pricing shall be negotiated with the top ranked selected firm only and is not considered part of this selection. The City intends to negotiate each phase as a not to exceed fee with the selected firm.

c. It is the intent of this solicitation to enter into a mutually beneficial agreement indicated by the draft provided with this RFQ.

d. The Primary responding firm shall be experienced in constructing a wide variety of streetscape elements such as; street reconstruction, shared-use paved trails, sidewalks, stormwater infrastructure, lighting, signalization, landscaping, irrigation and specific pavement materials. Respondents to this RFQ shall submit at least three (3) similar type projects within the past 10 years that demonstrates successful street projects. Projects listed shall have been completed by the employees/associates that will be assigned to this project.

3. SCOPE OF WORK

a. **Overview:** Anticipated phases are identified below with associated scope of work. Scope of work is not limited to any additional industry standard scope of work necessary to complete each phase. **Design Team is composed of Garver Inc. and the City of Fayetteville. Selected GCCM shall coordinate with the Design Team in order to achieve best value for the overall success of the project, including working to achieve maximum cost savings.**

b. **PHASE 1: Pre-Construction Services**

i. **Construction Documents Phase**

1. GCCM shall develop a construction phasing plan.
2. GCCM shall develop a construction schedule.
3. GCCM shall develop cost estimates for the most current design set and specifications and evaluate cost reduction alternatives and control.
4. Provide industry standard construction manager services, including but not limited to development of costs, identifying potential design changes which could result in cost savings or construction efficiencies, interact with the Design Team for review of documents, etc.
5. Coordinate with Garver on Final Design Document sets, Final Specifications, and Cost Estimates and Schedule to present to the Design Team. (90% plan review).
6. After receiving 90% design review comments, meet with applicable City of Fayetteville Staff to resolve comments.
7. Assist Garver in responding in writing to all City of Fayetteville comments on plans.
8. Assist Garver in coordinating with City-owned utilities, private utilities, and service providers.

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9. Attend follow up meetings with the Design Team.

10. Construction Documents/Plans, Specifications and Project Drawings shall be routed through the City of Fayetteville for required approvals.

11. Assist Garver and the City with the bid form and identify all separate trade packages.

12. Facilitate with the Design Team in conducting cost-benefit analyses to understand construction costs, life-cycle cost impacts and long-term maintenance costs.

13. Coordinate with the Design Team to create plans for closure and detour of both pedestrian and street zones based on construction phasing.

14. Provide pedestrian access and ADA accessibility plan for construction duration.

ii. Bid Phase

1. Coordinate with City Procurement Division to ensure all procedures followed for this phase meet state laws and City of Fayetteville Procurement Policies.

2. Provide services for reproduction and dissemination of bid sets (project manual and stamped drawings) to the City Design Team [PM (1), Procurement (1), and interested bidders]. Documents should be made available to any interested party electronically at no cost.

3. Provide distribution of plans to all interested parties.

   a. Maintain open communication with the City of Fayetteville Procurement Division throughout the bidding process.

   b. Distribution of all documents shall be done in a fair and unbiased manner while keeping all interested parties on equal terms.

   c. Document and keep an updated accurate record of plan holders and provide updated listings to all interested parties in a timely manner.

   d. Answers to questions and inquiries shall be made in the form of an addendum and shall be provided to all interested parties at the same time.

4. Coordinate with City Procurement Division during pre-bid meeting(s) and facilitate and attend the Bid Opening.

5. Maintain open communication with the City Procurement Division during any process involving Request for Information (RFI).

6. Any addenda shall be provided to the Procurement Division for review and approval in advance of issuance. Bidders, interested parties, and plan holders shall receive all information included in addenda at the time addenda is issued.

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7. In the event the GCCM desires to self-perform a portion of the work or a trade package, the GCCM shall submit a bid package in the same time and manner as other interested parties.

8. Assist with the design of all Bid Proposals.

9. Review Garver's Recommendation of Award Letter that includes the following required content (and assist with):

    a. Check for math errors and reconcile any mathematical discrepancies,

    b. Review for unbalance bid items,

    c. Coordinate with the City Procurement Division in finalizing a Certified Bid Tabulation including Engineer's estimate,

    d. Review of contractor's financial standing and references provided,

    e. Explanation of discrepancies between the Engineer's estimate and bids, and

    f. Meet with the City to provide a formal written recommendation of award.

10. Attend City Council meeting(s) for the recommendation for award of Contract(s) for construction.

c. Phase 2 Guaranteed Maximum Price and Construction Administration Phase

i. Construction Administration Phase

1. Put forth diligent and fiscally responsible efforts to ensure the project will be completed on time and within budget.

2. Attend pre-construction meeting and conduct regular update meetings as jointly determined by the Design Team and contracted sub-contractors.

3. Provide weekly updates of project progress, including work during the previous period, work planned in the upcoming period, outstanding RFI's and other issues, pending change order items, and other relevant project information.

4. Coordinate with Design Team on all Request for Change Proposals, Change Orders, etc. including maintaining a log of all such documents.

5. The City of Fayetteville intends to provide regular project management and construction administration services. Garver will provide field services, progress meetings, progress payment review, and assistance on a bi-monthly basis.

6. Review site visit report from Design Team at least two (2) times per month.

7. Coordinate with the Design Team to conduct Substantial Completion Inspection, coordinate with Garver to create punch list, substantiate that items noted are completed, and issue Substantial Completion Certificate.

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8. The Design Team shall be notified to attend all on-site meetings, review and approval all pay requests, and change order review prior to Mayor's approval.

ii. Project Close Out

1. Provide Warranty Services during the entire Warranty Period. Garver to issue Warranty Reports and review items after the GCCM has notified the City that these items are complete.

2. Provide support services as needed during the project close out process.

3. Provide close out submittal to Garver for completeness before transmitting to the City which include but are not limited to:

a. Contractor's red lines and as-built notes

b. Provide as-built record drawings noting any changes to the plans prepared by Garver (both hard copy and digital formats)

c. Produce a project narrative that provides a comprehensive review of the construction activities for the project with a project narrative submitted for City approval at the completion of each contract phase

4. PROFESSIONAL SERVICES AND ADDITIONAL REQUIREMENTS

a. Professional Services:

i. Any entity responding to this RFQ shall be a current licensed contractor with the State of Arkansas Contractor's Licensing Board with a classification that is acceptable for this RFQ's Scope of Work. Failure to hold a current contractor's license shall result in submittal rejection. All subcontractors on the project shall be properly licensed by the State of Arkansas Contractor's Licensing Board.

ii. Any industry standard cost share or savings incentive practices desired for discussion during contract negotiations should be disclosed with RFQ response. Cost sharing practice shall be presented in the format of a general best practices approach and contract terms and shall not include pricing related figures. Pricing and fees are NOT part of the selection criteria and shall not be include with RFQ submittal.

iii. The resulting contract of this solicitation shall be a Guaranteed Maximum Price (GMP) construction contract; however, price itself shall not be considered until a firm has been selected based on qualifications. Price will be negotiated with the most qualified firm, as evaluated and voted on by the selection committee.

iv. Performance and payment bonding. After a contract has been awarded to the selected construction manager (CM) and within ten (10) calendar days of the final construction contract being finalized, provide 100% separate performance and payment bonds to the City of Fayetteville after being file marked at the Washington County Circuit Clerk's Office.

Appendix C
RFQ 26-03, GCCM - Plainview Avenue Extension
City Issued RFQ

v. Construction contracts for the project shall not be entered into without 100% payment and performance bonds in the amount of the contract and any amendments thereto and shall provide for the manner in which the construction shall be managed and supervised. Bonds shall be valid and exchanged between all parties. The GCCM shall hold all trade contracts and purchase orders and shall bond and guarantee the project.

vi. After contract award, the awarded GCCM shall furnish a certificate of insurance showing that insurance policies are carried in amounts acceptable to the City. Forms of insurance shall be, Comprehensive General Liability, Builder's Risk, Property Damage Insurance, Worker's Compensation, and Automobile coverage. Such insurance shall be kept in full force and in effect until all work has been satisfactorily completed and accepted. All certificates of insurance shall list the City of Fayetteville as an additional insured. The City of Fayetteville reserves the right to bind builder's risk insurance for this project in the event it results in a cost savings to the City.

vii. Ensure all funds spent are in accordance with State of Arkansas procurement laws, including but not limited to:

1. Ensuring GCCM maintains a proper license with the Arkansas Contractors Licensing Board
2. Ensuring all subcontractors on the project are properly licensed by the Arkansas Contractors Licensing Board
3. Compliance with Arkansas state law including but not limited to sections:
    - A.C.A. § 14-58-1001
    - A.C.A. § 19-65-102
    - A.C.A. § 17-25-101
    - A.C.A. § 17-38-101
    - A.C.A. § 17-33-101
    - A.C.A. § 12-80-101
    - A.C.A. § 22-9-101
    - A.C.A. § 22-9-103
    - A.C.A. § 22-9-104
    - A.C.A. § 22-9-213
    - A.C.A. § 22-9-401
    - A.C.A. § 22-9-501
    - A.C.A. § 22-9-601
    - A.C.A. § 22-9-701
    - And all competitive bidding statutes shall remain in full force and effect and not be affected hereby

Appendix C
RFQ 26-03, GCCM -
Plainview Avenue Extension
City Issued RFQ

- This project shall not authorize a design-build project contract or sub-contracts

4. Project and change order pricing
5. Schedule control
6. Cost reduction and control
7. Project coordination
8. Project close out
9. Warranty

5. SUBMITTAL REQUIREMENTS

a. In order to issue a uniform review process and to obtain the maximum degree of comparability, all Proposers shall submit the following information with proposal, at a minimum:

i. Title Page: Show the name of agency/firm, address, and telephone number, name of contact person, date, and subject: RFQ 26-03.

ii. Table of Contents: Include a clear identification of the material by section and by page number.

iii. Letter of Interest: Name, address, brief history of firm and Submitter's interest in the proposed project. Briefly state the agency/firm understands the work to be done and makes a positive commitment to perform the work. Give the name of the person(s) who will be authorized to make representation for the Submitter, their titles, addresses and telephone numbers. Describe the perceived strengths to carry out the project.

iv. Project Team Organization: Provide an organizational chart indicating the relationship between the Submitter's staff members who have responsibilities related to this project. Indicate on the chart the names of key personnel and their titles. Submit professional qualifications and resumes of staff to be assigned to this project, showing where they have performed work on similar projects including Construction Management GMP projects.

v. Specialized and Past Experience: Provide information regarding past experience in relation the services requested in this RFQ including information pertaining to customer satisfaction, timely completion, and meeting budgets on similar projects executed under a GMP contracting format. **Actual price and fees shall NOT be included in submittal**.

vi. Schedule: Submitter shall provide a general schedule for the completion of the scope of the specified project.

vii. Additional Background: All Submitters are invited to include information not included above which may be useful and applicable to this project.

b. **Items to Specifically Include with Response:** Responses shall include the following in addition to other requirements specified:

Appendix C
RFQ 26-03, GCCM -
Plainview Avenue Extension
City Issued RFQ

i. Prior experience constructing streetscape and similar project types.

ii. Statement regarding understanding of pre-construction services and approach to billing for pre-construction services. Included as part of this statement should include a clear definition of understanding for what a Guaranteed Maximum Price (GMP) means.

iii. Records of management teams on similar projects with timely completion, and high-quality workmanship.

iv. Records of previous similar projects with owner verification and contact information. Please provide contact information including reference contacts of the owner and architect on at least three (3) projects within the past ten (10) years.

v. Current and projected workload

vi. Current maximum bonding capacity and rate

vii. Proof of licensure from the State of Arkansas Contractor's Licensing Board

6. ADDITIONAL INFORMATION

a. Appendix A – Map of Project Overview

b. Appendix B – Map of Roundabout Exhibit

Appendix C
RFQ 26-03, GCCM -
Plainview Avenue Extension
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END OF PROJECT SUMMARY AND SCOPE OF WORK

1. DISCLOSURE INFORMATION

a. Proposer shall disclose any possible conflict of interest or disclose any financial interest with the City of Fayetteville, including, but not limited to, City of Fayetteville employees. Proposer response shall disclose if a known relationship exists between any principal or employee of submitting firm or its team members or sub-consultants, and any City of Fayetteville employee, or elected City of Fayetteville Official.

   i. If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

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

_____1) NO KNOWN RELATIONSHIP EXISTS

_____2) RELATIONSHIP EXISTS (Please explain): _____

_____

_____

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

d. Proposer agrees that they shall have a current, valid registration with the Arkansas Secretary of State at time of award from Fayetteville City Council.

e. Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.

f. Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.

Appendix C
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2. PRIMARY CONTACT INFORMATION

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

Corporate Name of Firm: _____

Primary Contact: _____ Title of Primary Contact: _____

Phone#1 (cell preferred): _____Phone#2: _____

E-Mail Address: _____

3. ACKNOWLEDGEMENT OF ADDENDA

Acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFQ documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED

4. DEBARMENT CERTIFICATION

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

b. 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.

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

Appendix C
RFQ 26-03 GCCM -
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5. SUB CONSULTANTS AND TEAM INFORMATION:

Proposer hereby certifies that proposals from the following consultants were used in the preparation of this statement of qualification. Proposer shall attach additional pages if necessary. **This section only applies if GCCM is proposing a sub consultant for estimating, scheduling, accounting/payroll and non-construction trade services.**

Type of Work: _____

Subcontractor's Name: _____

Arkansas License No: _____

Address: _____

Date Firm Established: _____

Percentage of Work: _____

Type of Work: _____

Subcontractor's Name: _____

Arkansas License No: _____

Address: _____

Date Firm Established: _____

Percentage of Work: _____

Type of Work: _____

Subcontractor's Name: _____

Arkansas License No: _____

Address: _____

Date Firm Established: _____

Percentage of Work: _____

Appendix C
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Plainview Avenue Extension
City Issued RFQ

6. SIGNATURE SUBMITTAL

NAME OF COMPANY: _____

PHYSICAL ADDRESS: _____

MAILING ADDRESS: _____

TAX ID #: _____ AR. SECRETARY OF STATE FILING #: _____

PHONE: _____ SAM UEI #: _____

E-MAIL: _____

By submitting your response, you certify that you are authorized to represent and bind your company :

SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____ DATE: _____

Appendix C
RFQ 26-03, GCCM -
Plainview Avenue Extension
City Issued RFQ

END OF RFQ DOCUMENT

Appendix A

0' 30' 60' 120' 180'
(IN FEET)

765-02331-000
MATHIAS SHOPPING
CENTERS, INC.

765-02333-000
MATHIAS SHOPPING
CENTERS, INC.

765-02334-000
MATHIAS SHOPPING CENTERS, INC.

765-15927-001
MATHIAS SHOPPING
CENTERS INC.

765-15758-000
FALCONS LANDING LLC

765-15927-000
SLONE, MICHAEL
DAVID & RAMAH SUE

765-15770-000
SLONE, MICHAEL DAVID
& RAMAH SUE

765-02330-000
MATHIAS SHOPPING
CENTERS, INC.

765-02334-000
MATHIAS SHOPPING
CENTERS, INC.

765-15917-001
MATHIAS SHOPPING
CENTERS, INC.

765-02333-000
MATHIAS SHOPPING
CENTERS, INC.

765-02330-000
MATHIAS SHOPPING
CENTERS, INC.

765-02335-000
MATHIAS SHOPPING
CENTERS, INC.

765-02336-000
MATHIAS SHOPPING
CENTERS, INC.

765-15927-000
SLONE, MICHAEL
DAVID & RAMAH SUE

N. PLAINVIEW AVE.

E. LONGVIEW ST.

E. ROLLING HILLS DR.

15th TCL DI

COLLEGE AVE.

COLLEGE AVE.

Appendix C
CO 26-03, GCCM – Avenue Extension RFQ
Plainview Continued

LEGEND

- P L — EXISTING PROPERTY LINE
- — EXISTING EASEMENT
- R / W — EXISTING RIGHT OF WAY
- R / W — PROPOSED RIGHT OF WAY
- — PROPOSED EASEMENT
- — TEMPORARY CONSTRUCTION EASEMENT
- — PROPOSED STORM SEWER

GARVER

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REV.	DATE	DESCRIPTION	BY

CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS

CITY OF FAYETTEVILLE ARKANSAS

PLAINVIEW AVENUE EXTENSION

EXHIBIT 1

JOB NO.: 20T21040
DATE: OCT. 2025
DESIGNED BY: ZTM
DRAWN BY: TSA

BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

DRAWING NUMBER
EXH 1

JAAdams
3/13/2026 1:40:00 PM
WORKSPACE:Garver_2012
L:\20\20\20T21040 - Fayetteville Plainview Avenue Extension\Drawings\MISC\Exhibits\2025-10 Layout Exhibit\2026-03-11 FPAE_EXH.dgn
REVISED DATE:

Appendix B



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REV	DATE	DESCRIPTION	BY

CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS

PLAINVIEW AVENUE EXTENSION

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DESIGNED BY: ZTM
DRAWN BY: TSA

BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

DRAWING NUMBER
EXH 1

JAAdams 1/5/2026 3:46:11 PM
WORKSPACE:Garver_2012
L:\20\20\20T21040 - Fayetteville Plainview Avenue Extension\Drawings\MISC\Exhibits\2025-10 Layout Exhibit\2026-01-05 FPAE_EXH.dgn
REVISED DATE:

RFQ 26-03, Addendum 1

Date: Monday, April 13, 2026

To: All Prospective Suppliers

From: Amanda Beilfuss – 479.575.8220 – abeilfuss@fayetteville-ar.gov

RE: RFQ 26-03, GCCM – Plainview Avenue Extension

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Interested parties should indicate their receipt of same in the appropriate blank of the RFQ. ***PROPOSERS SHOULD ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID PORTAL/RFQ FORM.***

Appendix C
RFQ 26-03, GCCM -
Plainview Avenue Extension
City Issued RFQ

1. A non-mandatory pre-proposal conference was held on Wednesday, April 8, 2026, at 10:00 AM in Room #101 of Fayetteville City Hall. The sign-in sheet of attendees is attached to this addendum for disclosure to all interested parties.
    a. Attendees:
        i. City of Fayetteville:
            1. Amanda Beilfuss, Procurement Director
            2. Justin Bland, City Engineer
        ii. Vendors:
            1. APAC Central

2. The following questions have been received and answered by City Staff.:
    a. Question: Who is doing the 3rd party testing?
        i. Answer: The City will contract out the 3rd party testing for the project directly with a materials testing company.
    b. Question: Will any overnight work be necessary?
        i. Answer: If traffic signal work (including relocation) is required, yes, overnight work will be necessary to not disrupt traffic flow.
    c. Question: How much drainage is required in the project?
        i. Answer: A multi-barrel culvert crossing at the NE corner of the Harp's building is the major drainage improvement. Aside from that there is typical roadway drainage improvements the length of the project with inlets/junction boxes and occasional storm pipe crossings.

d. Question: Will any building demolition be required?

   i. *Answer: No building demolition required. All buildings and existing signage will not be affected by this project.*

Appendix C
RFQ 26-03, GCCM -
Plainview Avenue Extension
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CITY OF FAYETTEVILLE ARKANSAS

City of Fayetteville, Arkansas

Attendance Sheet

BID/RFP/RFQ #: RFQ 26-03

Description: GCCM - Plainview Avenue Extension

Function (circle one) : Bid Opening, Selection Committee Meeting, Pre-Bid, Interview

Date: 4 / 8 / 26 Time: 10:00 AM

City staff e-mail includes "@fayetteville-ar.gov"

	Name	Company	Title	Phone	Email
1	Amanda Beilfuss	CoF	Procurement Direct.	575-8220	abeilfuss@
2	Rueben Gastelum	APAC	Estimator	479 601 3216	rueben.gastelum@apac.com
3	Leyla Coronel	APAC	Estimator/PM	479-841-5464	leyla.coronel@apac.com
4	GRANT FERGUSON	APAC	Estimator/PM	479 263-9860	grant.ferguson@apac.com
5	JUSTIN BLAND	CoF	CITY ENGINEER	479-718-7623	jbland@fayetteville-ar.gov
6					
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Appendix C
RFQ 26-03 GCCM -
Plainview Avenue Extension
City Issued RFQ

CITY OF FAYETTEVILLE ARKANSAS

RFQ 26-03 Addendum 1
Emery Sapp & Sons
Supplier Response

Appendix D
RFQ 26-03 , GCCM -
Plainview Avenue Extension
Emery Sapp's Submittal

Event Information

Number: RFQ 26-03 Addendum 1
Title: GCCM for Plainview Avenue Extension
Type: Request for Qualifications
Issue Date: 3/29/2026
Deadline: 4/22/2026 02:00 PM (CT)
Notes: The City of Fayetteville is accepting statements of qualifications from construction management firms properly licensed to provide, General Contractor Construction Management services (GCCM) for the Plainview Avenue Extension. The project includes storm drainage, trail, sidewalks, enhanced crosswalks, turn lanes, traffic signal modifications, street lighting, and landscaping. Any questions regarding this RFQ should be directed to Amanda Beilfuss at abeilfuss@fayetteville-ar.gov.

Contact Information

Contact: Amanda Beilfuss
Address: Procurement
Room 306
City Hall
113 West Mountain Street - Room 306
Fayetteville, AR 72701
Email: abeilfuss@fayetteville-ar.gov

Emery Sapp & Sons Information

Contact: Josh Doerhoff
Address: 2301 I-70 Drive NW
Columbia, MO 65202
Phone: (573) 445-8331
Email: Josh.Doerhoff@emerysapp.com
Web Address: www.emerysapp.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Jason Eldredge
Signature

jason.eldredge@emerysapp.com
Email

Submitted at 4/22/2026 08:51:05 AM (CT)

Requested Attachments

RFQ 25-16, Response Submittal

RFQ 26-03, GCCM - Plainview Avenue Extension_Emery Sapp & Sons.pdf

Please upload your RFQ proposal, including the required signature forms from the RFQ document, located in the 'Attachments' tab.

Bid Attributes

1	**Check Yes or No:** Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing. ☑ Yes, I agree ☐ No, I don't agree
2	**Check Yes or No:** Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing. ☑ Yes, I agree ☐ No, I don't agree
3	**Addendum Acknowledgement** By selecting "I agree", you acknowledge that you have read all addendum(s) that have been issued for this solicitation, if applicable. ☑ I agree

Appendix D
RFQ 26-03, GCCM - Plainview Avenue Extension
Emery Sapp's Submittal

EMERY SAPP & SONS



Appendix D
RFQ 26-03; GCCM -
Plainview Avenue Extension
Emery Sapp's Submittal

RFQ 26-03

PLAINVIEW AVENUE EXTENSION

General Contractor Construction Management

POINT OF CONTACT

CODY VANDEGRIFFE
PROJECT EXECUTIVE
cody.vandegriffe@emerysapp.com
479.844.5030

APRIL 22, 2026

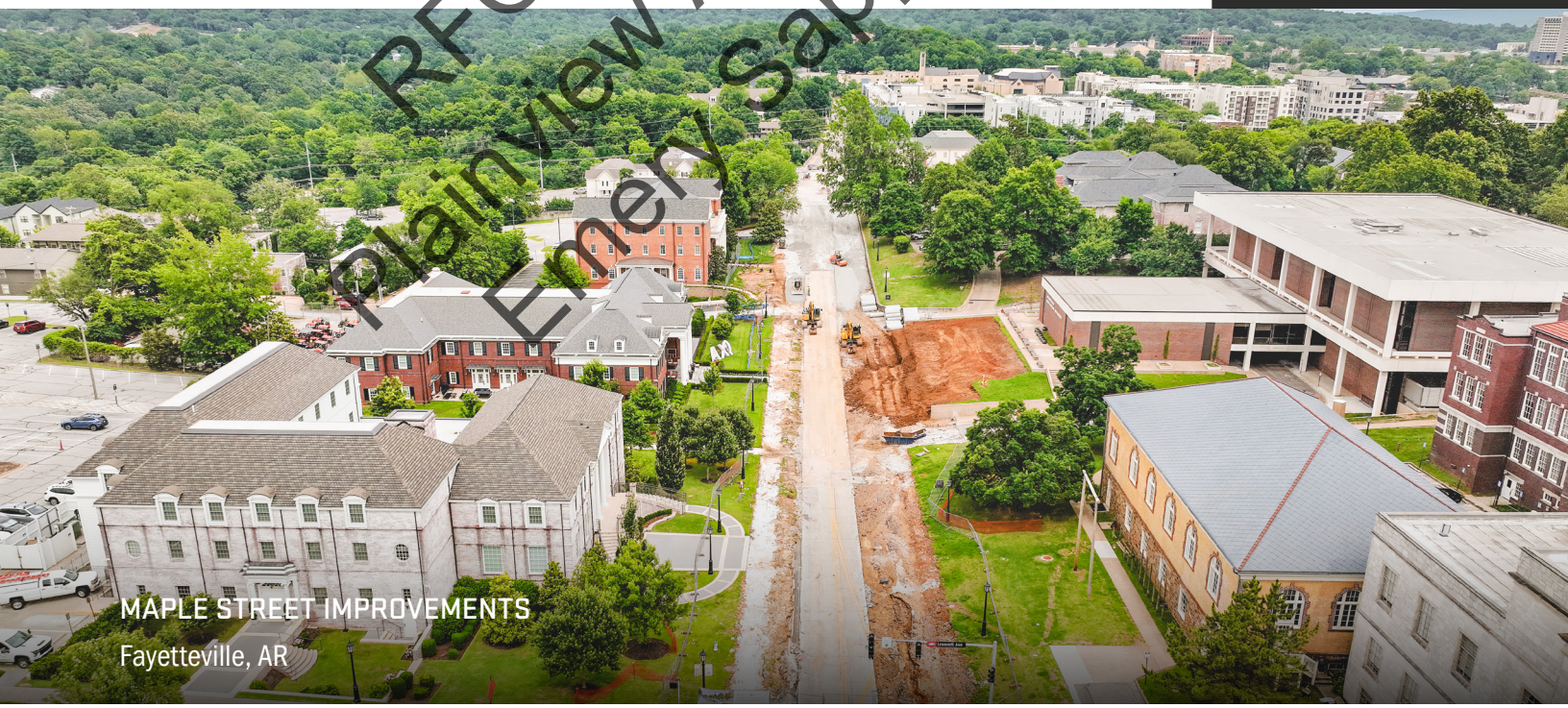
EMERY SAPP & SONS
5168-A North Oak
Springdale, AR 72764
479.844.5030

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RFQ 26-03, GCCM -
Plainview Avenue Extension
Emeny Sapp's Submittal

Click section for easy access



MAPLE STREET IMPROVEMENTS
Fayetteville, AR

City of Fayetteville, AR
Procurement Division, Room 306
113 W. Mountain Street
Fayetteville, AR 72701

RE: RFQ 26-03 GCCM | Plainview Avenue Extension

Dear Ms. Beilfuss and Members of the Selection Committee:

The City of Fayetteville's continued growth has created a need for infrastructure that improves connectivity, safety, and long-term mobility. The Plainview Avenue Extension represents a key investment in that effort, linking important corridors, enhancing multimodal access, and improving traffic operations. Delivering this project will require not only technical expertise, but careful coordination with adjacent businesses, utility providers, and the traveling public.

Emery Sapp & Sons (ESS) is well positioned to serve as the City's General Contractor Construction Manager, providing the full range of services outlined in this RFQ. From pre-construction and GMP development through construction, coordination, and closeout, we understand the complexities of roadway extensions that include utility relocations, drainage infrastructure, and phased construction across active corridors. **Our team brings a proactive, transparent approach to cost estimating, schedule control, subcontractor procurement, and risk management to ensure the City's investment is delivered efficiently** and in compliance with Arkansas procurement requirements.

For more than 50 years, ESS has specialized exclusively in civil infrastructure construction, delivering complex transportation and utility projects for clients throughout Arkansas. **Our teams bring extensive experience in Northwest Arkansas, including prior work with the City of Fayetteville on the Maple Street Improvements and Porter Road Roundabout projects.** This experience provides a strong understanding of the City's standards, stakeholder expectations, and the level of coordination required to successfully deliver projects in this community.

In addition, **our well-established relationships with local utility providers support proactive coordination, streamlined conflict resolution, and more reliable scheduling throughout both pre-construction and construction.** As your GCCM, we bring a dedicated civil construction focus, deep pre-construction expertise, and a proven ability to manage multi-phase infrastructure projects while maintaining access for businesses and the public. We are committed to close collaboration with the City, Garver, and local stakeholders, with an emphasis on clear communication and minimizing disruption throughout construction.

ESS understands the scope and requirements of the Plainview Avenue Extension and is committed to delivering GCCM services that meet the City's expectations for quality, cost control, and schedule performance.

Project Executive Cody Vandegriffe will serve as your primary point of contact, accountable for the successful delivery of this project. We look forward to partnering with the City of Fayetteville to deliver infrastructure that supports continued growth and enhances the community for years to come.

Appendix D
RFQ 26-03; GCCM -
Plainview Avenue Extension
Emery Sapp's Submittal

JASON ELDREDGE

Assistant Vice President
jason.eldredge@emerysapp.com | o 479.844.5030 | m 479.531.2235
Emery Sapp & Sons, Inc. | 5168-A North Oak | Springdale, Arkansas 72764

1

PROJECT TEAM ORGANIZATION

Appendix D
RFQ 26-03, GCCM -
Plainview Avenue Extension
Emery Sapp's Submittal

EMERY SAPP & SONS

PROJECT TEAM

KEY PERSONNEL

The proposed project team in **Figure 1A** consists of experienced professionals with demonstrated success delivering roadway and infrastructure projects similar in scope to the Plainview Avenue Extension. This fully integrated team structure positions the project for successful delivery and maximizes value for the City throughout the life of the Plainview Avenue Extension project.

Cody Vandergriffe, Project Executive, will serve as the City's primary point of contact and provide overall executive oversight. Jeff Wilson, Pre-construction Manager, will lead pre-construction planning, cost development, and constructability reviews. Andrew Hall, Schedule Manager, will oversee project scheduling, sequencing, and phasing throughout both pre-construction and active operations. Keith Coleman, Project Manager, and Chad Wallis, Project Superintendent, will manage day-to-day construction activities, including field coordination, safety, and quality control.

Rodney Mapes, Health & Safety Manager, will provide safety oversight through development of the project-specific safety plan, periodic site audits, and safety support to the project team. Steve King, Field Operations Manager, will provide operational oversight and periodic site reviews to support field execution and ensure alignment with ESS standards.

LEGEND

- NWA Local Team Member
- Project Core Team
- Project Support Staff

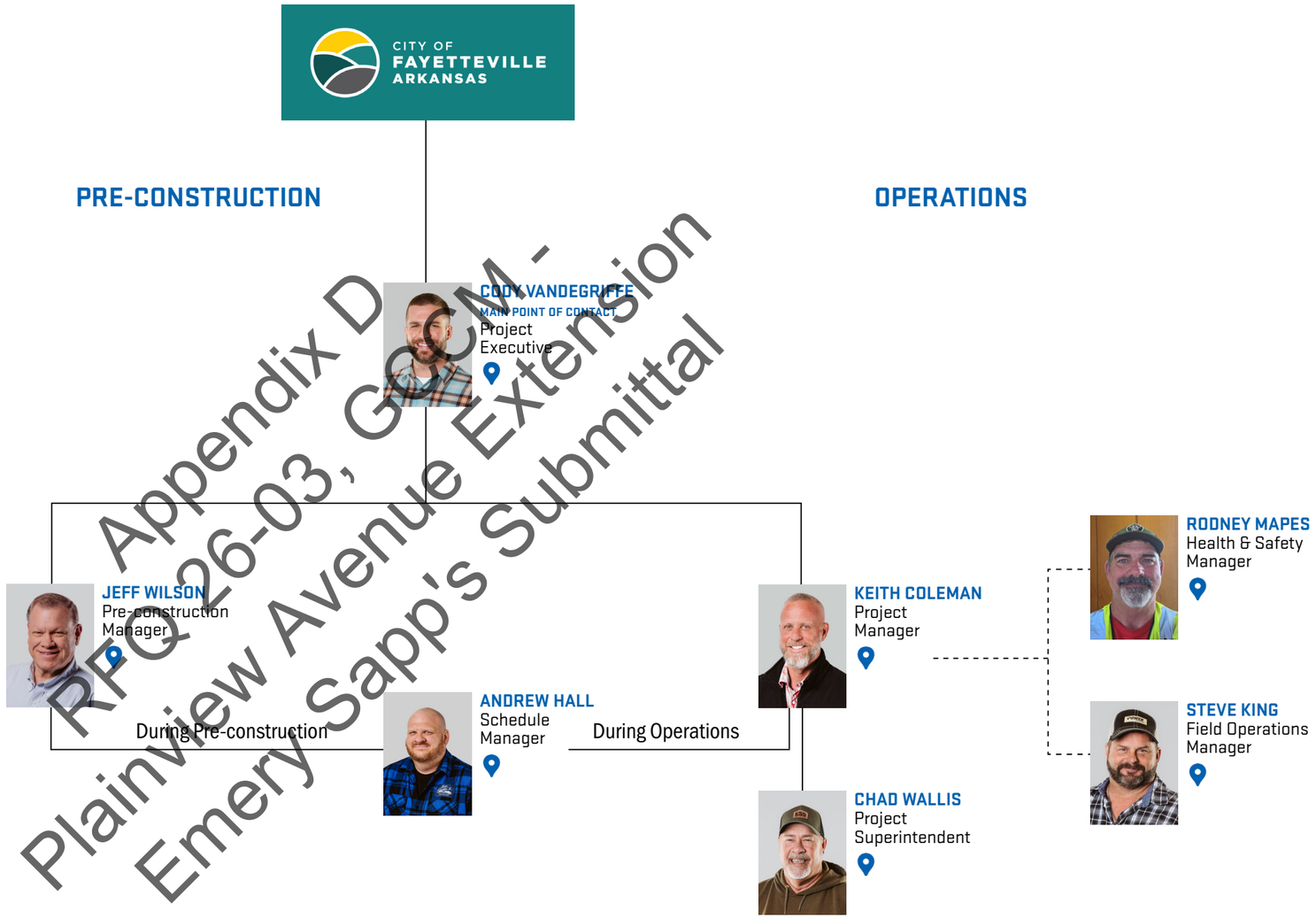


Figure 1A. Plainview Avenue Extension Project Organization Chart

Appendix D
RFQ 26-03, GCCM -
Plainview Avenue Extension
Emery Sapp's Submittal

Click names to view resumes



CODY VANDEGRIFFE

PROJECT EXECUTIVE

FIRM
Emery Sapp & Sons

YEARS OF EXPERIENCE
9

YEARS AT CURRENT FIRM
9

EDUCATION
Bachelor of Business Administration
Business Administration & Management, General
University of Missouri

TRAINING + CERTIFICATIONS
FMI Leadership Institute
- Leadership Development Program
- Project Manager Academy

OSHA 10-Hour Certified

With 9 years of experience in project management, estimating, and job cost accounting, Cody brings a strong background in municipal infrastructure and roadway improvement projects. His experience across Northwest Arkansas includes transportation, street and utility improvements, and other public-sector work. Having managed CM/GC, DOT, and hard-bid municipal projects, Cody understands the coordination, scheduling, and stakeholder engagement required for successful projects like the Plainview Avenue Extension. His clear communication and field-focused approach are key assets in delivering safe, efficient, and community-focused infrastructure improvements.





MAPLE STREET IMPROVEMENTS

LOCATION Fayetteville, AR

OWNER City of Fayetteville

CONTRACT $3.4M

DESCRIPTION
ESS collaborated with the City of Fayetteville and the University of Arkansas to complete the pre-construction and CMAR phase of the Maple Street Improvements project. As Project Manager, Cody developed traffic control plans to allow students safe access to campus while preventing disruptions to active traffic. Cody provided budgets and schedules to the owners as well as creating bid manuals for subcontractors by dividing scopes into specific trades, ultimately lowering the initial project cost.

PORTER ROAD ROUNDABOUT

LOCATION Fayetteville, AR

OWNER City of Fayetteville

CONTRACT $2.89M

DESCRIPTION
As Project Manager of the Porter Road Roundabout, Cody worked closely with the City of Fayetteville to develop a site improvement plan and intersection for the new Fayetteville Police Headquarters. This project spanned multiple phases and included grading and excavating, site utilities including storm drainage, curb and gutter, stamped colored concrete and asphalt paving. Upon completion, ESS constructed a new roundabout, intersection and roadway improvements while maintaining the flow of traffic.

28th Street Park & Bright Road | Bentonville, AR
8th Street Gateway Park | Bentonville, AR

Appendix D
RFQ 26-03 GCCM -
Plainview Avenue Extension
Emery Sapp's Submittal



JEFF WILSON

PRE-CONSTRUCTION MANAGER

FIRM
Emery Sapp & Sons

YEARS OF EXPERIENCE
37

YEARS AT CURRENT FIRM
5

INDUSTRY INVOLVEMENT
Associated Builders & Contractors, Arkansas Chapter

Associated General Contractors of America, Arkansas Chapter

TRAINING + CERTIFICATIONS
OSHA 30-Hour Certified

Hard Dollar Certification, University of Arkansas

Northwest Arkansas, Stormwater Management Certification

With 37 years of experience in the civil construction industry, Jeff brings deep expertise in estimating and pre-construction management for municipal infrastructure and roadway projects. His longstanding relationships with local subcontractors, material suppliers, and City stakeholders are vital assets in developing accurate, competitive, and reliable project budgets. As Pre-construction Manager for the Plainview Avenue Extension, Jeff will oversee quantity take-offs, cost estimating, bid package development, supplier negotiations, and budget reviews. Leveraging his infrastructure experience and strong local market knowledge, Jeff will help deliver a project approach that maximizes value, supports constructability, and aligns with the City of Fayetteville's goals and expectations.





PORTER ROAD ROUNDABOUT

LOCATION Fayetteville, AR

OWNER City of Fayetteville

CONTRACT $2.89M

DESCRIPTION
As Senior Estimator for the Porter Road Roundabout, Jeff worked supported the development of a comprehensive site improvement plan and intersection serving the new Fayetteville Police Headquarters. His role included preparing detailed quantity take-offs, developing cost estimates, evaluating constructability, and coordinating pricing for grading and excavation, site utilities including storm drainage, curb and gutter, stamped colored concrete, and asphalt paving.

GARRETT ROAD EXTENSION & MT HEBRON PARK

LOCATION Rogers, AR

OWNER City of Rogers

CONTRACT $10M

DESCRIPTION
ESS served as the general contractor for the roadway improvements and the civil contractor for the 75-acre site, completing extensive earthwork and concrete paving. As Senior Estimator, Jeff was responsible for quantity take-offs, cost estimating, and bid package development for roadway improvements, site utilities, concrete paving, and site amenities, supporting accurate budgeting and effective project phasing.

East Township Roadway Widening Project | Fayetteville, AR
West Cato Springs Road | Fayetteville, AR

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Emery Sapp's Submittal



KEITH COLEMAN

PROJECT MANAGER

FIRM
Emery Sapp & Sons

YEARS OF EXPERIENCE
17

YEARS AT CURRENT FIRM
1

EDUCATION
Bachelor of Business Administration
Bachelor of Science in Aviation Science
Saint Louis University, Parks College of Engineering

TRAINING + CERTIFICATIONS
Arkansas General Contractor license
OSHA 10-Hour Certified
Confined Space Training
Fall Protection Training

Keith is an experienced construction professional with a strong background delivering infrastructure, residential, commercial, industrial, and institutional projects across Northwest Arkansas. He brings a practical, solutions-driven approach to managing complex scopes in active and constrained environments. As Project Manager at ESS, Keith leads construction execution from planning through closeout. He is responsible for coordinating subcontractors and self-perform crews, maintaining schedule and budget control, managing risk, and ensuring consistent safety and quality performance. With strong local knowledge and established relationships throughout the region, Keith delivers projects that meet owner objectives while supporting long-term operational success.





MAPLE STREET IMPROVEMENTS

LOCATION Fayetteville, AR

OWNER City of Fayetteville

CONTRACT $3.4M

DESCRIPTION
ESS was selected by the City of Fayetteville and the University of Arkansas to perform all earthwork and utility operations on the Maple Street Improvements project, a comprehensive redesign of a half-mile corridor connecting the Razorback Regional Greenway to Garland Avenue. As Project Manager, Keith is leading excavation, grading, storm sewer, water, and utility installation efforts while coordinating sequencing, traffic impacts, and field conditions.

GREENWAY FLATS APARTMENTS*

**With previous employer*

LOCATION Fayetteville, AR

OWNER Newell Development

CONTRACT $7.5M

DESCRIPTION
The Greenway Flats Apartments project involved a comprehensive renovation of a 72-unit residential complex. As Project Manager, Keith led the full gut and remodel of the facility, directing building renovations and site improvements that included landscaping, irrigation, and parking lot reconstruction. He coordinated project teams and subcontractors throughout construction, managing schedule, cost, and quality to successfully deliver a high-quality, cost-effective residential development.

Crystal Bridges Maintenance Facility | Crossland Construction
University of Arkansas for Medical Sciences Clinic | Nabholz

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Emery Sapp's Submittal



ANDREW HALL

SCHEDULE MANAGER

FIRM
Emery Sapp & Sons

YEARS OF EXPERIENCE
11

YEARS AT CURRENT FIRM
6

EDUCATION
B.S., Organizational Leadership & Management

University of Arkansas, Fort Smith, AR

TRAINING + CERTIFICATIONS
Certified Associate of Project Management (CAPM) Project Management Institute, 2019

Andrew Hall brings over ten years of project scheduling and project management experience, with extensive expertise using Primavera P6 for labor, budget, and resource planning. As Lead Scheduler for ESS, Andrew is responsible for all aspects of schedule control and resource management, including baseline development, schedule updates, and strict adherence to owner-specified scheduling requirements. His experience supporting roadway and municipal infrastructure projectsmakes him particularly well suited for the Plainview Avenue Extension. Andrew plays a critical role in coordinating construction activities, tracking project progress, and supporting the project team to ensure efficient delivery and on-time completion.





HWY 612 SPRINGDALE BYPASS

LOCATION Springdale, AR

OWNER ArDOT

CONTRACT $180.79M

DESCRIPTION
As the largest traditional bid-build project in Arkansas state history, the Highway 612 Springdale Bypass includes 15 bridges and over three miles of a brand new, four-lane highway for the traveling public of Northwest Arkansas. A project of this magnitude required consistent communication from the parties involved long before breaking ground. As Lead Scheduler, Andrew worked closely with our partners to develop solutions to emerging issues, allowing the project to move forward according to schedule.

PAULINE WHITAKER PARKWAY

LOCATION Rogers, AR

OWNER City of Rogers

CONTRACT $10.2M

DESCRIPTION
This project consisted of a 1,700 SF extension to South JB Hunt Drive, connecting Blossom Way Creek to the intersection of Bellview Road including a new bridge with a 450 SF overpass crossing above Blossom Way Creek. As Project Scheduler, Andrew worked with the City of Rogers and subcontractors to prevent delays and ensure delivery according to the allotted schedule. Phase II of this project includes the construction of the JB Hunt Roundabout.

Little Sugar to Tanyard Creek | Bella Vista, AR
Pea Ridge Military Park | Garfield, AR

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Emery Sapp's Submittal



RODNEY MAPES, CHST

HEALTH & SAFETY MANAGER

FIRM
Emery Sapp & Sons

YEARS OF EXPERIENCE
16

YEARS AT CURRENT FIRM
1

TRAINING + CERTIFICATIONS
OSHA 30-Hour Certified

First Aid / CPR / AED

Construction Health and Safety Technician (CHST)

EM 385-1-1 (U.S. Army Corps of Engineers Safety & Health Requirements)

Rodney is a seasoned construction safety professional with 16 years of experience leading and executing safety programs across a wide range of market sectors, including roadway and bridge construction, pipeline, heavy industrial, steel mill installations, and large-scale commercial projects. He has supported complex, high-value work in multi-contractor environments, overseeing field safety for workforces exceeding 150 personnel while navigating the unique risks of excavation, utilities, structural steel, crane and rigging operations, commissioning, and work in active public settings. Known for his strong field presence, Rodney partners closely with project teams to identify hazards early, and integrate safety seamlessly into daily operations.





MAPLE STREET IMPROVEMENTS

LOCATION Fayetteville, AR

OWNER City of Fayetteville

CONTRACT $3.4M

DESCRIPTION
ESS was selected by the City of Fayetteville and the University of Arkansas to perform all earthwork and utility operations on the Maple Street Improvements project. As Safety Manager, Rodney oversees jobsite safety by implementing site-specific safety plans, conducting inspections and briefings, ensuring OSHA and traffic control compliance, and proactively identifying and mitigating hazards associated with excavation, utilities, and work in active traffic areas.

WATKINS AVENUE WIDENING

LOCATION Springdale, AR

OWNER City of Springdale, AR

CONTRACT $4.7M

DESCRIPTION
ESS was selected by the City of Springdale to perform roadway and infrastructure improvements along Watkins Avenue, a half-mile corridor enhancement extending from Gene George Boulevard to 48th Street, including widening Watkins Avenue to three lanes and delivering a bowstring truss bridge over I-49. As Safety Manager, Rodney is overseeing jobsite safety operations, coordinating traffic control and bridge-related safety measures, and proactively managing safety hazards.

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Emery Sapp's Submittal



STEVE KING

FIELD OPERATIONS MANAGER

FIRM
Emery Sapp & Sons

YEARS OF EXPERIENCE
35

YEARS AT CURRENT FIRM
5

TRAINING + CERTIFICATIONS
OSHA 10-Hour Certified

OSHA 30-Hour Certified

Confined Space Certified

First Aid / CPR / AED

INDUSTRY INVOLVEMENT
Associated Builders & Contractors, Arkansas Chapter

ESS Workforce Development Mentorship Program

With more than 30 years of experience, Steve has led construction teams on complex roadway, municipal, and infrastructure projects throughout the region. His background includes oversight of site development, utility installation, excavation, and both asphalt and concrete paving. Steve is known for developing precise phasing plans, maintaining close coordination between crews and subcontractors, and consistently achieving high production while meeting stringent quality and safety standards. His deep understanding of construction sequencing and resource management supports efficient execution and safe operations across all phases of roadway construction.





28TH STREET PARK & BRIGHT ROAD

LOCATION Bentonville, AR

OWNER City of Bentonville

CONTRACT $4.6M

DESCRIPTION
This project involved a new roadway alignment, roadway widening, and construction of a new community park. As Superintendent, Steve provided on-site leadership and coordination of daily construction activities, overseeing crews, subcontractors, and sequencing to safely and efficiently deliver the work. He played a key role in identifying and addressing unsuitable soil conditions, directing adjustments to construction methods and equipment deployment to maintain schedule and quality.

PAULINE WHITAKER PARKWAY

LOCATION Rogers, AR

OWNER City of Rogers

CONTRACT $10.2M

DESCRIPTION
This roadway extension and bridge project was commissioned to construct a 1,700-foot road connecting Blossom Way Creek and Bellview Road. An additional 450-foot overpass was installed as well as water and sewer line relocations, storm drainage systems, and other underground utilities. As Project Superintendent, Steve lead construction crews through daily operations, ensuring each step of the plans were implemented correctly and efficiently.

Alice Walton School of Medicine Student Housing | Flintco
OZ Trails Bike Park | Crossland Construction

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Emery Sapp's Submittal



CHAD WALLIS

PROJECT SUPERINTENDENT

FIRM
Emery Sapp & Sons

YEARS OF EXPERIENCE
30

YEARS AT CURRENT FIRM
30

MILITARY SERVICE
U.S. Army

TRAINING + CERTIFICATIONS
OSHA 10-Hour Certified

OSHA 30-Hour Certified

Electrical Workplace Safety Certified

Certified Flagger

With more than 30 years of construction experience, Chad brings extensive expertise in roadway construction, utility installation, and complex site development. His background includes leadership across earthwork, grading, and site preparation, with specialized knowledge in sanitary and storm sewer systems essential to the Plainview Avenue Extension. As Project Superintendent, Chad oversees daily field operations, coordinating crews, sequencing work, and managing multiple scopes to ensure safe, efficient construction in full compliance with City of Fayetteville specifications. His ability to maintain aggressive schedules while coordinating utility and roadway improvements makes him a strong leader for this project.





CRYSTAL BRIDGES PHASE II EXPANSION

LOCATION Bentonville, AR

OWNER Flintco

CONTRACT Confidential

DESCRIPTION
ESS was awarded the Crystal Bridges Phase II Expansion project to nearly double the size of the current facilities and re-imagine the museum as a community center. As Project Superintendent, Chad provided key leadership as crews carefully graded and excavated more than 150,000 cubic yards of material and installed 3,000 linear feet of underground utilities. ESS crews then constructed several pavilions, walking trails and recreational spaces for museum attendees.

PEA RIDGE MILITARY PARK

LOCATION

OWNER ArDOT and the National Park Service

CONTRACT $4.2

DESCRIPTION
Pea Ridge Military Park marks the site of the 1862 American Civil War Battle of Pea Ridge. ESS was entrusted with the removal of Old Highway 62, the relocation of Park Tour Road, and additional infrastructure upgrades. The team worked in tandem with As crews excavated more than 64,000 cubic yards of dirt, countless Civil War artifacts were unearthed. Chad played a key role in honoring the site's history, ultimately redesigning plans throughout the course of the project to preserve as much of the existing land as possible.

Rupple Road | City of Fayetteville

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SPECIALIZED & PAST EXPERIENCE

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RFQ 26-03, CCCM -
Plainview Avenue Extension
Emery Sapp's Submittal

EMERY SAPP & SONS

PROJECT EXPERIENCE

ESS brings extensive experience delivering roadway and infrastructure projects for municipal clients, with client satisfaction, schedule compliance, and budget performance. The following pages highlight projects demonstrating ESS's successful collaboration with owners, general contractors, and design teams to deliver projects on time and in alignment with owner expectations. **The table below also summarizes a selection of ESS projects, all executed using a GMP contract model.**

ESS GMP EXPERIENCE

PROJECT NAME	OWNER	COMPLETED ON SCHEDULE	AT OR BELOW BUDGET
Porter Road Roundabout CMAR	City of Fayetteville, AR	✓	✓
Fort Smith Regional Airport – Runway 7/25 Rehabilitation CMAR	Fort Smith Regional Airport	✓ Delivered early	✓
OZ Bike Trails Park	Walton Enterprises	In progress	In progress
Pre-construction Services for Maple Street Improvements CMAR	City of Fayetteville & University of Arkansas	N/A	✓
Maple Street Improvements Subcontract Work CMAR	Flintco (City of Fayetteville)	In progress	In progress
Ward Road Widening Design-Build	City of Lee's Summit, MO	✓	✓
79th Street Reconstruction Design-Build	City of Lenexa, KS	✓	✓
Birch/Ash Street Improvements Design-Build	City of Eudora, KS	✓	✓
NE Orchard Street Improvements Design-Build	City of Lee's Summit, MO	✓	✓
South Liberty Parkway Design-Build	City of Liberty, MO	✓	✓
I-70 Wentzville to Warrenton Design-Build	MoDOT	In progress	In progress
Columbia I-70 Bridges Design-Build	MoDOT	✓	✓
The Ridge at Ward Branch CMAR	RW Development	✓	✓
Harmony at Clear Creek (Residential Development)	Material Capital Partners	In progress	In progress
Memorial Stadium South Expansion CMAR	Mortenson for the University of Missouri	✓	✓
I-70 Truck Climbing Lanes at Mineola Hill Design-Build	MoDOT	✓ Delivered early	✓
K10 - South Lawrence Trafficway Design-Build	KDOT	In progress	In progress
Liberty Heartlands Logistics Center	General Contractor	✓	✓

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Emery Sapp's Submittal





PORTER ROAD ROUNDABOUT

for Flintco [City of Fayetteville]

PROJECT LOCATION | Fayetteville, AR

PROJECT DESCRIPTION

The Porter Road Roundabout is a key infrastructure improvement completed as part of the City of Fayetteville Police Headquarters project. The project transformed the Porter Road and Deane Street intersection and added on-street parking, enhancing connectivity and functionality within the evolving Fayetteville streetscape.

ESS self-performed approximately 95% of the project's construction scope, including grading, erosion control, traffic control, drainage, base rock, paving, and striping. The completed roundabout replaces a previously inefficient three-way intersection, improving traffic flow and creating a smoother experience for daily commuters and nearby businesses.

Located at a heavily traveled intersection, the project required meticulous phased planning to keep traffic moving and disruption to a minimum. ESS proactively developed detailed phasing and traffic control strategies and worked closely with Flintco and the City to execute the work in stages, including constructing a temporary roadway to maintain access. **This approach minimized impacts to the public, kept the project on schedule, and delivered a seamless infrastructure improvement that met the City's expectations.**

ESS ROLE
Subcontractor

CONTRACT VALUE
$2.89M

START DATE
April 2022

COMPLETION DATE
September 2023

SELF-PERFORMED
95%

CONCRETE PAVING
36,895 SY

EARTHWORK
11,252 CY

UNDERGROUND UTILITIES
2,284 LF

KEY STAFF ON PROJECT
Jeff Wilson
Senior Estimator

Cody Vandegriffe
Project Manager

PROJECT REFERENCE
Chad Crouch, Project Director
Flintco
ccrouch@flintco.com | 479.284.9349

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Plainview Avenue Extension
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ESS ROLE
Subcontractor

CONTRACT VALUE
$3.4M

START DATE
May 2025

COMPLETION DATE
August 2026

SELF-PERFORMED
100%

EARTHWORK
8,000 CY

UNDERGROUND UTILITIES
600 LF

KEY STAFF ON PROJECT

Cody Vandegriffe
Pre-construction Project Manager

Keith Coleman
Project Manager

Rodney Mapes
Health & Safety Manager

MAPLE STREET IMPROVEMENTS

for Flintco (City of Fayetteville)

PROJECT LOCATION | Fayetteville, AR

PROJECT DESCRIPTION

The Maple Street Improvements project is a comprehensive redesign of a half-mile corridor connecting the Razorback Regional Greenway to Garland Avenue. This multi-phase initiative modernizes aging infrastructure through the University of Arkansas campus while enhancing multimodal safety and accessibility. Upgrades include a protected two-way bike path, improved pedestrian accommodations, drainage enhancements, and traffic-calming measures.

ESS was selected to perform all earthwork and utility operations, totaling approximately 8,000 cubic yards of grading and excavation and 3,800 tons of base rock paving. **Located in the heart of campus, the project requires careful coordination due to constant pedestrian and vehicular traffic. ESS has implemented detailed traffic-maintenance strategies and phased shutdowns to maintain access while minimizing disruption.**

Upon completion, the Maple Street Improvements project will deliver a more accessible and better-connected corridor for the University and surrounding community. As a critical link between campus and the Greenway, these upgrades will enhance comfort for all users, replace deteriorating pavement, and optimize lane configurations.

PROJECT REFERENCE
Chad Crouch, Project Director
Flintco
ccrouch@flintco.com | 479.284.9349

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KENDRICK AVENUE WIDENING

City of Springdale, AR

PROJECT LOCATION | Springdale, AR

PROJECT DESCRIPTION

This project improved Kendrick Avenue by expanding the existing roadway from two to three lanes, including a center turn lane at Highway 265. Although the project spanned just 0.45 miles, it presented several challenges that required careful coordination to ensure a successful outcome for the owner.

The expansion directly affected two residential properties and three existing businesses, four of which relied solely on Kendrick Avenue for access. Through proactive communication and detailed planning, ESS worked closely with each property owner to maintain uninterrupted access throughout construction, coordinating schedules and phasing work to accommodate individual needs.

The project scope also included the relocation of an existing water line protected by a cathodic protection system due to the area's corrosive soil conditions. Because this electrochemical system relies on a network of anodes to prevent corrosion and damage to even a single anode could disrupt the system and leave the water line vulnerable, special care was required during excavation. By utilizing its in-house hydro-vac excavation system, ESS safely exposed the water line, completed the required relocation, and extended the cathodic protection system to ensure continued protection of the newly installed pipe.

ESS ROLE
General Contractor

CONTRACT VALUE
$4.86M

START DATE
March 2024

COMPLETION DATE
June 2025

EARTHWORK
42,785 CY

CONCRETE PAVING
24,800 SF

KEY STAFF ON PROJECT
Jeff Wilson
Senior Estimator

Chad Willis
Superintendent

PROJECT REFERENCE
John Easterling
City of Springdale
Jeasterling@springdalear.gov | 479.295.2921





28TH STREET PARK & BRIGHT ROAD

for City of Bentonville, AR

PROJECT LOCATION | Bentonville, AR

PROJECT DESCRIPTION

The 28th Street Park & Bright Road project features a new roadway alignment, roadway widening, and the development of a new community park. The park includes multi-use fields, pickleball courts, a splash pad, and a concrete trail, enhancing both recreational opportunities and overall connectivity.

ESS was contracted to complete all earthwork, underground utilities, and concrete paving for the project. Long anticipated by the community, this improvement not only provides much-needed recreational space but also enhances traffic flow and accessibility for the traveling public.

A key challenge encountered during construction was the presence of unsuitable soils. ESS crews quickly adapted, leveraging the company's extensive equipment fleet to mobilize specialized machinery and adjust construction methods as needed. **Early identification of the issue and the ability to deploy resources efficiently were critical to maintaining momentum and keeping this phase of the project on schedule,** demonstrating ESS's commitment to quality execution and reliable delivery.

ESS ROLE
Subcontractor

CONTRACT VALUE
$4.6M

START DATE
February 2022

COMPLETION DATE
August 2023

SELF-PERFORMED
76%

CONCRETE PAVING
5,844 SY

EARTHWORK
25,000 CY

UNDERGROUND UTILITIES
7,048 LF

KEY STAFF ON PROJECT
Cody Vandegriffe
Project Manager

Steve King
Superintendent

PROJECT REFERENCE
Scot Hundley, Sr. Project Manager
Flintco
scot.hundley@flintco.com | 479.236.6931

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Plainview Avenue Extension
Emery Sapp's Submittal





GARRETT ROAD EXTENSION & MT HEBRON PARK

for City of Rogers, AR

PROJECT LOCATION | Rogers, AR

PROJECT DESCRIPTION

As the first major park developed on the west side of Rogers, Arkansas, the Garrett Road Extension & Mt. Hebron Park project represents a significant investment in community infrastructure. ESS served as the general contractor for the roadway improvements and the civil contractor for the expansive 75-acre site.

ESS crews completed more than 150,000 cubic yards of earthwork and 3,700 cubic yards of concrete paving in support of this $10 million development. The project enhanced regional safety and accessibility while creating meaningful recreational opportunities that support surrounding neighborhoods and contribute to local economic growth.

Upon completion, the park featured two soccer fields, six pickleball courts, a baseball field, two basketball courts, a community building, a maintenance facility, restrooms, a splash pad, a playground, and a dog park. In recognition of the project's quality and craftsmanship, ESS was honored with the 2023 Excellence in Construction Award from the Arkansas Chapter of Associated Builders and Contractors.

ESS ROLE
General Contractor

CONTRACT VALUE
$10M

START DATE
December 2020

COMPLETION DATE
December 2022

CONCRETE PAVING
3,700 SY

ASPHALT PAVING
45,000 TON

EARTHWORK
150,000 CY

KEY STAFF ON PROJECT
Jeff Wilson
Senior Estimator

Steve King
Superintendent

PROJECT REFERENCE
David Hook, Facilities Development Manager
City of Rogers, AR
dhook@rogersar.gov | 479.621.1117

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SCHEDULE

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Emery Sapp's Submittal

EMERY SAPP & SONS

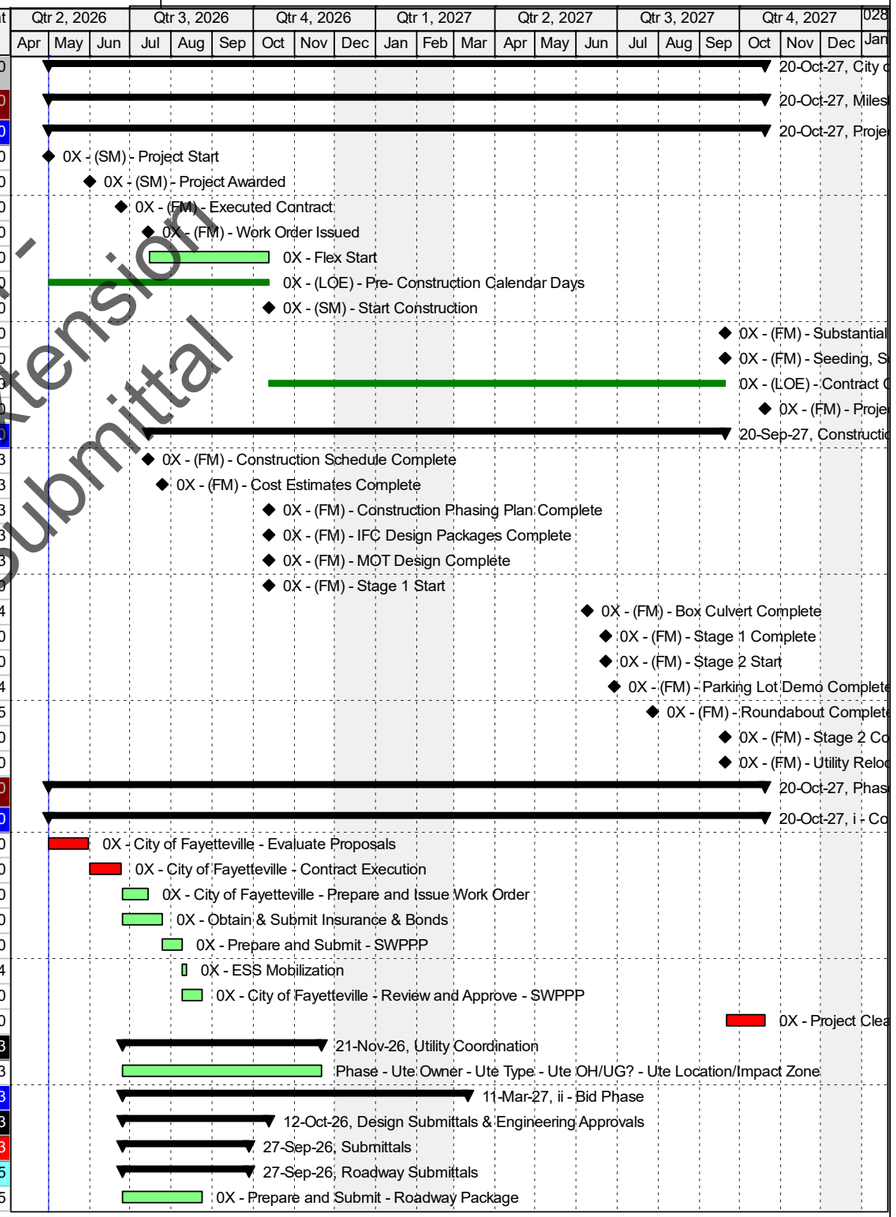
SCHEDULE

CITY OF FAYETTEVILLE ARKANSAS

City of Fayetteville - GCCM for Plainview Avenue Extension
*City of Fayetteville - Base Schedule

Date Run: 06-Apr-26 08:28
Data Date: 01-May-26

Activity ID	Activity Name	Start	Finish	Remaining Duration	Total Float
City of Fayetteville - GCCM for Plainview Avenue Extension		01-May-26	20-Oct-27	447	0
Milestones		01-May-26	20-Oct-27	538	0
Project Milestones		01-May-26	20-Oct-27	538	0
0XMS1000PS	0X - (SM) - Project Start	01-May-26		0	0
0XMS1010	0X - (SM) - Project Awarded	31-May-26		0	0
0XMS1020	0X - (FM) - Executed Contract		24-Jun-26	0	170
0XMS1000WO	0X - (FM) - Work Order Issued		14-Jul-26	0	240
0XAD1040	0X - Flex Start	15-Jul-26	12-Oct-26	90	150
0XMS1070	0X - (LOE) - Pre- Construction Calendar Days	01-May-26	12-Oct-26	165	150
0XMS1000CS	0X - (SM) - Start Construction	13-Oct-26		0	150
0XMS1000SC	0X - (FM) - Substantial Completion		20-Sep-27	0	0
0XMS1050	0X - (FM) - Seeding, Sodding, and Striping Completion		20-Sep-27	0	30
0XAD1060	0X - (LOE) - Contract Calendar Days	13-Oct-26	20-Sep-27	343	0
0XMS1000FC	0X - (FM) - Project Complete		20-Oct-27	0	0
Construction - Milestones		14-Jul-26	20-Sep-27	433	30
A1040	0X - (FM) - Construction Schedule Complete		14-Jul-26	0	463
A1050	0X - (FM) - Cost Estimates Complete		24-Jul-26	0	453
A1030	0X - (FM) - Construction Phasing Plan Complete		12-Oct-26	0	373
A1060	0X - (FM) - IFC Design Packages Complete		12-Oct-26	0	373
A1080	0X - (FM) - MOT Design Complete		12-Oct-26	0	373
A1120	0X - (FM) - Stage 1 Start		12-Oct-26	0	150
A1110	0X - (FM) - Box Culvert Complete		08-Jun-27	0	134
A1090	0X - (FM) - Stage 1 Complete		22-Jun-27	0	0
A1130	0X - (FM) - Stage 2 Start		22-Jun-27	0	0
A1160	0X - (FM) - Parking Lot Demo Complete		28-Jun-27	0	84
A1150	0X - (FM) - Roundabout Complete		27-Jul-27	0	55
A1100	0X - (FM) - Stage 2 Complete		20-Sep-27	0	30
A1140	0X - (FM) - Utility Relocation Complete		20-Sep-27	0	0
Phase 1 - Pre-Construction Services		01-May-26	20-Oct-27	538	0
i - Construction Documents Phase		01-May-26	20-Oct-27	538	0
0XAD1000	0X - City of Fayetteville - Evaluate Proposals	01-May-26	30-May-26	30	0
0XAD1010	0X - City of Fayetteville - Contract Execution	31-May-26	24-Jun-26	25	0
0XAD6225	0X - City of Fayetteville - Prepare and Issue Work Order	25-Jun-26	14-Jul-26	20	150
0XAD1020	0X - Obtain & Submit Insurance & Bonds	25-Jun-26	24-Jul-26	30	200
0XAD1030	0X - Prepare and Submit - SWPPP	25-Jul-26	08-Aug-26	15	200
0XAD1090	0X - ESS Mobilization	09-Aug-26	12-Aug-26	4	404
0XAD1050	0X - City of Fayetteville - Review and Approve - SWPPP	09-Aug-26	23-Aug-26	15	200
0XAD1080	0X - Project Cleanup and Closeout	21-Sep-27	20-Oct-27	30	0
Utility Coordination		25-Jun-26	21-Nov-26	150	333
0XAD5290	Phase - Ute Owner - Ute Type - Ute OH/UG? - Ute Location/Impact Zone	25-Jun-26	21-Nov-26	150	333
ii - Bid Phase		25-Jun-26	11-Mar-27	260	223
Design Submittals & Engineering Approvals		25-Jun-26	12-Oct-26	110	373
Submittals		25-Jun-26	27-Sep-26	95	223
Roadway Submittals		25-Jun-26	27-Sep-26	95	55
0XAD2000	0X - Prepare and Submit - Roadway Package	25-Jun-26	23-Aug-26	60	55



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Remaining Level of Effort | Actual Work | Critical Remaining Work
Actual Level of Effort | Remaining Work | Milestone

Page 1 of 5
TASK filter: **Activity Not Complete.

EMERY SAPP & SONS

4

PRE-CONSTRUCTION SERVICES

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EMERY SAPP & SONS

PRE-CONSTRUCTION SERVICES

PRE-CONSTRUCTION APPROACH

ESS understands that successful delivery of the Plainview Avenue Extension project depends on a comprehensive and collaborative pre-construction process. Our role during pre-construction is to partner closely with the City of Fayetteville and Garver to manage risk, establish cost certainty, and support informed decision-making before construction begins.

ESS provides a full range of pre-construction services, including progressive cost estimating, constructability reviews, schedule development, value engineering, risk identification and mitigation, subcontractor outreach, stakeholder coordination, and utility coordination. These services are integrated throughout to ensure the project is constructible, properly phased, and aligned with the City's budget, schedule, and quality expectations.

ESS has a long history of providing pre-construction services for municipal infrastructure projects, including prior work with the City of Fayetteville. **Our familiarity with local processes, expectations, and constraints allows our team to anticipate challenges early and proactively develop solutions that reduce risk for all project stakeholders.**

Upon selection, ESS will engage with the City and Garver to review the current design documents and confirm project goals, constraints, and priorities. Our team will provide continuous input throughout design to optimize constructability, traffic control, phasing, sequencing, and schedule while maintaining cost control.

KEY PRE-CONSTRUCTION APPROACH ELEMENTS

- Progressive cost estimating at each design milestone
- Constructability reviews to identify and resolve conflicts early
- Schedule development and phasing analysis
- Value engineering focused on long-term value and durability
- Subcontractor and supplier engagement to validate pricing and availability
- Transparent communication with the City and design team

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PROJECT EXECUTIVE ROLE

During pre-construction, Project Executive Cody Vandegriffe, will be actively involved in leading and supporting the process. Cody will participate in design coordination meetings, conduct constructability reviews at each design milestone, and lead value engineering discussions focused on reducing risk and maximizing value.

Cody will also support development of the project risk matrix, budget controls, and subcontracting strategy, creating alignment between the City and Garver throughout pre-construction. This level of executive involvement provides continuity, accountability, and informed decision-making from pre-construction through construction.

UTILITY COORDINATION

ESS recognizes that early and consistent utility coordination is a critical component of successful roadway and infrastructure projects. During pre-construction, ESS will identify known and potential utility conflicts, coordinate directly with utility owners, and facilitate regular meetings to confirm locations, clearance requirements, relocation responsibilities, and scheduling constraints.

Black Hills Energy Reference Letter

ESS has extensive experience leading proactive utility coordination efforts on complex projects. On the HWY 612 Springdale Bypass project, ESS initiated and led frequent coordination meetings with multiple utility providers well in advance of construction. **The Project Manager was heavily engaged in the field and became well known for conducting on-site meetings with utility companies, using survey and rover data to physically demonstrate the location of proposed ditch lines and verify minimum cover requirements.** This hands-on coordination ensured utility conflicts were fully understood and utilities were positioned completely clear of construction impacts.

PRE-CONSTRUCTION SERVICES

This effort was not driven by ARDOT requirements, but was proactively led by ESS to maintain project momentum and avoid delays. Utility coordination continued consistently throughout the project, with all meetings and decisions documented through detailed logs and tracking tools to maintain transparency and accountability throughout the life of the project. **Figure 4A** below presents a small sample of the communication log with utility providers, illustrating the meticulous level of detail ESS documented for each correspondence.

Figure 4A. Hwy 612 Utility Providers Correspondance Log

Utility Owner	Facility Type	Location	Proximity	Station Number	ARDOT Est. Comp. Date	Notes
AEP (Trans.)	OHE	Crosses Hwy. 612	Pianallo Farms	249+00	12/31/24	03/21/24 - "I have some preliminary plans that will be routed through the scoping phase next week. I'm hoping to have ARDOT an estimate within a couple weeks." Chris Bahruth 04/15/24 - "Brandon, Thanks for reaching out. Currently, we are in the cost estimate process. I'm looking over these estimates to make sure they're good. I plan on submitting the scope and estimate to our management by this week. This information will be used for a relocation agreement between ArDOT and AEP. The plans and construction timelines will be based off this agreement. 4/30/24 - ARDOT and ESS meeting with AEP (Chris B.) today. Meeting minutes for progress of the lines is located on the server in the project folder under Utilities. 5/20/24 - Brandon, Don Couch, Zach, Nathan and I met with Colby (AEP) at Pianalto to discusses AEP Transmission lines. Colby gave us the go ahead to clear under the lines and in the easement as long as we maintained the OSHA required distance under the lines. These power lines are 161Kv. Per OSHA'S CRANES and Derrick's requirements, 15' clearance is required for lines under 200Kv. 5/21/24 - Reached out to Chris Bahruth (AEP) with a formal request to excavate / fill under their lines. Chris said AEP would not approve any fill work in this areas of conflict within the existing easement. He is going to look into the requirements for us to be able to excavate within the easements and should have a response later this week. 5/28/24 - Chris Bahruth (AEP) responded back to our formal request to excavate stating that we were not permitted to cut or fill within the AEP easement until the relocations had been complete. Sent a follow up email requesting to install the storm pipes at 375+00 and 320+00 so our equipment could cross under as long as we maintained that minimum 15' clearance with our equipment. 6/18/24 - Met with Chris Bahruth (AEP), Will, Bashar and Josh in the field to look at the cut / fill areas under the AEP powerlines. Brandon to provide proposed fills to Chris that maintains the clearance under the lines based on our tallest piece of equipment.
	Telecommunications	Crosses Hwy. 612	Javello Rd.	300+00		
	Telecommunications	Crosses Hwy. 612	Liberty Ave	219+00		
	Telecommunications	Parallels Hwy. 412 RT	612 @ 412	155+00 to 195+00		
	Telecommunications	Parallels Hwy. 412 RT	412	10+00 to 18+10		
	Telecommunications	Parallels Hwy. 412 LT	612 @ 412	155+00 to 195+00		
	Telecommunications	Parallels Hwy. 412 LT	412	10+00 to 18+10		
	Telecommunications	Hwy 68 LT	68 @ 412			
	Telecommunications	Hwy 68 RT	68 @ 412	45+00		
AT&T AR	Gas Main	Crosses Hwy. 612	Javello Rd.	300+00	5/1/24	04/15/24 - "We set up to shoot the last bore yesterday and were approached by a farmer who said that we are set up on a water line owned by Washington County Water. Currently this is not located, we will need to have them come out and locate it. This came up at 3:30 yesterday afternoon. If we can get that located, we are hoping to have the job placement completed by 04/19. Once fiber is placed the project will move over to the splicing dept." Seth Roten 04/18/24 - The last bit we have to complete is a scheduled cut around for all the fiber affected by this. It is scheduled for the night of May 23rd into the 24th as is unable to be pulled in any closer due to the amount of coordination involved in them to insure city to city traffic does not go down. Placing is almost completed for this scheduled cut. Below is a map showing conflict areas and the spots that are scheduled for May 23rd. The west end has dead copper and the east end had the cables relocated. 4/24/24 - AT&T newly installed pedestal near station 45+00 is located at OG and has 3.8' of cut over the top of it to get to design grade. Also potential conflict at 68LT newly installed line 38' from CL of existing 68, this could result in bridge footer conflicts. 4/30/24 - Brandon and I met with Bryan Williams and Path crew near bent 3 on bridge A. Newly installed fiber is 4' from bent with 11' of excavation. Bryan to go back to design to look at potential relocation options. 6/14/24 - Brian Williams (AT&T) and team met with ESS and ARDOT to discuss future plans to relocate the fiber in Hwy 68 and 412. At this time, Bryan provided as-built data and plans for the Liberty and Javello completed relocations.
	Telecommunications	Parallels Hwy. 412 LT	412	10+00 to 18+10		
	Telecommunications	Crosses Hwy. 612	Javello Rd.	300+00		
	Telecommunications	Crosses Hwy. 612	Liberty Ave	219+00		
	Telecommunications	Parallels Hwy. 412 RT	612 @ 412	155+00 to 195+00		
	Telecommunications	Parallels Hwy. 412 RT	412	10+00 to 18+10		
	Telecommunications	Parallels Hwy. 412 LT	612 @ 412	155+00 to 195+00		
	Telecommunications	Parallels Hwy. 412 LT	412	10+00 to 18+10		
	Telecommunications	Hwy 68 LT	68 @ 412			
	Telecommunications	Hwy 68 RT	68 @ 412	45+00		
Black Hills Energy	Gas Main	Parallels Hwy. 412 RT	Musteen Rd.	14+00 to 24+00	3/1/24	04/10/24 - "South of 412 (Should be wrapped up by end of next week or early the week after) Tract 26 Pamela Logue: Willing to sign, but out of town until Friday. Tract 24 STR Holdings: Willing to sign, but wife is out of town until the end of next week. LLC is 50/50 with husband. Tract 23 Walker: Signed Tract 22 Stacy: Willing to sign, but out of town until Thursday evening. 412 to Liberty Road (Issues with all landowners on this segment) Tract 10 Five J Farms: Boundary dispute with Tract 12 owner, working on a solution. Also wants the line against the ARDOT ROW and not around the pond. 15 mile to LLC (Led by Jim attorney. Tract 12 Dowell Road: Boundary dispute with Tract 10 owner, working on a solution. Fighting ARDoT over the value of the highway ROW, has not returned my calls. Tract 11 Shiloh Warehouse Space: Wants a road built, sent owner a proposal to grant easement area, waiting on a response. Tract 9 SWEPCO: Have spoken to the site manager who is trying to get me in contact with the right person.
	Gas Main	Crosses Hwy. 612	Musteen Rd.	180+00 to 184+00		
	Gas Main	Crosses Hwy. 612	612 @ 412	181+00		
	Gas Main	Crosses Hwy. 612	Musteen Rd.	211+25		
	Gas Main	Crosses Hwy. 612	Liberty Ave	218+75		
	Gas Main	Crosses Hwy. 612	Liberty Ave	227+00		
	Gas Main	Crosses Hwy. 612	Brush Creek Rd	386+20		
	Gas Main	Crosses Hwy. 612	Robbins Rd	462+80		
	Gas Main	Crosses Hwy. 612	Hwy 112	497+50		
Brightspeed	Telecommunications	Crosses Hwy. 612	Javello Rd	300+00	12/31/23	12/12/23 - Works complete According to Tiva Evans 04/12/24 - ROBBINS ROAD Rick Arnold met with Tiva in the field and she cut the old communications line running roughly 6 in below the existing surface. 04/22/24 - Found Line along 68LT previously thought to be out of conflict of project. 18" below existing surface. Brightspeed is in the process of redesigning. 4/30/24 - Was Evans cut and abandonded line at 428+00 on Marchant Rd. 5/10/24 - Met with Tiva, Brandon, Will and Josh at 68LT. New line is going in 80' from CL at 10' on south end and 5' deep on north end. Should be complete by the end of next week. 5/15/24 - To remind ARDOT that the completion on Hwy 68 LT was complete.
	Telecommunications	Crosses Hwy. 612	Marchant Rd	428+00		
	Telecommunications	Crosses Hwy. 612	Robbins Rd	464+00		
	Telecommunications	Crosses Hwy. 612	Kelly Rd	474+00		
	Telecommunications	Crosses Hwy. 612	Brush Creek	386+00		
	Telecommunications	Parrallels Hwy 68 LT	68	45+00 to 55+00		
Carroll Electric	OHE	Crosses Hwy. 612	Javello Rd	320+00	3/1/24	3/6/100 - Line is no longer around 03/22/24 – Reached out to Jesse GoForth "Good Morning, Brandon The transmission side of this project should be completed within 60 days. On the distribution side of this project, Marchant Rd and North is still in the review process. I hope to have something back next week on that. If I receive that back next week, I can get the corrections and changes made and order materials shortly after. I am not sure about the cost time on most of the materials, but I do know the fiberglass poles will be up to 18 weeks out from the time of order. Once I can place the orders, I hope to have a more accurate time out for those to come back." - Jesse Goforth 04/03/24 – Reached out to Jesse Goforth via phone on Carroll electric lines needing to be retired and removed that reached out building/houses no longer existing. Left Voicemail. Jesse responded they would retire dead end lines on a separate contract than the bypass at ESS expense. Told Jesse we will wait due to the nature of the other utilities in the area delaying construction as well. 4/29/24 - Lonnie with Ozark reached out stating they can remove pole # 096601 located near sta 305+00 - 310+00 to assist with the conflict at the 313+88 box culvert. This work should be completed within the next week or so. 4/30/24 - ARDOT and ESS meeting with Carroll Electric today. Meeting minutes for progress of the lines relocated on the server in the project folder under Utilities. 5/6/24 - Lonnie w/ Ozark stated the OHP at 391+00 will be going underground - construction to start in approximately 4 weeks. 5/9/24 - Pole # 096601 near 305+00 - 310+00 set to be removed by Friday per Lonnie w/ Ozark. 5/13/24 - Pole #096601 near 305+00 - 310+00 removed along with box at 313+88 has been removed. Pole still needs to be relocated, but the pole has been removed.
	OHE Transmission	Crosses Hwy. 612	Javello - Millsap	325+00		
	OHE Transmission	Crosses Hwy. 612	Millsap	337+75		
	OHE Transmission	Crosses Hwy. 612	Brush Creek	395+50		
	OHE	Crosses Hwy. 612	Robbins	464+00		
	OHE	Parallels Hwy. 412 RT	612 @ 412	155+00 to 195+00		
	OHE	Parallels Hwy. 412 RT	412	10+00 to 18+10		
	OHE	Parallels Hwy. 412 LT	612 @ 412	155+00 to 195+00		
	OHE	Parallels Hwy. 412 LT	412	10+00 to 18+10		
	OHE	Crosses Hwy. 612	Javello	300+00		
	OHE	Crosses Hwy. 612	Marchant	428+00		
	OHE	Crosses Hwy. 612	Millsap	348+00		
	OHE	Crosses Hwy. 612	Brush Creek	383+00		
	OHE	Parallels Hwy. 612 RT	Javello	305+00 to 310+00		
	OHE	Crosses Hwy. 612	Marchant - Robbins	447+00		
	OHE	Crosses Hwy. 612	XNA Ramp 2	445+00		
	OHE	Crosses Hwy. 612	Kelly Rd	474+00		
	OHE	Crosses Hwy. 612	Kelly Rd	476+00		
City of Elm Springs	Sewer Force Main	Crosses Hwy. 612	Marchant	414+00	3/1/24	04/11/24 - Brandon: Not quite yet, but we're close.
	Sewer Force Main	Crosses Hwy. 612	Brush Creek	386+00		
City of Tonitown	Water Main	Parallels Hwy. 412 RT	612 @ 412	155+00 to 175+00	12/31/24	04/15/24 - "Plans are getting close to completion. Will keep you posted when I have it." Cole Johnson 4/23/24 - ARDOT and ESS meeting with Tontitown today. Meeting minutes for progress of the lines is located on the server in the project folder under Utilities. 7/15/24 - ARDOT and ESS meeting with Tontitown Friday, July 19th at 11am. 7/25/24 - James with Tontitown emailed today saying they completed the cut and tap on the south side of 412 for Musteen RD. James has no update on the private line feeding a property west of millsap. 7/25/24 - Larry with Garver emailed a copy of the drawings for Tontitown's 18" water line that runs along the south side of 412 from 155+00 - 175+00.
	Water Main	Parallels Hwy. 412 RT	412	10+00 to 18+10		
	Water Main	Parallels Hwy. 68 LT	68	40+00 to 56+00		
	Water Main	Parallels Hwy. 412 LT	412	10+00 to 18+10		
	Water Main	Liberty Ave	219+50			
	Water Main	Crosses Hwy. 612	Javello	320+00		
Cox Communications	Telecommunications	Parallels Hwy. 412 RT	612 @ 412	155+00 to 195+00	4/1/24	03/28/24 - Via Email with Matthew Wilkinson I have talked to Carroll and waiting for them to set poles on Kelly and Robbins. I have the map for Ozarks, but I don't know footages yet. 04/03/24 - Via phone Matthew Wilkinson confirmed that Cox is the remaining service line hanging on the 383+00 Ozark Electric Poles. Updates to come on estimated moving of service. 7/22/24 - Cox is complete at Kelly and Robbins Road via email from Brandon Caldwell. 7/31/24 - Cox Complete at Brush Creek and old line has been removed. 08/19/24 - Cox complete at 345+00
	Telecommunications	Parallels Hwy. 412 RT	412	10+00 to 18+10		
	Telecommunications	Parallels Hwy. 412 LT	612 @ 412	155+00 to 195+00		
	Telecommunications	Parallels Hwy. 412 LT	412	10+00 to 18+10		
	Telecommunications	Crosses Hwy. 612	Liberty	219+50		
	Telecommunications	Crosses Hwy. 612	Robbins Rd	464+00		
	Telecommunications	Crosses Hwy. 612	Kelly Rd	474+00		
	Telecommunications	Crosses Hwy. 612	Brush Creek	383+00		
	Telecommunications	Crosses Hwy. 612	Millsap	345+00		
Energy Transfer	Gas Main	Crosses Hwy. 612		256+75	6/1/24	04/11/24 - Cody - I know we have talked many times on the phone about the 612 bypass and the above gas line around station 256+00. This line was determined structurally sound for the designed fill, correct? - Brandon Colbert 04/15/24 - That is correct. We need to be onsite when any work is performed around the pipeline. - Cody Austin
Springdale Water	Water Main	Crosses Hwy. 612	Brush Creek Rd	386+25	3/1/24	04/11/24 - The surveyor will be on site Monday to shoot where the lines have been installed. The majority of the pipe has been installed. They should have all of the pipe installed tomorrow or no later than Monday. However, they still have to conduct pressure testing and submit samples to ADH for approval prior to opening the valves to distribute water through the new main. I would say they should be complete by the end of April or the first week of May, depending on the weather and the testing. - Owen Noble 7/10/24 - Spoke with Ronnie Wallace (7 Valleys) - service line not delayed due to weather - hoping to relocate by early next week
	Water Main	Crosses Hwy. 612	Robbins Rd.	464+00		
	Water Main	Crosses Hwy. 612	Kelly Rd.	474+00		
	Water Service	Parrallels Hwy. 612	Brush Creek Rd	387+00		
Ozarks Electric	OHE	Crosses Hwy. 612	Javello Rd	300+00	12/31/24	04/11/24 - Ozarks has just started working on the 612 project . hoping to be completed by late September 2024 . 4/19/24 - ARDOT and ESS meeting with Ozark (Lonnie) today. Meeting minutes for progress of the lines is located on the server in the project folder under Utilities. 4/24/24 - Ozark Go & Cox Communications removed lines from 40+00 - 55+00 5/25/24 - Ozark removed powerline and 3 poles from 40+00 - 55+00 5/6/24 - Lonnie w/ Ozark stated the OHP at 383+00 will be going underground - construction to start in approximately 4 weeks. 5/15/24 - Here is my update on the Hwy 612 ARDOT job 012326 . We did get that pole removed at sta. 305+00 . I have been working easement on the two overhead lines at Sta. 390+00 and the line near Sta. 383+00 Everything is looking good so far to get those overhead lines and poles removed. Should get those easement signature done hopefully by next week and get that work order over to construction to schedule that work ASAP! But we will be boring that line there so might take a while but could see it being done by mid June . Then after I get that area done will be working my way south doing section at a time until we get everything moved . Also I do believe those poles near 40+00 -55+00 have been removed and our out of the way . I know Ozarks GO took their lines down and so did Cox . So I think everyone is off those 3 poles . And the poles have been removed ? Thanks
	OHE	Crosses Hwy. 612	Liberty Ave	219+00		
	OHE	Crosses Hwy. 612	Brush Creek	391+00		
	Under Ground Distributi	Crosses Hwy. 612	Elm Springs Lane	401+00		
	OHE	Javello & Canup		394+00		
SWEPCO	OHE	Crosses Hwy. 612	Kelly Rd.	474+00	5/1/24	12/11/23 -Met with Ron Bertram on site at 474+00, Kelly Road. The poles along Kelly shot in at a 1232 usft and 1240 usft. The poles are 75' poles with 10' barried. Design Elevation at this stationing is 1264 usft. With a 2' drop from the top of pole to wires on the lowest pole leaves a clearance of 31'. Ron said a minimum of 22' is needed. SWEPCO is clear of work at 474+00.

RFQ 26-03 GCCM Approved Plainview Avenue Extension Early Sapp Submittal

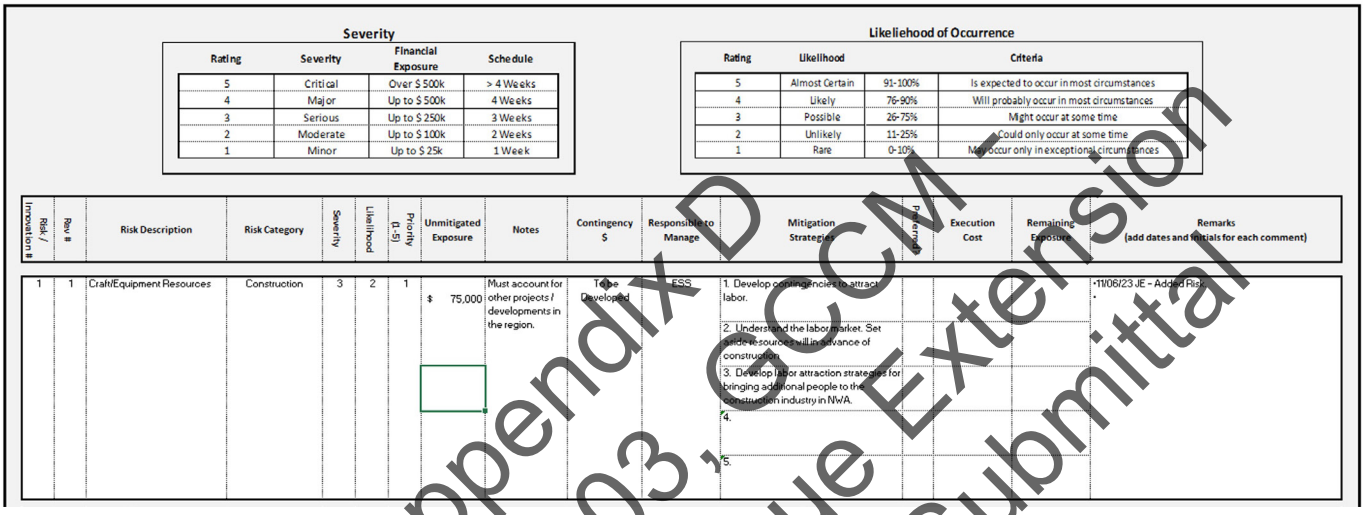
CONSTRUCTION COST ESTIMATING & SUBCONTRACTOR BIDDING

Accurate cost estimating is a core competency of ESS. Our team develops detailed estimates at each design phase using historical cost data, local market knowledge, and input from trusted subcontractors and suppliers, allowing the City to clearly understand cost drivers and make informed decisions before finalizing the design. ESS also prepares clear, comprehensive bid packages with detailed scopes of work, specifications, schedules, safety requirements, and quality standards to promote competitive, apples-to-apples pricing and reduce scope gaps that can lead to change orders during construction.

IDENTIFYING & MITIGATING PROJECT RISKS

Upon selection, ESS will develop a comprehensive Risk Matrix **(Figure 4B below),** beginning with a thorough review of the current design plans. This evaluation will identify, assess, and prioritize project risks based on severity, likelihood of occurrence, potential financial exposure, and applicable mitigation strategies. The Risk Matrix will be used as a living tool throughout pre-construction to actively reduce and retire risk as the design progresses.

Figure 4B. Risk & Innovation Register Example



Severity

Rating	Severity	Financial Exposure	Schedule
5	Critical	Over $ 500k	> 4 Weeks
4	Major	Up to $ 500k	4 Weeks
3	Serious	Up to $ 250k	3 Weeks
2	Moderate	Up to $ 100k	2 Weeks
1	Minor	Up to $ 25k	1 Week

Likelihood of Occurrence

Rating	Likelihood		Criteria
5	Almost Certain	91-100%	Is expected to occur in most circumstances
4	Likely	76-90%	Will probably occur in most circumstances
3	Possible	26-75%	Might occur at some time
2	Unlikely	11-25%	Could only occur at some time
1	Rare	0-10%	May occur only in exceptional circumstances

Risk / Innovation #	Rev #	Risk Description	Risk Category	Severity	Likelihood	Priority (1-5)	Unmitigated Exposure	Notes	Contingency $	Responsible to Manage	Mitigation Strategies	Post-mitigation	Execution Cost	Remaining Exposure	Remarks (add dates and initials for each comment)
1	1	Craft/Equipment Resources	Construction	3	2	1	$ 75,000	Must account for other projects / developments in the region.	To be Developed	ESS	1. Develop contingencies to attract labor. 2. Understand the labor market. Set aside resources will in advance of construction. 3. Develop labor attraction strategies for bringing additional people to the construction industry in NWA. 4. 5.				•11/06/23 JE – Added Risk •

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The Risk Matrix will be reviewed weekly with the City and Garver, providing a collaborative forum to discuss evolving risks, confirm mitigation measures, and evaluate potential cost and schedule impacts.

GUARANTEED MAXIMUM PRICE (GMP) DEFINITION & DEVELOPMENT

ESS understands a GMP to be the maximum amount the City will pay for construction of the project, inclusive of the agreed-upon scope, contingencies, and risks identified during pre-construction. Once established and accepted, the GMP will not be exceeded except for City-directed changes or unforeseen conditions beyond the agreed scope.

Following a detailed review of the 90% design documents, ESS will validate the project budget with the City to confirm alignment. If adjustments are required, ESS will work with the City and Garver to evaluate alternatives and implement changes prior to final pricing. ESS will then solicit competitive bids from subcontractors and suppliers, align and de-scope bids for consistency, and commit material pricing where possible.

APPROACH TO BILLING FOR PRE-CONSTRUCTION SERVICES

ESS understands that pre-construction services are professional services and will be billed separately from construction costs in accordance with the City's agreement. Pre-construction services will be billed on an agreed-upon basis, with clear documentation of labor, tasks performed, and deliverables provided.

Our billing approach emphasizes transparency and accountability, ensuring the City clearly understands the value delivered during pre-construction and how those services directly support risk reduction, cost certainty, and successful project delivery.

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CURRENT & PROJECTED WORKLOAD

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EMERY SAPP & SONS

CURRENT & PROJECTED WORKLOAD

In Northwest Arkansas, Emery Sapp & Sons (ESS) is currently managing 24 active contracts totaling approximately $369 million in value, with more than $126 million remaining to be completed. This regional workload reflects ESS's proven ability to scale workforce, equipment, and management resources to meet the demands of complex, time-sensitive municipal infrastructure projects.

Additionally, our local NWA presence enables rapid mobilization and efficient coordination across multiple concurrent operations, positioning ESS to effectively deliver roadway, drainage, utility, and traffic-related improvements for the Plainview Avenue Extension project.

Early involvement in the pre-construction phase will allow ESS to engage collaboratively with the City of Fayetteville and Garver to identify sequencing strategies, utility coordination plans, and traffic control approaches, particularly critical for work adjacent to active businesses, existing roadways, and signalized intersections. This proactive planning approach ensures resources are properly aligned, risks are mitigated early, and the project is positioned for successful execution from design through completion.

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KENDRICK AVENUE WIDENING
Springdale, AR

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BONDING CAPACITY & RATE

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Emery Sapp's Submittal

EMERY SAPP & SONS

BONDING CAPACITY & RATE

WINTER-DENT
100% EMPLOYEE OWNED

Insurance · Bonds · Employee Benefits · Financial Services

April 6, 2026

City of Fayetteville, Arkansas
113 W Mountain Street
Fayetteville, AR 72701

Re: Emery Sapp & Sons, Inc.
RFQ 26-03, GCCM for Plainview Avenue Extension

To Whom it May Concern:

Winter-Dent & Company has been the surety agent for Emery Sapp & Sons, Inc. (ESS) since 1989. Their bonds are written through Liberty Mutual Insurance Company, who has favorably considered projects in excess of $150,000,000 with an aggregate program of $600,000,000. This program supports the majority of ESS's bond needs; larger projects are approved without difficulty. This support is in addition to current and anticipated workloads. ESS' bond rate starts at 0.72%.

Liberty Mutual Insurance Company is an acceptable surety on federal bonds as listed in the Department of Treasury Circular 570 and carries an AM Best Rating of A / XV. Please understand the issuance of final bonds would be subject to review of contract terms and conditions, contract amount, bond forms and financing for each project as well as other pertinent underwriting information that is acceptable to our client and Liberty Mutual Insurance Company.

Our experience with Emery Sapp & Sons, Inc. has been excellent, and we highly recommend them to you. They are a valued client of Winter-Dent & Company and Liberty Mutual Insurance Company. We are pleased to provide for their surety needs and we intend to continue to do so, subject to sound underwriting principles.

Sincerely,

Allison Madrid
Attorney-in-Fact

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101 E. McCarty St.
P.O. Box 1046
Jefferson City, MO 65102-1046

www.winter-dent.com

Local 573-634-2122
Fax 573-636-7500
Toll Free 800-769-3472

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ARKANSAS CONTRACTOR'S LICENSE

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EMERY SAPP & SONS

ARKANSAS CONTRACTOR'S LICENSE

License No. 0133390426 ID #16358

State of Arkansas

Commercial Contractors Licensing Board

EMERY SAPP & SONS, INC.
2301 I-70 DRIVE NW; ATTN: LEGAL DEPT
COLUMBIA, MO 65202

This is to Certify That EMERY SAPP & SONS, INC.

is duly licensed under the provisions of Ark. Code Ann. § 17-25-101 et. seq. as amended and is entitled to practice Contracting in the State of Arkansas within the following classifications/specialties:

HIGHWAY, RAILROAD, AIRPORT CONSTRUCTION
MUNICIPAL & UTILITY CONSTRUCTION

This contractor has an unlimited suggested bid limit.

from May 16, 2025 **until** April 30, 2026 **when this Certificate expires.**

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

GREAT SEAL OF THE STATE OF ARKANSAS

CHAIRMAN

SECRETARY

May 16, 2025 - dsa

Appendix D
RFQ 26-03, GCCM -
Plainview Avenue Extension
Emery Sapp's Submittal

8

REQUIRED FORMS

Appendix D
RFQ 26-03, CCCM -
Plainview Avenue Extension
Emery Sapp's Submittal

EMERY SAPP & SONS

City of Fayetteville
RFQ 26-03, GCCM for Plainview Avenue Extension
Section C: Signature Submittal

1. DISCLOSURE INFORMATION

a. Proposer shall disclose any possible conflict of interest or disclose any financial interest with the City of Fayetteville, including, but not limited to, City of Fayetteville employees. Proposer response shall disclose if a known relationship exists between any principal or employee of submitting firm or its team members or sub-consultants, and any City of Fayetteville employee, or elected City of Fayetteville Official.

i. If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

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

__X____1) NO KNOWN RELATIONSHIP EXISTS

_____2) RELATIONSHIP EXISTS (Please explain): _____

_____

_____

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

d. Proposer agrees that they shall have a current, valid registration with the Arkansas Secretary of State at time of award from Fayetteville City Council.

e. Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.

f. Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.

Appendix D - RFQ 26-03; GCCM - Plainview Avenue Extension Emery Sapp's Submittal

2. PRIMARY CONTACT INFORMATION

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

Corporate Name of Firm: EMERY SAPP & SONS, INC

Primary Contact: Cody Vandegriffe Title of Primary Contact: Project Executive

Phone#1 (cell preferred): 573.881.7894 Phone#2: 479.844.5030

E-Mail Address: cody.vandegriffe@emerysapp.com

3. ACKNOWLEDGEMENT OF ADDENDA

Acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFQ documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED
RFQ-26-03 Addendum 1	Jason Eldredge	04.13.2026

4. DEBARMENT CERTIFICATION

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

b. 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.

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

Appendix D
RFQ 26-03, GCCM - Plainview Avenue Extension
Emery Sapp's Submittal

REQUIRED FORMS

ESS hereby certifies that no proposals from subconsultants were used in the preparation of this Statement of Qualifications. ESS is not proposing any subconsultants for estimating, scheduling, accounting/payroll, or non-construction trade services for the Plainview Avenue Extension project. All services associated with these functions will be provided directly by ESS internal staff.

5. SUB CONSULTANTS AND TEAM INFORMATION:

Proposer hereby certifies that proposals from the following consultants were used in the preparation of this statement of qualification. Proposer shall attach additional pages if necessary. **This section only applies if GCCM is proposing a sub consultant for estimating, scheduling, accounting/payroll and non-construction trade services.**

Type of Work: N/A

Subcontractor's Name: _____

Arkansas License No: _____

Address: _____

Date Firm Established: _____

Percentage of Work: _____

Type of Work: N/A

Subcontractor's Name: _____

Arkansas License No: _____

Address: _____

Date Firm Established: _____

Percentage of Work: _____

Type of Work: N/A

Subcontractor's Name: _____

Arkansas License No: _____

Address: _____

Date Firm Established: _____

Percentage of Work: _____

Appendix D
RFQ 26-03, GCCM - Plainview Avenue Extension
Emery Sapp's Submittal

REQUIRED FORMS

6. SIGNATURE SUBMITTAL

NAME OF COMPANY: EMERY SAPP & SONS, INC

PHYSICAL ADDRESS: 5168-A North Oak, Springdale, AR 72764

MAILING ADDRESS: 5168-A North Oak, Springdale, AR 72764

TAX ID #: 43-1708848 AR. SECRETARY OF STATE FILING #: 100212597

PHONE: 479.844.5030 SAM UEI #: R984TEX9Z6J8

E-MAIL: cody.vandegriffe@emerysapp.com

By submitting your response, you certify that you are authorized to represent and bind your company :

SIGNATURE: _____

PRINTED NAME: Jason Eldredge

TITLE: Assistant Vice President DATE: 4.22.2026

Appendix D
RFQ 26-03, GCCM
Plainview Avenue Extension
Emery Sapp's Submittal

END OF RFQ DOCUMENT

9

ADDITIONAL BACKGROUND

Appendix D
RFQ 26-03, GCCM -
Plainview Avenue Extension
Emery Sapp's Submittal

EMERY SAPP & SONS

Black Hills Energy
Ready

April 13, 2026

Steve King, Project Superintendent
Kevin Adair, Safety Manager
Emery Sapp & Sons
Northwest Arkansas
5168-A North Oak
Springdale, AR 72764

Dear Mr. King,

On behalf of Black Hills Energy, I would like to formally recognize Emery Sapp & Sons for your unwavering commitment to safety.

Regardless of the job size, your crews consistently demonstrate the highest level of safe work practices while operating around Black Hills Energy facilities. Your proactive approach not only reflects professionalism but also a genuine commitment to protecting facilities, employees and the surrounding community.

Emery Sapp & Sons has taken 811 compliance to the next level by implementing annual training that serves both as a refresher for experienced employees and foundational training for new team members. This dedication to education and continual improvement sets an exceptional standard within the industry.

Additionally, your willingness to reach out with questions, seek recommendations or request pre-construction meetings prior to breaking ground speaks volumes about your collaborative mindset and safety-first culture. These efforts greatly reduce risk and reinforce a strong partnership built on communication and trust.

Thank you, Emery Sapp & Sons, for your diligence and leadership in safety. Your efforts play a critical role in keeping our facilities, employees, contractors, customers and community safe. We sincerely appreciate your continued commitment and look forward to our ongoing partnership.

Sincerely,

Joey Msall, PE
General Manager – Arkansas Operations
Black Hills Energy

Appendix D
RFQ 26-03 GCCM -
Plainview Avenue Extension
Emery Sapp's Submittal

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2264

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs

FROM: Ted Jack, Park Planning Superintendent

SUBJECT: **Walker Park Improvements Phase 1 – Increase to Project Contingency**

RECOMMENDATION:
Staff recommends approval of an additional $100,000 in Parks Bond funds for the Walker Park Improvements Phase 1 Project contingency, increasing the total project contingency from $255,000 to $355,000.

BACKGROUND:
Bid 25-43 for improvements to Walker Park, was approved at City Council September 16, 2025 exercising deductive alternates one and two (2025-1664 $4,697,184.26). The project had a $255,000.00 project contingency (5.4%). Items in the deductive alternates were added back into the project and along with other typical change order items have left only $18,946.76 remaining in contingency. Additional items are expected to exhaust the contingency. This increase is expected to be sufficient to finish the project.

DISCUSSION:
The project contingency was set lower than typical to help stretch limited funding. Two large items in the deductive alternates were lighting the sand volleyball courts and converting the old batting cages to three pickleball courts. These items had high recreational value and were added back into the project using $137,248.00 of the contingency. Currently $18,946.76 in contingency remains in the project. Another change order is needed for several items in the project and is expected to be approximately $60,000. These items are expected to include additional old concrete demolition at the entrance on 13th street and replacement, additional safety fencing at the horseshoe courts, shot blasting the courts and batting cage slab for better surfacing adhesion, changes to planting beds, handrails for a ramp, mow strip for sand volleyball fence, and two bench pads. Increasing the contingency will cover this amount and leave funding to complete the project. The additional funding will place the contingency at 7.5% of original project costs. Executed change orders are attached.

BUDGET/STAFF IMPACT:
This adds $100,000 from 2024 Parks Bond.

ATTACHMENTS: 3. Staff Review Form, 4. Walker Change Orders 1 - 6

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2264

A RESOLUTION TO INCREASE THE PROJECT CONTINGENCY FOR THE WALKER PARK IMPROVEMENTS PHASE 1 PROJECT IN THE AMOUNT OF $100,000.00

WHEREAS, on September 16, 2025, City Council passed Resolution 208-25 authorizing a contract with Kinco Constructors for Walker Park Improvements Phase I and approving a project contingency in the amount of $255,000.00; and

WHEREAS, items in the deductive alternates were added back into the project and, along with other typical change order items, it has left only $18,946.76 remaining in contingency with additional items expecting to exhaust the remainder; and

WHEREAS, remaining work on the project includes additional old concrete demolition and replacement at the entrance on 13th Street, additional safety fencing at the horseshoe courts, shot blasting the courts and batting cage slab for better surfacing adhesion, changes to planting beds, handrails for a ramp, mow strip for sand volleyball fence, and two bench pads and increasing the contingency will provide the funding to complete the project.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an increase to the project contingency for the Walker Park Improvements Phase I Project in the amount of $100,000.00.

City of Fayetteville Staff Review Form

2026-2264

Item ID

7/7/2026

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

Ted Jack	6/30/2026	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approval of an additional $100,000 in Parks Bond funds for the Walker Park Improvements Phase 1 Project contingency, increasing the total project contingency from $255,000 to $355,000.

Budget Impact:

4805.860.7550-5911.99	4805 - Park Bonds
Account Number	Fund
46050.7550.2000	Walker Park Improvements, Phase One
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	3,453,802.00
		Expenses (Actual+Encum)	$	3,321,862.10
		Available Budget	$	131,939.90
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Amendment attached?	No	Budget Amendment	$	-
		Remaining Budget	$	131,939.90

Purchase Order Number: 2025-00000907

Previous Ordinance or Resolution # 2025-1664

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

City of Fayetteville Staff Review Form

2025-0826

Item ID

n/a

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

Ted Jack	10/17/2025	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approving Change Order One for Walker Park Phase 1 Improvements for the contract with Kinco Constructors LLC in the amount of $81,018.00 for sport lighting for the four sand volleyball courts that are being constructed as part of the project.

Budget Impact:

2250.520.9256-5806.00	Park Development
Account Number	Fund
46050.7550.2000	Walker Park Improvements, Phase 1
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	14,496,256.00
		Expenses (Actual+Encum)	$	12,194,764.46
		Available Budget	**$**	**2,301,491.54**
Does item have a direct cost?	Yes	Item Cost	$	81,018.00
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	**$**	**2,220,473.54**

V20221130

Purchase Order Number:	2025-0907	**Previous Ordinance or Resolution #**	208-25
Change Order Number:	# 1	**Approval Date:**	9/16/2025
Original Contract Number:	2025-00000049		

Comments:

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Mayor Molly Rawn

THRU: Keith Macedo, Chief of Staff
Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs

FROM: Ted Jack, Park Planning Superintendent

DATE: October 21, 2025

SUBJECT: **Walker Park Improvements Phase 1 – Change Order One**

RECOMMENDATION:
Staff recommends approving Change Order One in the amount of $81,018.00 for sport lighting for the four sand volleyball courts that are being constructed as part of the project.

BACKGROUND:
Bid 25-43 for improvements to Walker Park, was approved at City Council September 16, 2025 (2025-1664). Bids were higher than anticipated and two deductive alternates were taken to reduce the bid award. The sport lighting for the four sand volleyball courts was one of the items deducted from the contract. This change order adds the lighting back into the project at the bid line item value ($81,018) and following the project drawings and specifications.

DISCUSSION:
Sand Volleyball is a popular sport with a very well utilized facility on the north side of town at Lake Fayetteville – Veterans area. The courts at Walker will provide a high-quality facility for the south side of the city. Without lights the usability of the courts is diminished including reducing the possibility of league play.

BUDGET/STAFF IMPACT:
Funding for the change order is from the $255,000 Project Contingency. An administrative Budget Adjustment will move the funds into the project.

Attachments:
SRF and Change Order 1

CITY OF FAYETTEVILLE ARKANSAS

CHANGE ORDER

Purchase Order TBD
Contract Title Walker Park Improvements Phase 1
Bid 25-43

Change Order No. 1 Date of Issuance _____

To Contractor: Kinco Constructors RESOLUTION:

Change Order Summary: Deductive Alternate 1 and 2 removed 10 items from the bid scope of work. This change order adds the Lighting and Electrical - Sand Volleyball item back into the project. There is no change to contract time based on this change order.

The Contract is changed as follows:

Contract Changes	Item No.	Description	Bid Estimated Quantity	Unit of Measure	Contract Unit Price
1	Line 1.78 and 3.3 Deductive Alternate	Lighting and Electrical - Sand Volleyball	1	LS	$81,018.00

Net Cost for this Change Order **$81,018.00**

Original Contract Price	$4,697,184.26
Change in Contract Price from Change Order One	$81,018.00
Final Contract Price After Change Order One	$4,778,202.26

NOTE: Not valid until signed by the Owner.

City of Fayetteville
Molly Rawn

BY Mayor Molly Rawn DATE 10/31/2025

Kinco Constructors

BY Marc Dillard, Executive Vice President DATE 8-26-25

KINCO CONSTRUCTORS
BUILDING EXCELLENCE

CHANGE ORDER #02

Date: December 1, 2025

To: City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Walker Park - CO #02 - Additional Storm Drain and Junction Box
Kinco Constructors, LLC. Project No. 25.2001

Description of Proposed Change:

Additional labor, material, and equipment to demo the existing storm drain line that was rotten, install a new 24" HDPE storm drain line, pour a new Junction Box, and demo/replace concrete at sidewalk where the old stom drain ran. All work per RFI #05.

The total cost of this proposal is as follows:

1.	Labor…….	$	-
2.	Materials ……..	$	-
3.	Subcontracts…….	$	34,755.14
4.	Subtotal (add lines1, 2, & 3)…….	$	34,755.14
5.	Mark-Up Rate 8.35%.....	$	2,902.05
6.	Change Order Total…….....	**$**	**37,657.19**

Upon your approval, we intend to make this change immediately.
Should you have any questions please feel free to contact me.

Sincerely,

Harrison Wilson
Kinco Constructors, LLC.
Mobile: 501-993-6000

Date: _____

Cc: File

Accepted: _____

Change Order Detail Reconciliation

CONSTRUCTION SOLUTIONS OF NWA, INC.

Project Name: Walker Park Phase 1

Sub Contractor: Construction Solutions of NWA, Inc.

Detailed Description of Change and ASI/RFI/PR #:
Change Order #1

Labor Breakdown

Description / Task	# Men	Hours	Hourly Rate	Total Pay Rate	Total
Demo 380 LF CMP & Area Inlet	3	10	$56.00	$56.00	$1,680.00
Sawcut & Demo 620 SF Concrete	3	5	$56.00	$56.00	$840.00
Grout Pipe Into Headwall	2	2	$56.00	$56.00	$224.00
				Total Labor	$2,744.00

Material Breakdown

Description / Task	QTY	Unit LF,SF, YDS, EA	Material Cost	Manuf & Part Number	Total
4x4 Junction Box 4'-6'	1	EA	$7,002.00		$7,002.00
Class 7 Base	25	TON	$19.99		$499.75
Haul Off	110	CY	$12.00		$1,320.00
(SUB) Sawcut Headwall	1	LS	$1,500.00		$1,500.00
				Total Materials	$10,321.75

Equipment Breakdown

Description / Task / Manuf Number	QTY	Unit Week, Month, Day	Base Cost		Total
30K Excavator	1	Week	$ 1,765.00		$1,765.00
Skid Steer	1	Week	$ 1,168.00		$1,168.00
Trench Roller	1	Week	$ 668.00		$668.00
Rotary Laser	1	Week	$ 275.00		$275.00
GPS Base & Rover	1	Week	$ 325.00		$325.00
Hot Saw	1	Week	$ 150.17		$150.17
Work Truck	1	Week	$ 350.00		$350.00
MISC Hand Tools	1	Week	$ 150.00		$150.00
				Total Equipment	$4,851.17

Subcontractor Signature:

Labor, Material and Equipment Total		$17,916.92
OH&P	**12%**	$2,443.22
Total for Change		**$20,360.14**

Kinco Extension Sheet **12/01/25**

Walker Park - CO #02 - Additional Storm Drain and Junction Box

			Labor		Material		Subcontract		
Description	Quantity	Unit	U/C	Total	U/C	Total	U/C	Total	TOTAL
Construction Solutions - Demo Existing Storm Drain and Concrete, New J-Box	1	LS	-	-	-	-	20,360.14	20,360	20,360.14
Construction Solutions - 24" HDPE (Unit Cost)	100	LF	-	-	-	-	76.06	7,606	7,606.00
Global Concrete - Replace Sidewalk (Unit Cost)	620	SF	-	-	-	-	10.95	6,789	6,789.00
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
Subtotal				-		-		34,755	34,755.14
Labor Burden @ 44.0%				-		-		-	-
Sales Tax @ 9.75%				-		-			-
Subtotal				-		-		34,755	34,755.14
Mark-Up Rate (8.35%)									2,902.05
TOTAL									37,657.19

EXISTING LEGEND

- PROPERTY LINE
- R/W — RIGHT OF WAY
- SS — SANITARY SEWER LINE
- W — WATER LINE
- GAS — GAS LINE
- UGT — UNDERGROUND TELEPHONE
- UGE — UNDERGROUND ELECTRIC
- UGTV — UNDERGROUND TELEVISION
- UFO — UNDERGROUND FIBER
- OHE — OVERHEAD ELECTRIC
- X — FENCE
- ROAD CENTERLINE
- DITCH FLOWLINE
- EASEMENT LINE
- GRAVEL LINE
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- WATER FAUCET
- SANITARY SEWER MH
- CLEAN-OUT
- DRAINAGE MH
- POWER POLE
- GUY WIRE w/ ANCHOR
- GAS METER
- GAS RISER
- STREET LIGHT POLE
- TELEPHONE PEDESTAL
- CABLE TV PEDESTAL
- CABLE VAULT
- ELECTRIC VAULT
- FIBER VAULT
- GAS VAULT
- TELEPHONE VAULT
- WATER VAULT
- SIGN (AS NOTED)
- POST (AS NOTED)
- BENCHMARK
- FOUND IRON PIN (AS NOTED)
- CONTROL POINT
- RR SPIKE
- BUSH
- DECIDUOUS TREE
- CONIFEROUS TREE

PROPOSED LEGEND

- GRADE BREAK
- FLOWLINE
- XXX — CONTOUR ELEVATION
- STORM DRAIN
- PERFORATED PIPE
- CATCH BASIN
- SANITARY SEWER MANHOLE
- FLARED END SECTION
- FLOW ARROW
- SPOT ELEVATIONS

FG = FINISHED GRADE	G = NORMAL GUTTER	INV = INVERT
EG = EXISTING GRADE	TW = FINISHED GRADE @ TOP OF WALL	THT = THROAT
FS = FINISHED PAVEMENT ELEVATION	BW = FINISHED GRADE @ BOTTOM OF WALL	FL = FLOW LINE
FFE = FINISHED FLOOR ELEVATION	TS = TOP OF STAIRS	HP = HIGH POINT
TC = TOP OF CURB	BS = BOTTOM OF STAIRS	LP = LOW POINT
		SW = SIDEWALK

* DENOTES APPROXIMATE ELEVATIONS IN AREAS WITH NO TOPOGRAPHIC DATA. CONTRACTOR TO FIELD VERIFY FEASIBILITY OF PROVIDED ELEVATIONS AND CONTACT MCE IF ANY DISCREPENCIES ARISE

NOTE:

THIS PLAN INCLUDES DEVELOPMENT IN ZONE AE AND THE REGULATORY FLOODWAY PER FIRM 05143C0216G DATED 1/25/2024, THE CITY OF FAYETTEVILLE SHALL BE RESPONSIBLE FOR ENSURING THE PROPOSED IMPROVEMENTS SHALL NOT RESULT IN AN ADVERSE IMPACT TO THE COMMUNITY AS A RESULT OF THE DEVELOPMENT WITHIN ZONE AE AND FOR ENSURING THE PROPOSED IMPROVEMENTS SHALL NOT RESULT IN ANY RISE IN BASE FLOOD ELEVATIONS AS A RESULT OF THE DEVELOPMENT WITHIN THE REGULATORY FLOODWAY. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR PERFORMING SAID DETERMINATION.

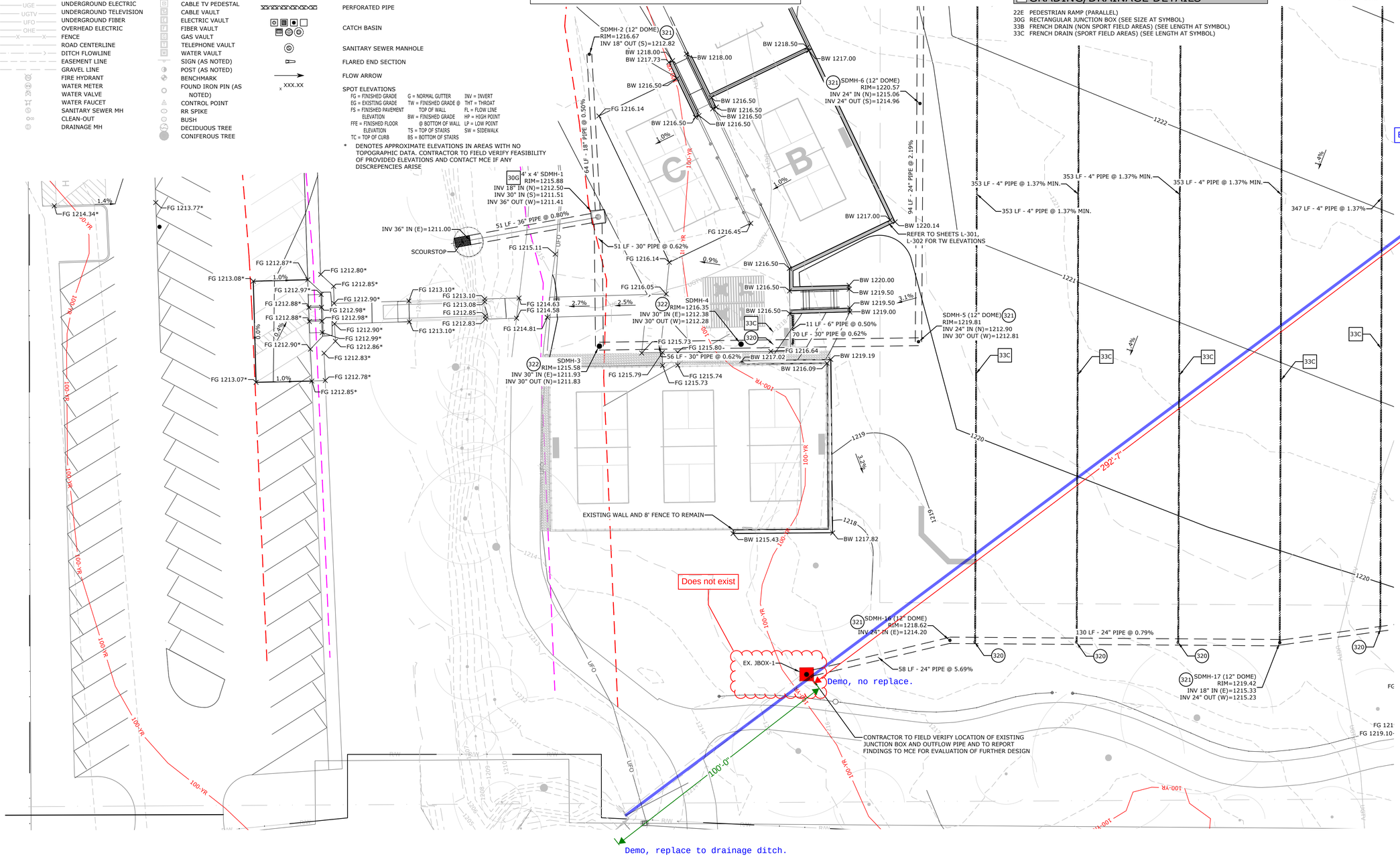
GRADING/DRAINAGE KEYNOTES

320 INSERTA-TEE (OR ENGINEER APPROVED EQUAL)
321 NYLOPLAST DRAIN BASIN W/ DOME GRATE (SIZE OF STRUCTURE TO BE COORDINATED W/ ADS) (OR ENGINEER APPROVED EQUAL)
322 NYLOPLAST DRAIN BASIN W/ SOLID LID (SIZE OF STRUCTURE TO BE COORDINATED WITH ADS) (OR ENGINEER APPROVED EQUAL)

GRADING/DRAINAGE DETAILS

22E PEDESTRIAN RAMP (PARALLEL)
30G RECTANGULAR JUNCTION BOX (SEE SIZE AT SYMBOL)
33B FRENCH DRAIN (NON SPORT FIELD AREAS) (SEE LENGTH AT SYMBOL)
33C FRENCH DRAIN (SPORT FIELD AREAS) (SEE LENGTH AT SYMBOL)

PLAN SCALE
20 0 10 20 40
(IN FEET)
1 inch = 20ft.



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seal

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 20757
PRELIMINARY PLANS
06/03/2025

consultant

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

revisions

north arrow + scale

project information

24013 WALKER PARK PHASE 1

project address

10 W 15TH ST
FAYETTEVILLE, AR 72701

client information

CITY OF FAYETTEVILLE, AR
113 WEST MOUNTAIN ST
FAYETTEVILLE, AR 72701
479.444.3469

drawing information

project number:	24013
contact:	EB
drawn by:	JCM
checked by:	PAD

drawing date

MAY 21, 2025

sheet title

SOUTHWEST GRADING PLAN

sheet number

C-003

100% CONSTRUCTION DOCUMENTS

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Mayor Molly Rawn

THRU: Keith Macedo, Chief of Staff
Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs

FROM: Ted Jack, Park Planning Superintendent

DATE: January 23, 2026

SUBJECT: **Walker Park Improvements Phase 1 – Change Order Three**

RECOMMENDATION:
Staff recommends approving Change Order Three to the Walker Park Improvements Phase One contract (208-25) with Kinco Constructors in the amount of $45,862.31 for removal and replacement of the concrete floor for the Octagon Pavilion, repair to a sidewalk that has sunk, pickleball sleeves, and adding a French drain along a portion of the new retaining walls by the Horseshoe courts. The contract substantial completion date will be extended by ten days for this work.

BACKGROUND:
Bid 25-43 for improvements to Walker Park, was approved at City Council September 16, 2025 (2025-1664 $4,697,184.26). Change Order One was for adding lighting that was part of a deductive alternate back into the project for the sand volleyball courts ($81,018.00). Change Order Two was for replacement of a dilapidated drain line and concrete walk repair ($37,657.19). Total contract cost with Change Orders 1 and 2 is $4,815,859.45.

DISCUSSION:
The added French drain will keep the base of the new retaining walls dry reducing the likelihood of water migrating through to the plaza side. The octagon pavilion slab is cracked in multiple places, the small portion of sidewalk at the creek bridge by the batting cadges has sunk at the connection to the bridge, and the pickleball post sleeves are necessary for in ground mount versus the surface mount that was in the bid documents. The work is more clearly defined on the Change Order document.

BUDGET/STAFF IMPACT:
Funding for the change order is from the $136,324.81 remaining in project contingency. An administrative budget adjustment will move the funds into the project. After Change Order Three, $90,462.50 will remain in the contingency. The construction contract will increase to $4,861,721.76.

Attachments:
Staff Review Form and Staff Memo
Budget Adjustment
Change Order Three with Contractors document

City of Fayetteville Staff Review Form

2026-0086

Item ID

N/A

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

Ted Jack	2/2/2026	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approving Change Order #3 for the Kinco Constructors LLC contract in the amount of $45,862.31 for removal and replacement of the concrete floor for the Octagon Pavilion, repair to a sidewalk that has sunk, add sleeves for pickleball court net posts and adding a French drain along a portion of the new retaining walls by the Horseshoe courts. The contract substantial completion date will be extended by ten days for this work.

Budget Impact:

2250.520.9256-5806.00	Park Development
Account Number	Fund
46050.7550.2000	Walker Park Improvements, Phase 1
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	10,381,456.00
		Expenses (Actual+Encum)	$	-
		Available Budget	$	10,381,456.00
Does item have a direct cost?	Yes	Item Cost	$	45,862.31
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	10,335,593.69

V20221130

Purchase Order Number:	2025-0907	**Previous Ordinance or Resolution #**	208-25
Change Order Number:	# 3	**Approval Date:**	
Original Contract Number:	2025-00000049		

Comments:

City of Fayetteville, Arkansas - Budget Adjustment Form

Budget Year	Division /Org2	Adjustment Number
2026	PARKS & RECREATION (520)	
	Requestor: Alan Bearden	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Budget adjustment to transfer funds within project # 46050.7550.2000 (Walker Park Improvements, Phase One) for Change Order #3 with Kinco Constructors LLC in the amount of $45,862.31. This additional work is to remove and replace the concrete floor for the Octagon Pavilion, repair a sidewalk that has sunk, add sleeves for pickleball court net posts and add a French drain along a portion of the new retaining walls by the Horseshoe courts.

Division Head — Date: 1/28/2026

Department Director — Date: 1/28/26

Chief Financial Officer — Date

Chief of Staff — Date

REQUEST DATE: 1/27/2026

Budget Division — Date

TYPE:

JOURNAL #:

GLDATE:

CHKD/POSTED: /

v.202615

TOTAL - -

Account Number	Increase / (Decrease) Expense	Revenue	Project.Sub# Project	Sub.Detl	AT	Account Name
2250.520.9256-5806.00	45,863	-	46050	7550.2000	EX	Improvements - Park
2250.520.9256-5911.99	(45,863)	-	46050	7550.2000	EX	Contingency - Capital Project
	-	-				
	-	-				
	-	-				
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CITY OF FAYETTEVILLE ARKANSAS

CHANGE ORDER THREE

Purchase Order 2025-00000907
Contract Title **Walker Park Improvements Phase 1**
Bid 25-43

Change Order No. 3 Date of Issuance

To Contractor: Kinco Constructors RESOLUTION: 208-25

Change Order Summary: The added work broadly includes, demolition and replacement of the dilapidated 4" concrete floor in the Octagon Pavilion and small portion of a sidewalk, sleeves necessary for inground net posts for the pickleball courts and the addition of a French Drain along a portion of the horseshoe area retaining walls.

The Contract is changed as follows:

Contract Changes	Item No.	Description	Additional Estimated Quantity	Unit of Measure	Unit Costs	Total
1	Demolition of Concrete floor in Octagon Pavilion	No line item for this work in bid. This work includes removal and disposal of old concrete (2361sf at pavilion and 63sf at Ped Bridge)	2,424	SF	$5.00	$12,120.00
2	Line 1.18 Pedestrian (4") Concrete	Compact base and repour 4" 4000psi Concrete floor for Octagon Pavilion and repouring walk at bridge.	2,424	SF	$10.95	$26,542.80
3	Net Post Sleeves	Bid documents indicated surface mount pickleball post. In ground mount is preferred which requires footers and the purchase of in ground sleeves. This is for the additional costs for this change.	n/a	n/a	n/a	$414.00
4	Line 1.62 French Drain	Adds a French Drain to the uphill side of a portion of the retaining walls for the Horseshoes Area.	120	Linear Feet	$24.78	$2,973.60
5	Bonds	The bonds must be increased to cover these additional costs.	n/a	n/a	n/a	$277.53
6	Mark Up Rate	$42,327.93 x 8.35% = $3534.38	n/a	n/a	n/a	$3,534.38

Net Cost for this Change Order **$45,862.31**

Original Contract Price with Change Order One and Two $4,815,859.45
Change in Contract Price from Change Order Three $45,862.31
Final Contract Price After Change Order Three **$4,861,721.76**

NOTE: Not valid until signed by the Owner.

City of Fayetteville

Molly Rawn

BY Mayor Molly Rawn DATE 02/03/2026

Kinco Constructors

BY Marc Dillard, Executive Vice President DATE 2/3/2026

KINCO CONSTRUCTORS
BUILDING EXCELLENCE

CHANGE ORDER #03

Date: January 23, 2026

To: City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Walker Park - CO #03 - Add. Concrete, Net Posts, and Drainage
Kinco Constructors, LLC. Project No. 25.2001

Description of Proposed Change:

Provide labor, materials, and equipment to demolish the existing hexagon pavilion slab, including saw cutting around columns and replacing 4" slab. Scope also includes conversion of surface-mounted pickleball nets to sleeved nets. Lastly, this CO includes adding a french drain along the concret wall of the horseshoe area.

The total cost of this proposal is as follows:

1. Labor……	$	-
2. Materials ……..	$	-
3. Subcontracts……	$	42,050.40
4. Subtotal (add lines1, 2, & 3)……	$	42,050.40
5. Bond 0.66% ….....	$	277.53
6. Mark-Up Rate 8.35%.....	$	3,534.38
7. Change Order Total…….....	**$**	**45,862.32**

Upon your approval, we intend to make this change immediately.

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

Contract Days Added: 10 Days

Sincerely,

Harrison Wilson
Kinco Constructors, LLC.
Mobile: 501-993-6000

Cc: File

Kinco Extension Sheet **01/23/26**

Walker Park - CO #03 - Add. Concrete, Net Posts, and Drainage

			Labor		Material		Subcontract		
Description	Quantity	Unit	U/C	Total	U/C	Total	U/C	Total	TOTAL
Global Concrete - Demo Hexagon Pavilion Slab	2,361	LS	-	-	-	-	5.00	11,805	11,805.00
Global Concrete - Replace Hexagon Pavilion Slab (Unit Cost)	2,361	LF	-	-	-	-	10.95	25,853	25,852.95
Global Concrete - Demo Sidewalk	63	SF	-	-	-	-	5.00	315	315.00
Global Concrete - Replace Sidewalk (Unit Cost)	63	SF	-	-	-	-	10.95	690	689.85
ACS Playground Adventures - Sleeved Court Netting	3	EA	-	-	-	-	138.00	414	414.00
Construction Solutions - French Drain at Horseshoe Wall	120	LF	-	-	-	-	24.78	2,974	2,973.60
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
Subtotal				-		-		42,050	42,050.40
Labor Burden @ 44.0%				-		-			-
Sales Tax @ 9.75%						-			-
Subtotal								42,050	42,050.40
Bond (0.66%)									277.53
Mark-Up Rate (8.35%)									3,534.38
TOTAL									45,862.32

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Mayor Molly Rawn

THRU: Keith Macedo, Chief of Staff
Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs

FROM: Ted Jack, Park Planning Superintendent

DATE: January 23, 2026

SUBJECT: **Walker Park Improvements Phase 1 – Change Order Three**

RECOMMENDATION:
Staff recommends approving Change Order Three to the Walker Park Improvements Phase One contract (208-25) with Kinco Constructors in the amount of $45,862.31 for removal and replacement of the concrete floor for the Octagon Pavilion, repair to a sidewalk that has sunk, pickleball sleeves, and adding a French drain along a portion of the new retaining walls by the Horseshoe courts. The contract substantial completion date will be extended by ten days for this work.

BACKGROUND:
Bid 25-43 for improvements to Walker Park, was approved at City Council September 16, 2025 (2025-1664 $4,697,184.26). Change Order One was for adding lighting that was part of a deductive alternate back into the project for the sand volleyball courts ($81,018.00). Change Order Two was for replacement of a dilapidated drain line and concrete walk repair ($37,657.19). Total contract cost with Change Orders 1 and 2 is $4,815,859.45.

DISCUSSION:
The added French drain will keep the base of the new retaining walls dry reducing the likelihood of water migrating through to the plaza side. The octagon pavilion slab is cracked in multiple places, the small portion of sidewalk at the creek bridge by the batting cadges has sunk at the connection to the bridge, and the pickleball post sleeves are necessary for in ground mount versus the surface mount that was in the bid documents. The work is more clearly defined on the Change Order document.

BUDGET/STAFF IMPACT:
Funding for the change order is from the $136,324.81 remaining in project contingency. An administrative budget adjustment will move the funds into the project. After Change Order Three, $90,462.50 will remain in the contingency. The construction contract will increase to $4,861,721.76.

Attachments:
Staff Review Form and Staff Memo
Budget Adjustment
Change Order Three with Contractors document

City of Fayetteville Staff Review Form

2026-0086

Item ID

N/A

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

Ted Jack	2/2/2026	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approving Change Order #3 for the Kinco Constructors LLC contract in the amount of $45,862.31 for removal and replacement of the concrete floor for the Octagon Pavilion, repair to a sidewalk that has sunk, add sleeves for pickleball court net posts and adding a French drain along a portion of the new retaining walls by the Horseshoe courts. The contract substantial completion date will be extended by ten days for this work.

Budget Impact:

2250.520.9256-5806.00	Park Development
Account Number	Fund
46050.7550.2000	Walker Park Improvements, Phase 1
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	10,381,456.00
		Expenses (Actual+Encum)	$	-
		Available Budget	$	10,381,456.00
Does item have a direct cost?	Yes	Item Cost	$	45,862.31
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	10,335,593.69

V20221130

Purchase Order Number:	2025-0907	**Previous Ordinance or Resolution #**	208-25
Change Order Number:	# 3	**Approval Date:**	
Original Contract Number:	2025-00000049		

Comments:

City of Fayetteville, Arkansas - Budget Adjustment Form

Budget Year	Division /Org2	Adjustment Number
2026	PARKS & RECREATION (520)	
	Requestor: Alan Bearden	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Budget adjustment to transfer funds within project # 46050.7550.2000 (Walker Park Improvements, Phase One) for Change Order #3 with Kinco Constructors LLC in the amount of $45,862.31. This additional work is to remove and replace the concrete floor for the Octagon Pavilion, repair a sidewalk that has sunk, add sleeves for pickleball court net posts and add a French drain along a portion of the new retaining walls by the Horseshoe courts.

Division Head — Date: 1/28/2026

Department Director — Date: 1/28/26

Chief Financial Officer — Date

Chief of Staff — Date

REQUEST DATE: 1/27/2026

Budget Division — Date

TYPE:

JOURNAL #:

GLDATE:

CHKD/POSTED: /

v.202615

TOTAL - -

Account Number	Increase / (Decrease) Expense	Revenue	Project.Sub# Project	Sub.Detl	AT	Account Name
2250.520.9256-5806.00	45,863	-	46050	7550.2000	EX	Improvements - Park
2250.520.9256-5911.99	(45,863)	-	46050	7550.2000	EX	Contingency - Capital Project
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CITY OF FAYETTEVILLE ARKANSAS

CHANGE ORDER THREE

Purchase Order 2025-00000907
Contract Title **Walker Park Improvements Phase 1**
Bid 25-43

Change Order No. 3 Date of Issuance

To Contractor: Kinco Constructors RESOLUTION: 208-25

Change Order Summary: The added work broadly includes, demolition and replacement of the dilapidated 4" concrete floor in the Octagon Pavilion and small portion of a sidewalk, sleeves necessary for inground net posts for the pickleball courts and the addition of a French Drain along a portion of the horseshoe area retaining walls.

The Contract is changed as follows:

Contract Changes	Item No.	Description	Additional Estimated Quantity	Unit of Measure	Unit Costs	Total
1	Demolition of Concrete floor in Octagon Pavilion	No line item for this work in bid. This work includes removal and disposal of old concrete (2361sf at pavilion and 63sf at Ped Bridge)	2,424	SF	$5.00	$12,120.00
2	Line 1.18 Pedestrian (4") Concrete	Compact base and repour 4" 4000psi Concrete floor for Octagon Pavilion and repouring walk at bridge.	2,424	SF	$10.95	$26,542.80
3	Net Post Sleeves	Bid documents indicated surface mount pickleball post. In ground mount is preferred which requires footers and the purchase of in ground sleeves. This is for the additional costs for this change.	n/a	n/a	n/a	$414.00
4	Line 1.62 French Drain	Adds a French Drain to the uphill side of a portion of the retaining walls for the Horseshoes Area.	120	Linear Feet	$24.78	$2,973.60
5	Bonds	The bonds must be increased to cover these additional costs.	n/a	n/a	n/a	$277.53
6	Mark Up Rate	$42,327.93 x 8.35% = $3534.38	n/a	n/a	n/a	$3,534.38

Net Cost for this Change Order **$45,862.31**

Original Contract Price with Change Order One and Two $4,815,859.45
Change in Contract Price from Change Order Three $45,862.31
Final Contract Price After Change Order Three **$4,861,721.76**

NOTE: Not valid until signed by the Owner.

City of Fayetteville

Molly Rawn

BY Mayor Molly Rawn DATE 02/03/2026

Kinco Constructors

BY Marc Dillard, Executive Vice President DATE 2/3/2026

KINCO CONSTRUCTORS
BUILDING EXCELLENCE

CHANGE ORDER #03

Date: January 23, 2026

To: City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Walker Park - CO #03 - Add. Concrete, Net Posts, and Drainage
Kinco Constructors, LLC. Project No. 25.2001

Description of Proposed Change:

Provide labor, materials, and equipment to demolish the existing hexagon pavilion slab, including saw cutting around columns and replacing 4" slab. Scope also includes conversion of surface-mounted pickleball nets to sleeved nets. Lastly, this CO includes adding a french drain along the concret wall of the horseshoe area.

The total cost of this proposal is as follows:

1. Labor……	$	-
2. Materials ……..	$	-
3. Subcontracts……	$	42,050.40
4. Subtotal (add lines1, 2, & 3)……	$	42,050.40
5. Bond 0.66% ….....	$	277.53
6. Mark-Up Rate 8.35%.....	$	3,534.38
7. Change Order Total…….....	**$**	**45,862.32**

Upon your approval, we intend to make this change immediately.

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

Contract Days Added: 10 Days

Sincerely,

Harrison Wilson
Kinco Constructors, LLC.
Mobile: 501-993-6000

Cc: File

Kinco Extension Sheet **01/23/26**

Walker Park - CO #03 - Add. Concrete, Net Posts, and Drainage

			Labor		Material		Subcontract		
Description	Quantity	Unit	U/C	Total	U/C	Total	U/C	Total	TOTAL
Global Concrete - Demo Hexagon Pavilion Slab	2,361	LS	-	-	-	-	5.00	11,805	11,805.00
Global Concrete - Replace Hexagon Pavilion Slab (Unit Cost)	2,361	LF	-	-	-	-	10.95	25,853	25,852.95
Global Concrete - Demo Sidewalk	63	SF	-	-	-	-	5.00	315	315.00
Global Concrete - Replace Sidewalk (Unit Cost)	63	SF	-	-	-	-	10.95	690	689.85
ACS Playground Adventures - Sleeved Court Netting	3	EA	-	-	-	-	138.00	414	414.00
Construction Solutions - French Drain at Horseshoe Wall	120	LF	-	-	-	-	24.78	2,974	2,973.60
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
Subtotal				-		-		42,050	42,050.40
Labor Burden @ 44.0%				-		-			-
Sales Tax @ 9.75%						-			-
Subtotal								42,050	42,050.40
Bond (0.66%)									277.53
Mark-Up Rate (8.35%)									3,534.38
TOTAL									45,862.32

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Mayor Molly Rawn

THRU: Keith Macedo, Chief of Staff
Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs

FROM: Ted Jack, Park Planning Superintendent

DATE: February 24, 2026

SUBJECT: **Walker Park Improvements Phase 1 – Change Order Four**

RECOMMENDATION:
Staff recommends approving Change Order Four to the Walker Park Improvements Phase One contract (208-25) with Kinco Constructors in the amount of $40,393.21 for rerouting drainage at the new horseshoe courts, converting domed drainage grates to flat grates, converting the batting cages to pickleball courts, and removing the backstops.

BACKGROUND:
Bid 25-43 for improvements to Walker Park, was approved at City Council September 16, 2025 (2025-1664 $4,697,184.26). Change Order One was for adding lighting that was part of a deductive alternate back into the project for the sand volleyball courts ($81,018.00). Change Order Two was for replacement of a dilapidated drain line and concrete walk repair ($37,657.19). Change Order Three was for replacement of the concrete floor for the Octagon Pavilion, repair to a sidewalk that has sunk, pickleball sleeves, and adding a French drain along a portion of the new retaining walls by the Horseshoe courts ($45,862.31). Total contract cost with Change Orders 1, 2 and 3 is $4,861,721.76.

DISCUSSION:
There was inadequate slope for drainage from the horseshoe courts requiring rerouting drainage, doomed grates would be a tripping hazard and are being replaced with flat grates, and converting the batting cages to three pickleball courts was a line item that was in one of the deducts. This adds that work back into the project at the bid costs. To maximize field space the backstops with mow strip were removed from the project for a credit. The work is more clearly defined on the Change Order document.

BUDGET/STAFF IMPACT:
Funding for the change order is from the $90,462.50 remaining in project contingency. After Change Order Four, $50,069.29 will remain in the contingency. The construction contract will increase to $4,902,114.97.

Attachments:
Staff Review Form and Staff Memo
Change Order Document for Signature w/ supporting documents

City of Fayetteville Staff Review Form

2026-0177

Item ID

N/A

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

Ted Jack	2/24/2026	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approving Change Order #4 to the Walker Park Improvements Phase One contract (Res. # 208-25) with Kinco Constructors LLC in the amount of $40,393.21 for rerouting drainage at the new horseshoe courts, converting domed drainage grates to flat grates, converting the batting cages to pickleball courts, and removing the backstops.

Budget Impact:

2250.520.9256-5806.00	Park Development
Account Number	Fund
46050.7550.2000	Walker Park Improvements, Phase 1
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	9,222,993.00
		Expenses (Actual+Encum)	$	7,164,013.24
		Available Budget	$	**2,058,979.76**
Does item have a direct cost?	Yes	Item Cost	$	40,393.21
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	**2,018,586.55**

V20221130

Purchase Order Number:	2025-0907	**Previous Ordinance or Resolution #**	208-25
Change Order Number:	# 4	**Approval Date:**	
Original Contract Number:	2025-00000049		

Comments:

CITY OF FAYETTEVILLE ARKANSAS

CHANGE ORDER FOUR

Purchase Order 2025-00000907
Contract Title Walker Park Improvements Phase 1
Bid 25-43

Change Order No. 4 Date of Issuance

To Contractor: Kinco Constructors RESOLUTION: 208-25

Change Order Summary: During construction it was discovered that there was not enough slope for the drainage at the horseshoe courts. A 6" drain line was added to connect to another catch basin at a lower elevation, two small catch basins were added to drain additional areas and for maintenance purposes. Dome grates were used in turf areas. These grates present a tripping hazard and are being replaced with flat grates. Converting the batting cages to pickleball courts was deducted in the bid process. This adds that work back into the project. A credit is received for deducting three back stops.

The Contract is changed as follows:

Contract Changes	Item No.	Description	Additional Estimated Quantity	Unit of Measure	Unit Costs	Total
1	n/a	Horseshoe Drainage 6" Drain Pipe	160	LF	$22.85	$3,656.00
2	n/a	NDS Yard Drainage Basins (12" grates)	2	EACH	$175.00	$350.00
3	n/a	Dome to Flat Grate Conversion - 19 grates, 16 or 12", 1 18", 1 30", 1 24x12 reducer - See invoice from Ferguson Waterworks	n/a	n/a	$6,104.60	$6,104.60
4	n/a	Subcontractor mark up (10%) for Dome to Flay Grate Conversion				$610.46
5	bid line 1.33	Convert Batting Cage to Pickleball	1	LS	$56,245.00	$56,245.00
6	bid line 1.66	Deduct from Work - Backstop with Mow Strip	-3	EACH	$9,977.22	($29,931.66)
7	n/a	Bonds - Increase (0.66% of $37,278.73)	1	LS	$246.04	$246.04
8	n/a	Mark Up Rate (8.35% of $37,278.73)				$3,112.77
					Net Cost for this Change Order	**$40,393.21**

Original Contract Price with Change Order 1, 2 and 3 $4,861,721.76
Change in Contract Price from Change Order Four $40,393.21
Final Contract Price After Change Order Four **$4,902,114.97**

NOTE: Not valid until signed by the Owner.

City of Fayetteville

Molly Rawn

BY Mayor Molly Rawn DATE 03/02/2026

Kinco Constructors

BY Marc Dillard, Executive Vice President DATE 2-24-26

KINCO CONSTRUCTORS
BUILDING EXCELLENCE

CHANGE ORDER #04

Date: February 24, 2026

To: City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Walker Park - CO #04 - Grates and Horseshoe Drainage
Kinco Constructors, LLC. Project No. 25.2001

Description of Proposed Change:

Provide labor, materials, and equipment to switch the domed grates out for flat grates. Change order also includes all costs associated with rerouting the horseshoe drainage to allow for the proper slope for drainage.

Credit for backstops with mow strip is included.

Addition of batting cage to pickleball conversion per original line item.

The total cost of this proposal is as follows:

1. Labor.....	$	-
2. Materials	$	-
3. Subcontracts.....	$	37,034.40
4. Subtotal (add lines1, 2, & 3).....	$	37,034.40
5. Bond 0.66%	$	246.04
6. Mark-Up Rate 8.35%.....	$	3,112.78
7. Change Order Total.....	**$**	**40,393.21**

Upon your approval, we intend to make this change immediately.

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

Contract Days Added: 5 Days

Sincerely,

Harrison Wilson
Kinco Constructors, LLC.
Mobile: 501-993-6000
Cc: File

Date: _____

Accepted: _____

Kinco Extension Sheet **02/24/26**

Walker Park - CO #04 - Grates and Horseshoe Drainage

			Labor		Material		Subcontract		
Description	Quantity	Unit	U/C	Total	U/C	Total	U/C	Total	TOTAL
Construction Solutions - Horseshoe Drainage (6" HDPE)	160	LF	-	-	-	-	22.85	3,656	3,656.00
Construction Solutions - Horseshoe Drainage (2 Yard Basins)	2	EA	-	-	-	-	175.00	350	350.00
Construction Solutions - Dome to Flat Grate Conversion	1	LS	-	-	-	-	6,715.06	6,715	6,715.06
Kinco - Convert Batting Cage to Pickleball	1	LS	-	-	-	-	56,245.00	56,245	56,245.00
Kinco - Backstop Credit	1	LS	-	-	-	-	(29,931.66)	(29,932)	(29,931.66)
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
Subtotal				-		-		37,034	37,034.40
Labor Burden @ 44.0%				-		-			-
Sales Tax @ 9.75%						-			-
Subtotal								37,034	37,034.40
Bond (0.66%)									246.04
Mark-Up Rate (8.35%)									3,112.78
TOTAL									40,393.21

FERGUSON WATERWORKS

Ferguson Waterworks #1318
971 SHAVER STREET
SPRINGDALE, AR 72762-4988

Phone: 479-927-1688
Fax: 479-927-2718

Deliver To:
From: Tim Fernandes
tim.fernandes@ferguson.com
Comments:

FEL - AROK WATERWORKS #1318
Price Quotation
Phone: 479-927-1688
Fax: 479-927-2718

Bid No: B449445
Bid Date: 01/29/26
Quoted By: TF

Cust Phone: 479-790-8169
Terms: NET 10TH PROX

Customer: CONSTRUCTION SOLUTIONS OF
PO BOX 875
FAYETTEVILLE, AR 72702

Ship To: CONSTRUCTION SOLUTIONS OF
PO BOX 875
FAYETTEVILLE, AR 72702

Cust PO#: WALKER GRATES

Job Name: FLAT GRATE

Item	Description	Quantity	Net Price	UM	Total
	*** NEW PURCHASE				
N1299CGP	12 PEDESTRIAN H-10 SQ HNGD GRATE	16	525.388	EA	8406.21
N1899CGP	18 RND DRN GRATE PEDESTRIAN	1	1047.555	EA	1047.56
SP-N3099CGP	30 RND DRN GRATE PEDESTRIAN	1	1668.291	EA	1668.29
SP-N2924AG12R	24X12 NYLOPLAST BASIN REDUCER	1	493.940	EA	493.94
	SUBTOTAL				11616.00
	W/ TAX $12,777.60				

	*** CREDIT				
N1299CGD	12 DOMED GRATE F/ IN-LINE DRN	15	254.865	EA	3822.98
N1899CGD	18 DOMED GRATE F/ IN-LINE DRN	1	467.345	EA	467.35
N2499CGD	24 RND DRN GRATE DOME	1	692.434	EA	692.43
N3099CGD	NYLOPLAST 30 DI DOMED GRATE	1	1083.600	EA	1083.60
	SUBTOTAL				6066.36
	W/ TAX $6673.00				

Net Total:	$17682.36
Tax:	$1724.04
Freight:	$0.00
Total:	$19406.40

W/ TAX $12,777.60
— W/ TAX $6673.00
Total $6,104.60
10% Fee $610.46
CO Total - $6,715.06

HOW ARE WE DOING? WE WANT YOUR FEEDBACK!
Scan the QR code or use the link below to
complete a survey about your bids:
https://survey.medallia.com/?bidsorder&fc=1318&on=34869

FERGUSON WATERWORKS

FEL - AROK WATERWORKS #1318
Price Quotation

Fax: 479-927-2718

12:45:56 FEB 05 2026

Reference No: B449445

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

Due to the uncertain impact of potential tariffs, Ferguson's quotation/proposal has not included any provision or contingency for future tariffs or increase of existing tariffs. Ferguson reserves the right to adjust prices to reflect the impact of any new or increased tariffs that affect our costs at the time of shipment. Ferguson will provide notice of any such adjustments along with documentation supporting the changes.

CONTRACTOR CUSTOMERS: IF YOU HAVE DBE/MBE/WBE//VBE/SDVBE/SBE GOOD FAITH EFFORTS DIVERSITY GOALS/ REQUIREMENTS ON A FEDERAL, STATE, LOCAL GOVERNMENT, PRIVATE SECTOR PROJECT, PLEASE CONTACT YOUR BRANCH SALES REPRESENATIVE IMMEDIATELY PRIOR TO RECEIVING A QUOTE/ORDER.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at https://www.ferguson.com/content/website-info/terms-of-sale
Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with *NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.

HOW ARE WE DOING? WE WANT YOUR FEEDBACK!
Scan the QR code or use the link below to complete a survey about your bids:
https://survey.medallia.com/?bidsorder&fc=1318&on=34869

From: tim.fernandes@ferguson.com
To: Jack, Ted
Subject: RE: Invoice
Date: Tuesday, February 24, 2026 1:33:54 PM
Attachments: image001.png

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ted –

This looks correct. The break down they have spelled out is how it would be by the time we freight back the existing ones and reorder the new ones. Let me know if you have any other questions.

Thanks,

Tim Fernandes
Outside Salesman
Ferguson Waterworks, 971 Shaver St., Springdale, AR 72762 USA
T: (479)927-1688 C: (479)435-0102

From: Jack, Ted <tjack@fayetteville-ar.gov>
Sent: Tuesday, February 24, 2026 1:29 PM
To: Tim Fernandes <tim.fernandes@ferguson.com>
Subject: Invoice

Caution: This email originated from outside of the organization. DO NOT click links or open attachments unless you recognize or trust the sender.

Hi Tim,
I work for the City of Fayetteville. We have a project at Walker Park that has some drainage grates going in. We are getting a change order to replace the domed grates with flat grates. Attached is an invoice we have showing the charges you have for doing this. Can you please confirm if what is shown is correct?

Thanks,

Ted Jack, PLA, CPRP, ASLA
Park Planning Superintendent
Parks, Natural Resources and Cultural Affairs
City of Fayetteville, Arkansas
479.444.3469
www.fayetteville-ar.gov

City of Fayetteville Staff Review Form

2026-0387

Item ID

N/A

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

Melissa Evans	4/14/2026	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approving Change Order # 5 to the Walker Park Improvements Phase One contract (Res. # 208-25) with Kinco Constructors in the amount of $19,101.46 for additional asphalt demolition required on the northwest side of the creek, the deletion of the northeast island, the addition of curb leading to the storm drain inlet, the removal and addition of sidewalk in that area and a metal pedestrian grate, along with 5 additional days.

Budget Impact:

2250.520.9256-5806.00	Park Development
Account Number	Fund
46050.7550.2000	Walker Park Improvements, Phase 1
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	9,222,993.00
		Expenses (Actual+Encum)	$	7,252,023.07
		Available Budget	$	**1,970,969.93**
Does item have a direct cost?	Yes	Item Cost	$	19,101.46
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	**1,951,868.47**

V20221130

Purchase Order Number: 2025-0907

Previous Ordinance or Resolution # 208-25

Change Order Number: # 5

Approval Date:

Original Contract Number: 2025-00000049

Comments:

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Mayor Molly Rawn

THRU: Keith Macedo, Chief of Staff
Alison Jumper, Director of Parks and Recreation
Ted Jack, Park Planning Superintendent

FROM: Melissa Evans, Park Planner II

DATE: April 14, 2026

SUBJECT: **Walker Park Improvements Phase 1 – Change Order # 5**

RECOMMENDATION:
Staff recommends approving Change Order # 5 to the Walker Park Improvements Phase One contract (Res. # 208-25) with Kinco Constructors in the amount of $19,101.46 for additional asphalt demolition required on the northwest side of the creek, the deletion of the northeast island, the addition of curb leading to the storm drain inlet, the removal and addition of sidewalk in that area and a metal pedestrian grate, along with 5 additional days.

BACKGROUND:
Bid 25-43 for improvements to Walker Park, was approved at City Council September 16, 2025 (2025-1664 $4,697,184.26). Change Order # 1 was for adding lighting that was part of a deductive alternate back into the project for the sand volleyball courts ($81,018.00). Change Order # 2 was for replacement of a dilapidated drain line and concrete walk repair ($37,657.19). Change Order # 3 was for replacement of the concrete floor for the Octagon Pavilion, repair to a sidewalk that has sunk, pickleball sleeves, and adding a French drain along a portion of the new retaining walls by the Horseshoe courts ($45,862.31). Change Order # 4 was for rerouting drainage at the new horseshoe courts, converting domed drainage grates to flat grates, converting the batting cages to pickleball courts and removing the backstops ($40,393.21). Total contract cost with Change Orders # 1, # 2, # 3 and # 4 is $4,902,114.97.

DISCUSSION:
An area of the existing parking northwest of the creek will have 4,573 sf of asphalt demolished, that was not in the contract documents, including an accessible parking area. A proposed parking island is being removed for drainage to an existing inlet. Curb is being removed from the island and is being added leading to the inlet along with the demolition and replacement of 100 sf of sidewalk and a metal pedestrian grate. The work is more clearly defined on the Change Order document.

BUDGET/STAFF IMPACT:
The Change Order funding is from the $50,068.00 remaining in project contingency. After Change Order # 5, $30,966.00 will remain in contingency. The construction contract will increase to $4,921,216.43.

Attachments:
SRF and Staff Memo
Change Order Document for Signature w/ supporting documents

CITY OF FAYETTEVILLE ARKANSAS

CHANGE ORDER FIVE

Purchase Order 2025-00000907
Contract Title Walker Park Improvements Phase 1
Bid 25-43

Change Order No. 5 Date of Issuance

To Contractor: Kinco Constructors RESOLUTION: 208-25

Change Order Summary: An area of the existing parking northwest of the creek will have 4,573 sf of asphalt demolished to be converted to accessible parking. Concrete was included in the bid but not asphalt demolition of the existing parking area. A proposed parking island is being removed for drainage to an existing inlet. Curb is being removed from the proposed island and is being added along an edge of the parking leading to an existing storm inlet, along with the demolition and replacement of 100 sf of sidewalk and a metal pedestrian grate.

The Contract is changed as follows:

Contract Changes	Item No.	Description	Additional Estimated Quantity	Unit of Measure	Unit Costs	Total
1	n/a	Asphalt Demolition (Construction Solutions)	4,573	SF	$3.32	$15,182.36
2	n/a	Demo Sidewalk on NW side of creek	100	SF	$5.00	$500.00
3	bid line 1.56	Replace Sidewalk on NW side of creek	100	SF	$10.95	$1,095.00
4	n/a	Provide and Install Metal Grate in Sidewalk including labor burden & sales t	1	LS	$734.98	$734.98
5	bid line 1.13	Proposed Concrete Curb (Removed)	-43	LF	$19.67	($845.81)
6	bid line 1.13	Proposed Concrete Curb (Additional)	43	LF	$19.67	$845.81
7	n/a	Subtotal (add lines 1, 2, 3, 4, 5 & 6)				$17,512.34
8	n/a	Bonds - Increase (0.66%)				$117.19
9	n/a	Mark Up Rate (8.35%)				$1,471.93
					Net Cost for this Change Order	**$19,101.46**

Original Contract Price with Change Order 1, 2, 3 and 4 $4,902,114.97
Change in Contract Price from Change Order Five $19,101.46

Final Contract Price After Change Order Five **$4,921,216.43**

City of Fayetteville

BY Mayor Molly Rawn DATE 4/23/2026

Kinco Constructors

BY Marc Dillard, Executive Vice President DATE 4-14-26

KINCO CONSTRUCTORS
BUILDING EXCELLENCE

CHANGE ORDER #05

Date: March 25, 2026

To: City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Walker Park - CO #5 - NW Creek Layout Conflicts
Kinco Constructors, LLC. Project No. 25.2001

Description of Proposed Change:

Labor, material, and equipment for additional demolition required on the northwest side of the creek per RFI #19. Included is the deletion of the northeast island and the addition of curb along the existing curb line leading to the storm drain inlet; these quantities were nearly equal in length and are considered a wash. Includes demo and replacement of 100 SF of sidewalk and a metal pedestrian grate.

The total cost of this proposal is as follows:

1. Labor.....	$	345.60
2. Materials	$	389.38
3. Subcontracts.....	$	16,777.36
4. Subtotal (add lines1, 2, & 3).....	$	17,512.34
5. Bond 0.66%	$	117.19
6. Mark-Up Rate 8.35%.....	$	1,471.93
7. Change Order Total.....	**$**	**19,101.46**

Upon your approval, we intend to make this change immediately.

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

Contract Days Added: 5 Days

Sincerely,

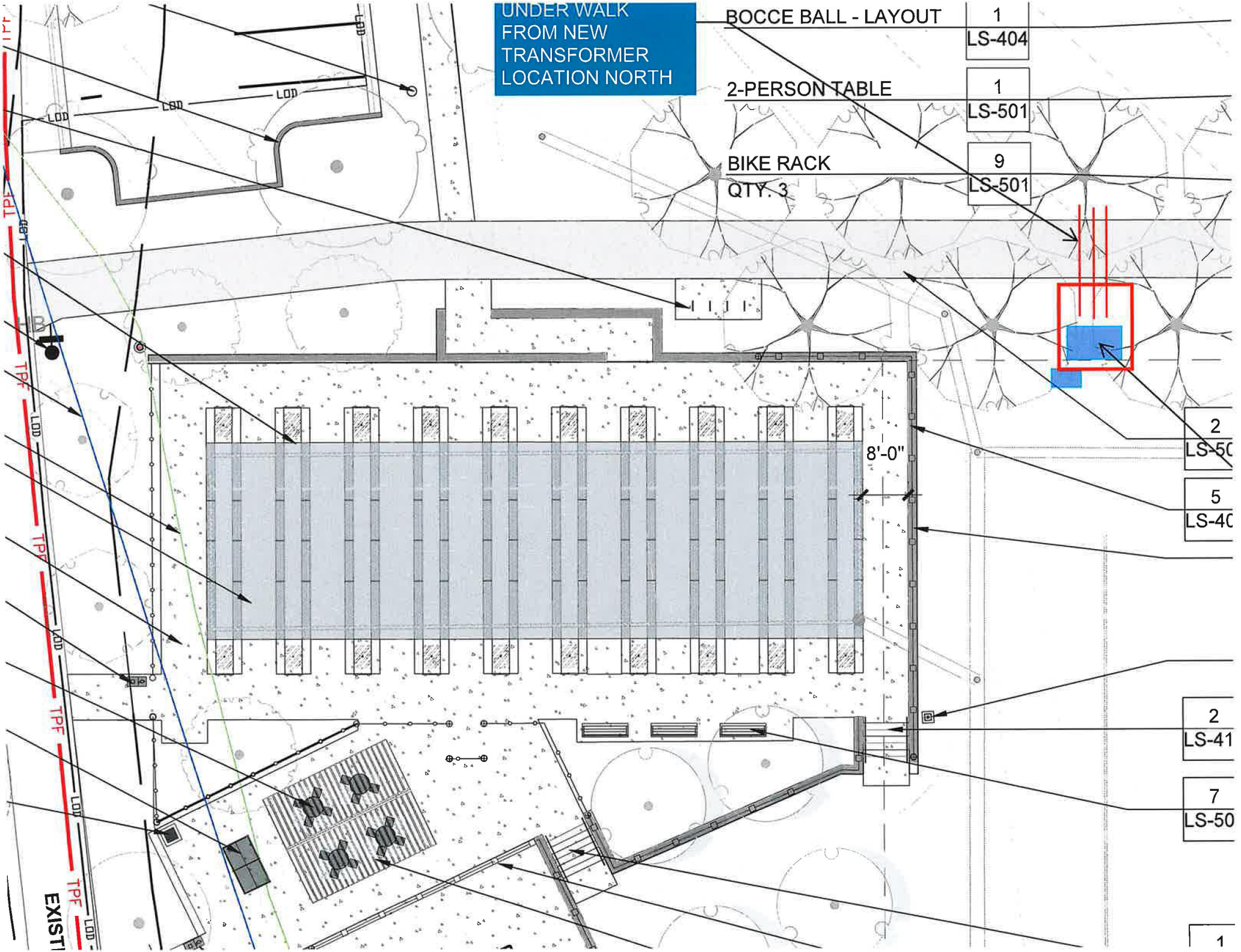
Harrison Wilson
Kinco Constructors, LLC.
Mobile: 501-993-6000

Cc: File

Kinco Extension Sheet **03/25/26**

Walker Park - CO #5 - NW Creek Layout Conflicts

			Labor		Material		Subcontract		
Description	Quantity	Unit	U/C	Total	U/C	Total	U/C	Total	TOTAL
Construction Solutions - Additional Demo on NW Side of Creek	4,573	SF	-	-	-	-	3.32	15,182	15,182.36
Global Concrete - Demo Sidewalk	100	SF	-	-	-	-	5.00	500	500.00
Global Concrete - Replace Sidewalk	100	SF	-	-	-	-	10.95	1,095	1,095.00
Provide and Install Metal Grate in Sidewalk	1	LS	240.00	240	354.79	355	-	-	594.79
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
				-		-		-	-
Subtotal				240		355		16,777	17,372.15
Labor Burden @ 44.0%				106		-			105.60
Sales Tax @ 9.75%						35			34.59
Subtotal								16,777	17,512.34
Bond (0.66%)									117.19
Mark-Up Rate (8.35%)									1,471.93
TOTAL									19,101.46


UNDER WALK FROM NEW TRANSFORMER LOCATION NORTH
BOCCE BALL - LAYOUT
1
LS-404
2-PERSON TABLE
1
LS-501
BIKE RACK
QTY. 3
9
LS-501
8'-0"
LOD
TPF
EXIST



Black Painted, 36 in x 6 ft (W x L), 1 in Overall Ht, Welded

Item **812GL0** Mfr. Model **8J21-B-31X72**

Grating Finish **Black Painted**

Plain | Black Painted

Web Price
$364.79 / each

This item requires special shipping, additional charges may apply.

Qty 1 | Add to Cart

Ship | Pickup

Expected to arrive **Mon. Mar 30.**

Ship to **64101** | Change

Shipping Weight **94 lbs**

Ship Availability Terms

Add to List

Product Details

Catalog Page **N/A**

Brand **APPROVED VENDOR**

Material **Carbon Steel**

Material Grade **A1011**

Top Surface **Smooth**

Grating Finish **Black Painted**

Overall Height **1 in**

Overall Length **6 ft**

Overall Width **36 in**

Bearing Bar Spacing **1-3/16 in**

Bearing Bar Thickness **1/8 in**

Cross Bar Spacing **4 in**

Cross Bar Joining Method **Welded**

Galvanized **Not Galvanized**

Weight **94 lb**

Shape **Rectangular**

Standards **NAAMM MBG**

UNSPSC **30103201**

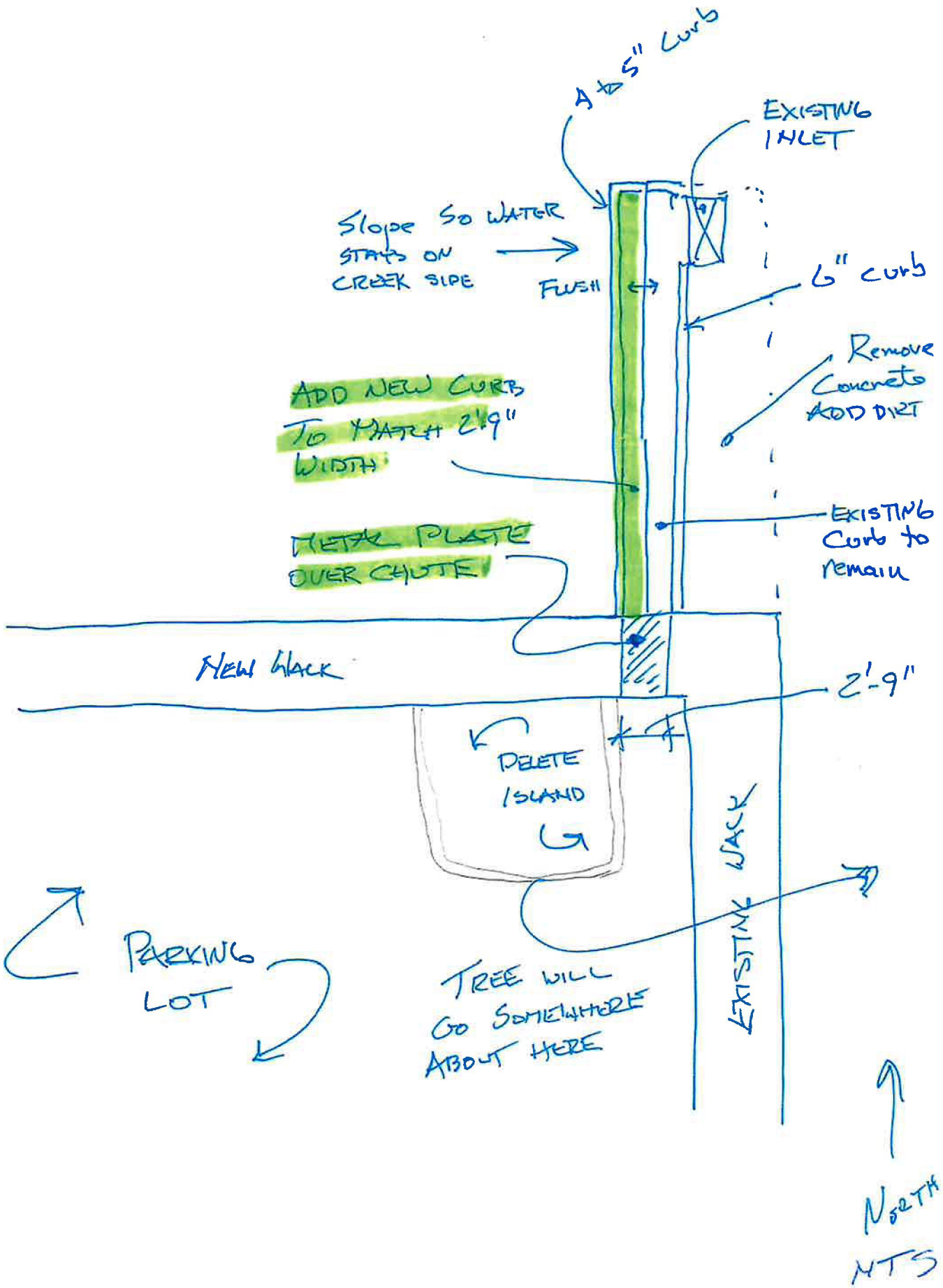
Country of Origin **USA (subject to change)**

Product Description

Smooth carbon steel bar grating has a flat, untextured surface that's easier to clean than a serrated surface.

Compliance & Restrictions

This item is restricted for international sale.


A to 5" Curb
EXISTING INLET
Slope So WATER STAYS ON CREEK SIDE
FLUSH
6" curb
Remove Concrete ADD DIRT
ADD NEW CURB TO MATCH 2'9" WIDTH
METAL PLATE OVER CHUTE
EXISTING Curb to remain
NEW WALK
2'-9"
DELETE ISLAND
EXISTING WALK
PARKING LOT
TREE WILL GO SOMEWHERE ABOUT HERE
NORTH
NTS

Docusign Envelope ID: 3524A38C-029B-8748-82CD-5F8476E029A9

CITY OF FAYETTEVILLE ARKANSAS

CHANGE ORDER SIX

Purchase Order 2025-00000907
Contract Title Walker Park Improvements Phase 1
Bid 25-43

Change Order No. 6 Date of Issuance

To Contractor: Kinco Constructors RESOLUTION: 208-25

Change Order Summary: Items are detailed below and in attachements.

The Contract is changed as follows:

Contract Changes	Item No.	Description	Additional Estimated Quantity	Unit of Measure	Unit Costs	Total
1	n/a	Water Line for Footwash Station (~116lf 1" PVC Pipe) & Adjust Bathroom Cleanout Height	1	LS	$2,000.00	$2,000.00
2	n/a	Demo existing concrete at Bathroom (N&W Sides - Ex Grade Incompatable)	358	SF	$5.00	$1,790.00
3	bid line 1.11	Replace Concrete at Existing Bathroom (Above)	358	SF	$10.95	$3,920.10
4	bid line 1.48	Remove Concrete Staining Large Plaza Area from Contract	1	LS		($45,284.10)
5	n/a	Time & Materal Costs for changes to Horseshoe formwork to tighter tolarances	1	LS	$2,880.00	$2,880.00
6	n/a	Addition of Yard Drain and catch basin in Horseshoe Area - South Bed	70	LF	$22.85	$1,599.50
7	n/a	Change to 30" Catch Basin Grate per RFI #21 (CB located on N side of NW MP Field)	1	LS	$2,266.00	$2,266.00
8	n/a	Paint Restroom Interior (labor, labor burden & materials & Sales Tax)	1	LS	$3,857.00	$3,857.00
9	bid line 1.48	Additional Sand for Volleyball Pit - Bid quantities were off	556	TON	$113.76	$63,250.56
10	n/a	Credit for using Masonary Sand on bottom of Sand VB	350	TON	$28.50	($9,975.00)
11	n/a	Sidewalk Modifications - Restroom (110 SF back, Add Culvert under relocated walk n of Restroom, Add Curb Demo)	1	LS	-$604.50	($604.50)
12	bid line 1.87	Remove Grass Seed - Plain Bermuda from Contract	-5,000	CY	$1.83	($9,150.00)
13	bid line 1.8	Reduce Razorback Fencing by 68LF	-68	LF	$81.30	($5,528.40)
		Subtotal of Above Lines				$11,021.16
15	n/a	Mark Up Rate (8.35% of $Subtotal)				$920.27
14	n/a	Bonds - Increase (0.66% of Subtotal)	n/a			$78.81
16	n/a	Change Order 3 added 10 contract days. This Change Order adds 9 contract days for weather delays and 5 days for Sand VB. New Subtantial Completion date is Aug 22, 2026 and Final Completion date is 9/21/26.	n/a	n/a	n/a	n/a
					Net Cost for this Change Order	**$12,020.24**

Original Contract Price with Change Order 1, 2, 3, 4 and 5 $4,921,216.43
Change in Contract Price from Change Order Six $12,020.24
Final Contract Price After Change Order Six **$4,933,236.67**

NOTE: Not valid until signed by the Owner.

City of Fayetteville

Molly Rawn

BY Mayor Molly Rawn DATE 06/11/2026

Kinco Constructors

BY Marc Dillard, Executive Vice President DATE 6-4-26

Docusign Envelope ID: 3524A38C-029B-8748-82CD-5F8476E029A9

Harrison Wilson

From: Graham Langston <glangston@csnwar.com>
Sent: Wednesday, May 20, 2026 2:18 PM
To: Steven McElroy
Cc: Harrison Wilson
Subject: RE: Walker Park - RFI #21 Storm Drain

Follow Up Flag: Follow up
Flag Status: Flagged

EXTERNAL EMAIL

The price to change this to a 30" pedestrian grate is $2,266.00

From: Steven McElroy <smcelroy@kinco.net>
Sent: Wednesday, May 20, 2026 1:29 PM
To: Graham Langston <glangston@csnwar.com>
Cc: Harrison Wilson <hwilson@kinco.net>
Subject: Re: Walker Park - RFI #21 Storm Drain

Hello Graham,

Where you by chance able to get this priced up?

KINCO CONSTRUCTORS
BUILDING EXCELLENCE

Steven McElroy
Project Coordinator | kincoconstructors.com
P: | **F**:479-751-5659 | **M**:479-257-3753
• Springdale • AR • 72762
Follow us on Facebook | LinkedIn | Instagram

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From: Graham Langston <glangston@csnwar.com>
Sent: Monday, May 18, 2026 2:22:14 PM
To: Steven McElroy <smcelroy@kinco.net>
Cc: Harrison Wilson <hwilson@kinco.net>
Subject: Re: Walker Park - RFI #21 Storm Drain

Docusign Envelope ID: 3524A38C-029B-8748-82CD-5F8476E029A9

Harrison Wilson

From: Jacob Brewer <hdijacob@gmail.com>
Sent: Monday, May 11, 2026 12:37 PM
To: Harrison Wilson
Subject: Re: Walker Park - Water Line Costs

Follow Up Flag: Follow up
Flag Status: Completed

EXTERNAL EMAIL

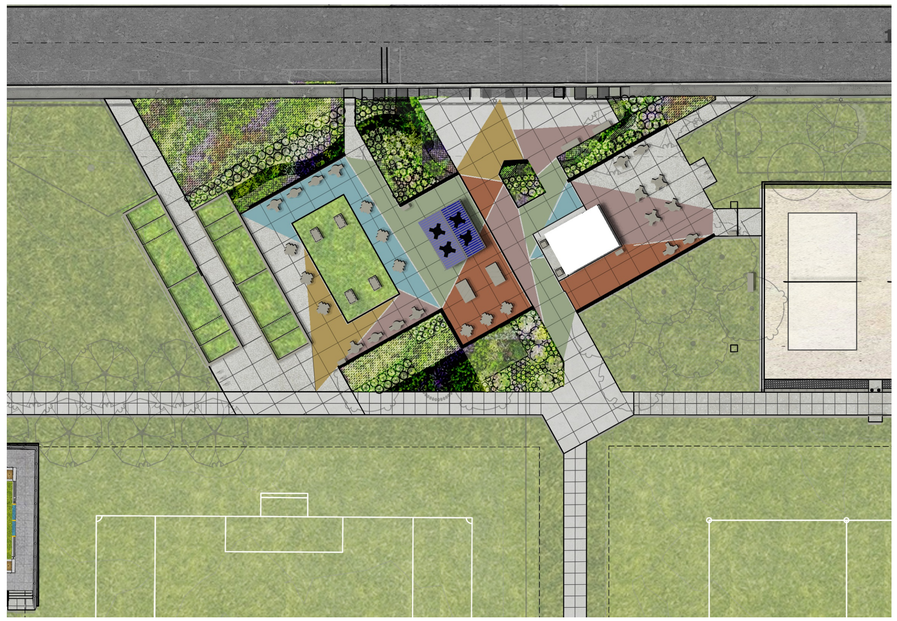
Hi Harrison,
Yes Ill be interested in the UAMS project.
I'm at $2,000 for the water at Walker.

On Mon, May 11, 2026 at 11:43 AM Harrison Wilson <hwilson@kinco.net> wrote:

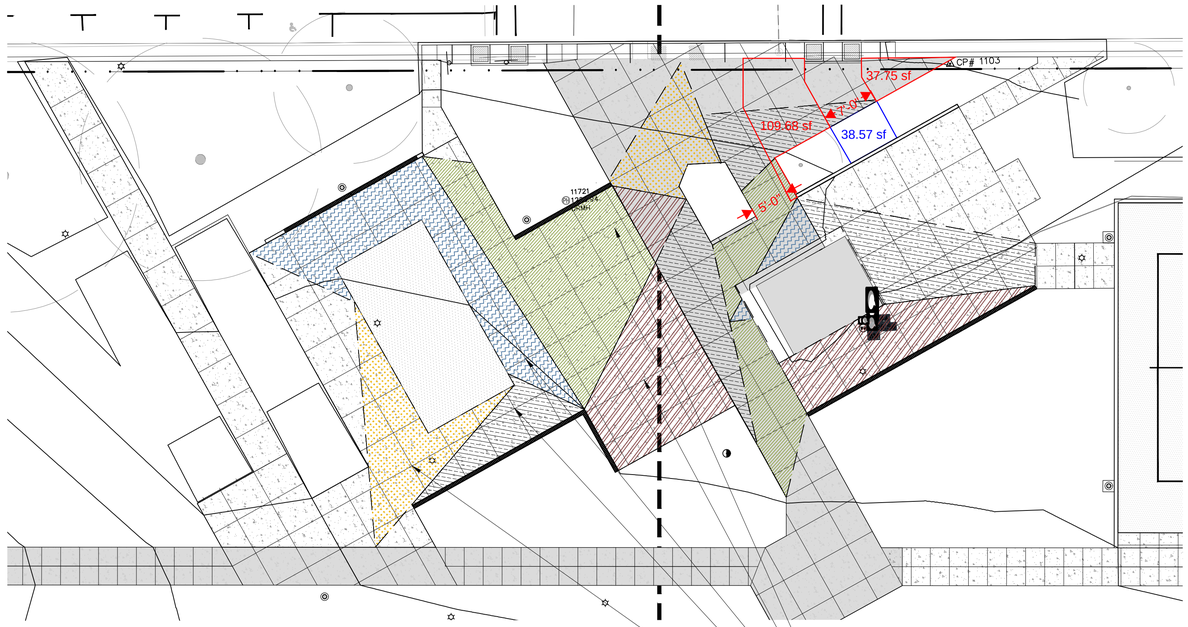
> Jacob,
>
> Just checking in to see how you are coming on the water line pricing out at Walker Park. I have another one I would like you to look at. We need to disconnect, add bearing pads (by others), and reconnect a large dishwasher in the kitchen at UAMS. It is hard piped in at several locations. Please let me know if you'd be interested.
>
> KINCO CONSTRUCTORS
> BUILDING EXCELLENCE
>
> **Harrison Wilson**
> Project Manager | kincoconstructors.com
> **P**:479-751-8606 | **F**:479-751-5659 | **M**:501-993-6000
> 3803 Kelley Ave. • Springdale • AR • 72762
> Follow us on Facebook | LinkedIn | Instagram
>
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--
Thanks,
Jacob Brewer

Docusign Envelope ID: 3524A38C-029B-8748-82CD-5F8476E029A9



NORTH PLAZA - GRAPHIC FOR DESIGN REFERENCE ONLY NOT TO BE USED FOR LAYOUT OF PAVING OR HARDSCAPE



KEY	COLOR NAME
PAVING FIELDS	
	BURNT ORANGE
	LIGHT BLUE
	GREEN (TL)
	RED (TL)
	PURPLE

NOTES:
1.SELECTED CONTRACTOR TO RECEIVE DIGITAL COPY OF LAYOUT FOR USE IN SET UP OF STAINED AREAS.
2. CONTRACTOR SHALL USE EZCHEM - ENVIRO CONCRETE STAINS OR APPROVED EQUAL, REFER HARDSCAPE SCHEDULE ON LS-500 FOR SPECIFICATIONS. FINAL PRODUCT APPROVAL AND COLOR SELECTION TO BE CHOSEN BY LANDSCAPE ARCHITECT FROM FULL RANGE OF COLORS OF THE CHOSEN PRODUCT PRIOR TO PURCHASE.
3. CONTRACTOR SHALL DEVELOP A PHYSICAL MOCK UP IN COLLABORATION WITH THE LANDSCAPE ARCHITECT TO MEET THE AESTHETIC REQUIREMENTS OF THE PROJECT. THIS WORK MAY REQUIRE MULTIPLE ITERATIONS OF THE MOCK UP. CONTRACTOR TO PROVIDE HALF PANEL MOCK-UP TO SHOW EDGE CONDITION AGAINST SECONDARY COLOR AND NON STAINED AREA.
THE FINAL MOCK UP SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT AND MAINTAINED ON SITE THROUGH THE COMPLETION OF THE PUNCH WALK AS A STANDARD FOR COMPARISON.

CO6 will remove the plazza staining from the contractors work.

100% CONSTRUCTION DOCUMENTS

TSW
PLANNING • ARCHITECTURE
LANDSCAPE ARCHITECTURE
Atlanta, GA | Tulsa, OK | Chattanooga, TN

217 E Archer Street, Unit H
Tulsa, Oklahoma 74103
918.922.7620
www.tsw-design.com

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seal

Licensed Landscape Architect
Katy O'Meilia
712060
05/21/2025
Arkansas

consultant

revisions

north arrow + scale

scale: 1" = 10'-0"

0 5 10 15 25

project information

24013 WALKER PARK PHASE 1

project address

10 W 15TH ST
FAYETTEVILLE, AR 72701

client information

CITY OF FAYETTEVILLE, AR
113 WEST MOUNTAIN ST
FAYETTEVILLE, AR 72701
479.444.3469

drawing information

project number: 24013
contact: KO
drawn by: NA
checked by: VH

drawing date

MAY 21, 2025

sheet title

INTEGRAL COLOR CONCRETE DIAGRAM

sheet number

LS-303

\\serverNAS2\PROJECTS\PROJECTS\24013_City of Fayetteville - Walker Park - Phase 1 CDs\CAD\SHEETS\LS-300 - Detailed Plans.dwg (LS-303) Plotted on: Jun 19, 2025 - 11:25am by vhall

Docusign Envelope ID: 3524A38C-029B-8748-82CD-5F8476E029A9

CHANGE ORDER

Global Concrete Systems, LLC
3885 Elm Springs Rd
Springdale, AR 72762

admin@gcsnwa.com
+1 (479) 347-7521

Kinco Constructors:25038-Walker Park Phase 1

Bill to
Kinco Constructors
3803 Kelley Ave
Springdale, AR 72762

Ship to
Kinco Constructors
3803 Kelley Ave
Springdale, AR 72762

Change Order details
Change Order no.: 25038-5
Change Order date: 04/22/2026
Estimate no: 25038

#	Product or service	Description	Qty	Rate	Amount
1.	**Change Order**	Labor (32) hours Haul off 2 loads	1	$2,880.00	$2,880.00

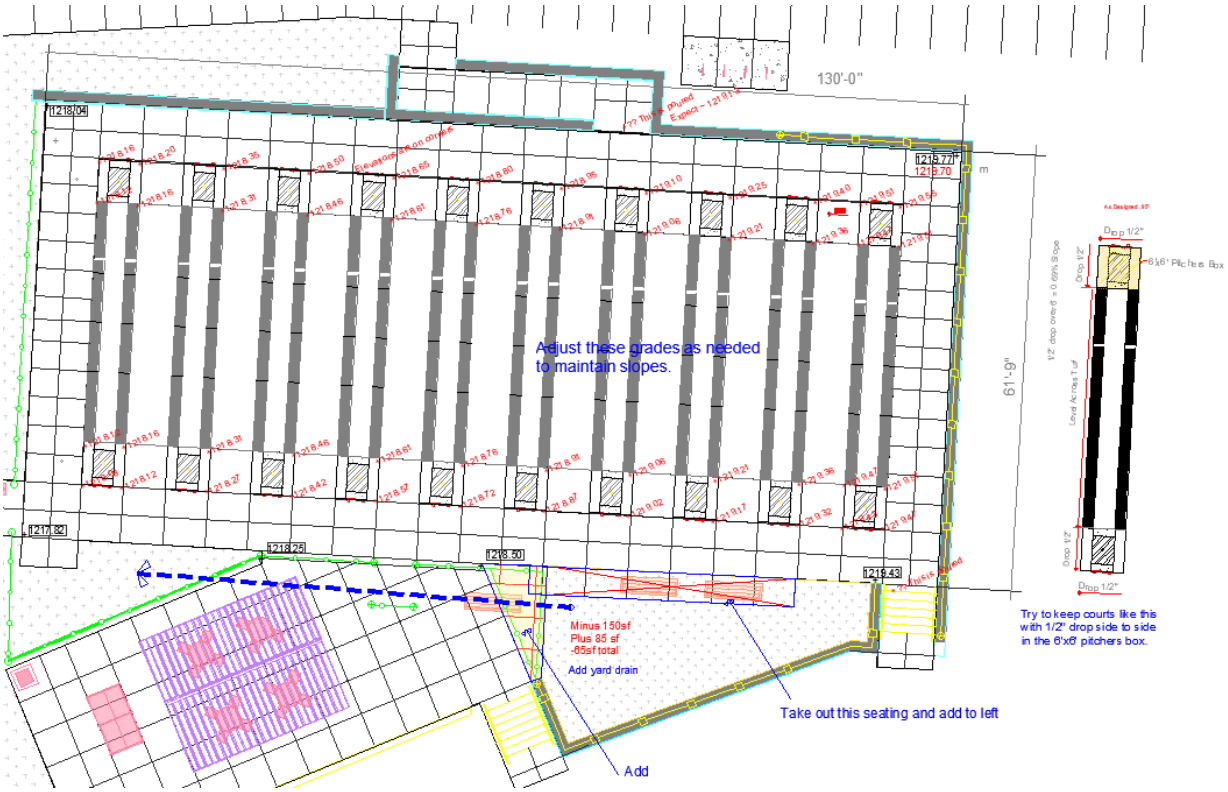
Total	**$2,880.00**
Old estimate total	$815,006.86
New estimate total	$817,886.86

Accepted date **Accepted by**

Docusign Envelope ID: 3524A38C-029B-8748-82CD-5F8476E029A9

Walker – CO6

Additional elevation/grade information for Horseshoes and added yard drain

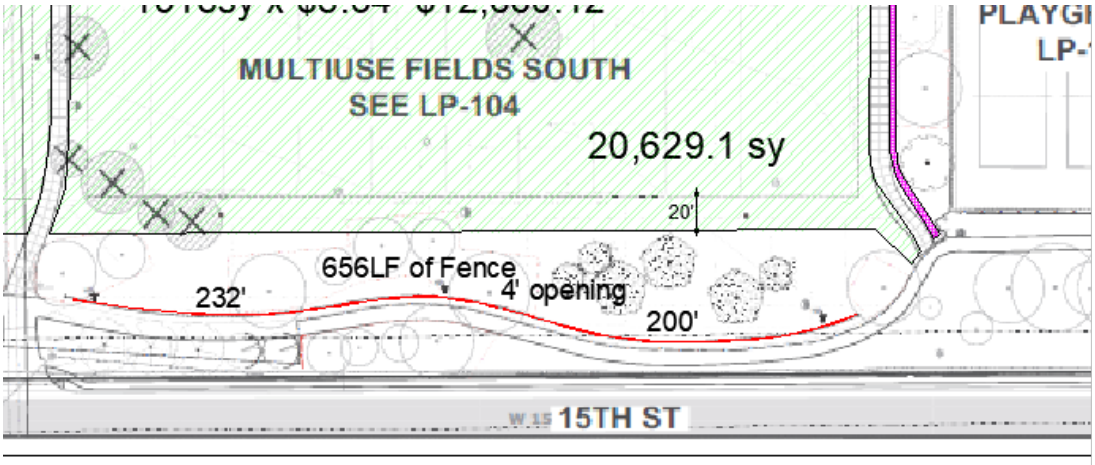


1" Water Line Location



Docusign Envelope ID: 3524A38C-029B-8748-82CD-5F8476E029A9

Portion of Razorback Fencing to remain:



CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2169

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Britin Bostick, Long Range Planning/Special Projects Manager

FROM: Kylee Cole, Long Range & Preservation Planner

SUBJECT: **Approval of a professional services agreement with Post Oak Preservation Solutions, LLC in the amount of $79,280 for Phase 2 of a citywide windshield survey of historic properties.**

RECOMMENDATION:
Staff recommends approval of a professional services agreement with Post Oak Preservation Solutions, LLC in the amount of $79,280 for phase 2 of a citywide historic resource survey.

BACKGROUND:
On April 15, 2025 the Fayetteville City Council approved a grant from the Arkansas Historic Preservation Program (AHPP) in the amount of $72,000. The grant funds from AHPP were divided into two specific amounts, $70,000 for phase 1 of a city-wide windshield survey of historic properties and $2,000 for Historic District Commission training. No cash match by the City was proposed. With Resolution 166-25 the Council approved a contract with Post Oak Preservation Solutions, LLC to perform the survey work. Post Oak completed the project ahead of schedule earlier in 2026 and the project deliverables were approved by AHPP per the terms of the grant agreement. The phase 1 survey area was approximately the southeast quarter of the city.

On March 17, 2026 the Fayetteville City Council approved a grant from AHPP in the amount of $47,300. The grant funds from AHPP were divided into two specific amounts, $45,000 for phase 2 of a city-wide windshield survey of historic properties and $2,300 for Historic District Commission training. No cash match was proposed at the time of grant application pending confirmation of a grant award.

DISCUSSION:
For this phase, Long Range Planning staff propose to provide a cash match to fully fund the project phase in order to keep the citywide survey project moving forward on schedule. Matching funds in the amount of $34,280 from the Downtown Plan budget are proposed to fund the balance of the contract amount as the main focus of this survey phase will be the Downtown area. An inventory of historic structures in and around the Downtown, which has the densest collection of historic structures remaining in the city, is crucial as implementation plans for the Downtown Plan are developed. The Downtown area includes both documented and undocumented historic structures, and multiple districts and individual properties on the National Register of Historic Places.

The City of Fayetteville issued RFP 26-04 for phase 2 of a citywide survey in early May and Post Oak

Preservation Solutions, LLC was selected. The project contract and scope language have been approved by AHPP per the grant requirements and staff is requesting approval of the contract from the City Council.

BUDGET/STAFF IMPACT:
The contract is in the amount of $79,280.00. Staff propose two funding sources for the project:

Source	Amount	Percent of Total Contract Amount
2026 CLG Grant Funds (Grant) Account # 1010.090.6600-5314.00 Project # 32207.2601	$45,000	56.8%
Downtown Plan Funds (CIP) Account # 4470.090.8900-5314.00 Project # 24003.1	$34,280	43.2%
Total	**$79,280**	**100%**

ATTACHMENTS: 3. Staff Review Form, 4. RFP 26-04 Contract

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2169

A RESOLUTION TO AWARD RFP 26-04 AND AUTHORIZE A CONTRACT WITH POST OAK PRESERVATION SOLUTIONS, LLC IN THE AMOUNT OF $79,280.00 FOR PHASE 2 OF A CITYWIDE WINDSHIELD SURVEY OF HISTORIC PROPERTIES USING A COMBINATION OF GRANT FUNDS AND PRE-APPROVED, BUDGETED FUNDS.

WHEREAS, on April 15, 2025, City Council approved Resolution 100-25 authorizing the acceptance of a Certified Local Government Grant from the Arkansas Historic Preservation Program in the amount of $72,000.00 which includes $70,000.00 for Phase 1 of a city-wide windshield survey of historic properties; and

WHEREAS, on March 17, 2026, City Council approved Resolution 74-26, authorizing the acceptance of a Certified Local Government Grant from the Arkansas Historic Preservation Program in the amount of $47,300.00, $45,000.00 of which will be used to fund Phase 2 of the survey; and

WHEREAS, Long Range Planning staff recommend providing a cash match in the amount of $34,250.00 to fully fund the project phase in order to keep the citywide survey project moving forward on schedule.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Rawn to sign a contract with Post Oak Preservation Solutions, LLC in the amount of $79,280.00 for phase 2 of a citywide windshield survey of historic properties.

City of Fayetteville Staff Review Form

2026-2169

Item ID

7/21/2026

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

Kylee Cole	6/30/2026	LONG RANGE PLANNING (634)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approval of a professional services agreement with Post Oak Preservation Solutions, LLC in the amount of $79,280, for phase 2 of a citywide windshield survey of historic properties.

Budget Impact:

1010.090.6600-5314.00 4470.090.8900-5314.00	General Sales Tax Capital Improvements
Account Number	Fund
32207.2601 24003.1	AHPP CLG Grant - Windshield Survey Ph2 City Plan 2050 - Downtown Plan
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	764,193.00
		Expenses (Actual+Encum)	$	401,578.75
		Available Budget	$	**362,614.25**
Does item have a direct cost?	Yes	Item Cost	$	79,280.00
Is a Budget Amendment attached?	No	Budget Amendment	$	-
		Remaining Budget	$	**283,334.25**

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

This contract executed this ____ day of _____, 2026, between the City of Fayetteville, Arkansas (**City**), of 113 W. Mountain, Fayetteville, AR 72701 and Post Oak Preservation Solutions LLC (**Post Oak**) of P.O. Box 12747, San Antonio, Texas, 78212, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Purpose: The purpose of this Contract is to provide the terms and conditions necessary for the preparation of Phase 2 of a Citywide Survey for the City of Fayetteville (the "Project").

2. Contract Documents: The Contract documents which comprise the contract between the City of Fayetteville and **Post Oak** consist of this Contract and the following documents attached hereto, and made a part hereof:

    A. Appendix A: Scope of Work & Fees
    B. Appendix B: City Issued Solicitation for RFP 26-04, Citywide Survey, Phase 2
    C. Appendix C: **Post Oak's** RFP response
    D. Appendix D: 26-CLG-06 Grant agreement with Appendices A & F

3. City's Responsibilities:

    A. The City shall make available to Post Oak all relevant information or data pertinent to the Project which is required by Post Oak to perform the Services. Post Oak shall be entitled to rely upon the accuracy and completeness of all information and data furnished by the City, including information and data originating with other consultants employed by the City whether such consultants are engaged at the request of Post Oak or otherwise. Where such information or data originates either with the City or its consultants then Post Oak shall not be responsible to the City for the consequences of any error or omission contained therein.
    B. When requested by Post Oak, the City may engage specialist consultants directly to perform items of work necessary to enable Post Oak to carry out the Services. Whether arranged by the City or Post Oak, these services shall be deemed to be provided under direct contracts to the City unless expressly provided otherwise. If the City chooses not to engage specialist consultants, then the Parties will work cooperatively to modify the scope of services to reflect any reductions or additions to the services to be provided by Post Oak.
    C. The City shall give prompt consideration to all documentation related to the Project prepared by Post Oak and whenever prompt action is necessary shall inform Post Oak of City's decisions in such reasonable time so as not to delay the schedule for providing the Services.
    D. When applicable, the City shall arrange and make provision for Post Oak's entry to the Project site as well as other public and private property as necessary for Post Oak to perform the Services. The City shall obtain any required approvals, licenses and permits from governmental or other authorities having jurisdiction over the Project so as not to delay Post Oak in the performance of the Services.
    E. The City shall acknowledge the support of the National Park Service and the Arkansas Historic Preservation Program in the publication of any material based on, or developed under, any activity supported by Historic Preservation Fund grant funds. This acknowledgment shall be in the form of a statement as follows: "This material was produced with assistance from the Historic Preservation Fund, administered by the National Park Service, Department of the Interior and the Arkansas Historic Preservation Program, an agency of the

Division of Arkansas Heritage. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of the Interior or the Division of Arkansas Heritage."

4. Post Oak's Responsibilities:
   A. **Post Oak** shall furnish the necessary qualified personnel to provide the Services. **Post Oak** shall coordinate with the City and with the Arkansas Historic Preservation Program as necessary to ensure proper completion of the project. **Post Oak** represents that it has access to the experience and capability necessary to and agrees to perform the Services with the reasonable skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services at the time when and the location in which the Services were performed. This undertaking does not imply or guarantee a perfect Project and in the event of failure or partial failure of the product or the Services, **Post Oak** will be liable only for its failure to exercise diligence, reasonable care, and professional skill. This standard of care is the sole and exclusive standard of care that will be applied to measure **Post Oak**'s performance. There are no other representations or warranties expressed or implied made by Post Oak. In particular, but not by way of limitation, no implied warranty of merchantability or fitness for a particular purpose shall apply to the Services provided by **Post Oak** nor shall **Post Oak** warrant or guarantee economic, market or financial conditions, proforma projections, schedules for public agency approvals, or other factors beyond **Post Oak**'s reasonable control.
   B. **Post Oak** will ensure that all project work and work products meet all applicable Secretary of the Interior's "Standards" including: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards.
   C. **Post Oak** will provide one full-color printed final clean copy of the report and attachments and one digital copy of the report and attachments created to the City and one full-color printed copies and one digital copy to AHPP.
   D. Any documents, images, or other content meant for web publication or mobile applications by the City of Fayetteville must meet the requirements of Title II of the Americans with Disabilities Act (ADA), WCAG 2.1, Level AA on or after April 24, 2026.

5. Non-Assignment: **Post Oak** shall not assign its duties under the terms of this agreement without prior written consent of the City.

6. Price: **Post Oak** shall perform the services included in this proposal for a flat fee of **$79,280.00**.

7. Indemnification and Hold Harmless: **Post Oak** agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from **Post Oak's** performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.

8. Insurance: **Post Oak** shall furnish a certificate of insurance addressed to the City of Fayetteville within ten (10) calendar days after contract finalization, presenting insurance which shall be maintained throughout the term of the Contract in compliance with the terms of the RFP. Any work sublet; **Post Oak** shall require the subcontractor similarly to provide insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, **Post Oak** shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise

protected. Worker's Compensation coverage shall be applicable with state law.

9. Payments:
    A. Payments will be made after approval and acceptance of invoices issued at 40%, 80%, and 100% of project completion.
    B. Payments will be made **30 calendar days after acceptance of invoice** and City prefers electronic delivery of invoices.

10. Term**:** This Contract shall be effective for sixteen (16) months from the date approved by City Council but may be extended upon mutual written agreement of the Parties.

11. Travel Expenses: Travel expenses associated with performance of this work shall be considered for reimbursement subject to the following conditions:
    A. All travel expenses are pre-approved by the City
    B. All expenses are in accordance with the City's most recent travel policy
    C. Travel expenses are not excessive in nature
    D. Travel expenses are of the most economical means of travel available (such as: economy class airline tickets, small compact automobiles, shuttles when available, etc.)
    E. City approved per diem rates for meals
    F. Travel expenses are not reimbursable for consultants with an office located within 50 miles of 113 W. Mountain, Fayetteville, AR 72701.

12. Ownership of Documents:
    A. All documents provided by City are and remain the property of City. **Post Oak** may retain reproduced copies of drawings and copies of other documents.
    B. All documents and records, whether in physical or electronic format, prepared by **Post Oak** or its subconsultant as part of the Project shall become the property of City when **Post Oak** has been compensated for all services rendered; provided, however, that **Post Oak** shall have the unrestricted right to their use. The Arkansas Historic Preservation Program shall have access to all documents upon request.
    C. **Post Oak** shall 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 **Post Oak**.
    D. **Post Oak** will grant the City, the State of Arkansas, and the United States of America a royalty-free, non-exclusive and irrevocable license to publish, reproduce and use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others, of all copyrightable material first produced or composed under this agreement by the contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material**.**

13. Independent Contractor: **Post Oak** is an independent contractor of the City and shall maintain complete responsibility for applicable state or federal law on unemployment insurance, withholding taxes, social security, or other industrial, labor or discrimination law for its employees. **Post Oak** is responsible for its agents, methods and operations.

14. Notices: Any notice required to be given under this Agreement to either party to the other shall be sufficient if addressed and mailed, certified mail, postage paid, delivery, e-mail or fax (receipt confirmed), or overnight courier.

15. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city

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

16. Termination: This Contract may be terminated by the City of Fayetteville or **Post Oak** for any reason with 30 days written notice. If either party breaches this Agreement, the non-defaulting party may terminate this Agreement after giving seven (7) days' notice to remedy the breach. On termination of this Agreement, the City shall pay Post Oak for the Services performed through the date of termination within thirty (30) days of acceptance of a final invoice.

17. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees. No modification of this contract shall be binding unless made in writing and executed by both parties.

18. Applicable Law: This Agreement shall be governed by and construed in accord with the laws of the State of Arkansas. Venue for all legal disputes shall be Washington County, Arkansas.

19. Contract Administration: The Mayor or his/her Designated Representative shall be the Contract Administrator for this contract. **Post Oak's** Principal or his/her Designated Representative shall be the primary contact for all matters pertaining to this contract.

20. Professional Responsibility**: Post Oak** shall exercise reasonable skill, care, and diligence in the performance of services and will carry out its responsibilities in accordance with customarily accepted professional practices.

21. Permits & Licenses: **Post Oak** shall secure and maintain any and all permits and licenses required to complete this Contract.

22. Entire Agreement: These Contract documents constitute the entire agreement between the City of Fayetteville and **Post Oak** and may be modified only by a duly executed written instrument signed by the City of Fayetteville and **Post Oak.** In the event of a conflict between the terms of this Contract and the appendices, this Contract and the terms and conditions contained in Appendix A shall control.

23. Force Majeure: Any default in the performance of this Agreement caused by any of the following events and without fault or negligence on the part of the defaulting party shall not constitute a breach of contract: labor strikes, riots, war, acts of governmental authorities, unusually severe weather conditions or other natural catastrophe, disease, epidemic or pandemic, or any other cause beyond the reasonable control or contemplation of either party. Nothing herein relieves the City of its obligation to pay Post Oak for services actually rendered.

[This space left intentionally blank]

24. Severability: In the event that any court of competent jurisdiction shall determine that any provision of this Agreement shall be unenforceable, then that provision shall be deemed to be null and void and the remaining provisions hereof shall remain in full force and effect

THIS AGREEMENT IS EFFECTIVE AS OF THIS_____DAY OF _____, 2026.

POST OAK PRESERVATION SOLUTIONS LLC

By: Ellis Mumford-Russell Digitally signed by Ellis Mumford-Russell Date: 2026.06.22 12:49:50 -05'00'

Ellis Mumford-Russell, Founder

Ellis Mumford-Russell, Founder

Printed Name & Title

Date Signed: 6/22/26

WITNESS:

_____

Signature

_____

Printed name

CITY OF FAYETTEVILLE, ARKANSAS

By: _____

MOLLY RAWN, Mayor

Date Signed: _____

ATTEST:

_____

KARA PAXTON, City Clerk Treasurer

CONTRACT FOR PROFESSIONAL SERVICES

RFP 26-04, Citywide Survey, Phase 2

APPENDIX A

Scope of Work & Fees

1. INTRODUCTION:

Post Oak Preservation Solutions LLC (Post Oak) shall provide services in preparing Phase 2 of a Citywide Survey in the City of Fayetteville.

2. SCOPE OF WORK:

Post Oak shall perform the following:

A. Complete a windshield survey identifying and assessing historic properties within an approximately 6,770 acres area in the central and southwestern portion of Fayetteville and the Fayetteville Planning Area, prioritizing resources dating to 1975 or earlier.

B. In collaboration with staff, design and incorporate customized survey forms approved by the Arkansas Historic Preservation Program (AHPP).

C. Identify properties and property types that should be preservation priorities for the City of Fayetteville.

D. Identify properties potentially eligible for the State or National Register of Historic Places.

E. Compile geographic data in a format approved by City Staff, which Staff will use to produce maps for the report in collaboration with Post Oak. Staff shall provide Post Oak with existing geographic data as .csv or Excel files and assist with the creation of field maps for surveying.

F. Provide a survey log and spreadsheet identifying properties and relevant information including location, type, architectural style, estimated construction date, photo(s), and preservation priority determination.

G. Recommend a strategy for future in-depth surveys or other preservation work in the study area.

H. Attend (virtually) a minimum of four (4) meetings with City staff and AHPP to update on the progress of the project.

I. The results from items A-G shall be compiled into a historic resources inventory and recommendation report. Post Oak shall address one (1) round of reviewed and consolidated comments by the City contact and revise the report to incorporate required revisions.

J. The results from items A-G, and I shall be compiled into a revised historic resources inventory and recommendation report and submitted to AHPP for review. Post Oak shall address one (1) round of reviewed and consolidated comments by the AHPP contact and revise the report to incorporate required revisions and produce the final deliverables.

3. PRICING:

A. **Post Oak** shall perform the services included in this proposal for a flat fee of **$79,280.00**.

i. Post Oak shall strive to make decisions based on what is best for the City. As such, Post Oak's compensation is structured as a flat fee, with billing to be completed on a percent-complete basis. Each billing shall be completed at 40%, 80%, and 100% of project completion.

ii. Additional services requested that fall outside the scope of this project shall be provided based on a mutually agreed schedule and price, utilizing the hourly fee schedule provided in Post Oak's proposal.

4. TIMEFRAME & PROPOSED SCHEDULE:

A. Any adjustments to proposed schedule shall be coordinated through City staff:

September 25, 2026	Deadline for Consultant to be under contract with City
October 15, 2026	Deadline for project coordination meeting with city staff and AHPP
November 2, 2026	AHPP deadline for Consultant to begin project work
January 25, 2027	Deadline for preliminary drafts of survey log and recommendations ready for review by City and AHPP
February 23, 2027	Deadline for comments on preliminary draft returned to consultant
May 7, 2027	Final draft of all project deliverables submitted to City and AHPP for approval
June 8, 2027	Final deliverables of all project components submitted to City and AHPP
June 15, 2027	Deadline for final invoice submitted to City by Consultant
August 1, 2027	Deadline for final invoice submitted to AHPP by City for reimbursement
October 15, 2027	Deadline for final report submitted to AHPP by City

CITY OF FAYETTEVILLE ARKANSAS

City of Fayetteville, Arkansas
Procurement Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8256

TDD (Telecommunication Device for the Deaf): 479.521.1316

RFP (REQUEST FOR PROPOSAL)

TITLE: RFP 26-04, Citywide Survey, Phase 2
DEADLINE: Tuesday, May 26, 2026 before 2:00 PM, local time
CONTACT: Sr. Procurement Agent Kenny Fitch, kfitch@fayetteville-ar.gov
DATE OF ISSUE AND ADVERTISEMENT: 05/03/2026

No late proposals shall be accepted. RFPs shall be submitted through the City's third-party electronic bidding platform or by submitting a sealed physical proposal to the City of Fayetteville, Procurement Division at the below location.

City of Fayetteville
Procurement Division – Room 306
113 West Mountain Street
Fayetteville, AR 72701

All proposals shall be submitted in accordance with the attached City of Fayetteville specifications and documents attached hereto. Each Proposer 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 Sr. Procurement Agent.

City of Fayetteville, AR
Request for Proposal
RFP 26-04, Citywide Survey, Phase 2

The City of Fayetteville, Arkansas, is seeking proposals from qualified firms with experience in conducting historic property surveys to complete a citywide windshield survey of historic properties in downtown and southwest Fayetteville. Any questions regarding this RFP shall be directed to Kenny Fitch, Sr. Procurement Agent, at kfitch@fayetteville-ar.gov or (479) 575-8258.

Solicitation documents and addenda shall be obtained at the City of Fayetteville Procurement Division's electronic bidding platform at www.fayetteville-ar.gov/bids. All proposals shall be received by Tuesday, May 26, 2026 before 2:00 PM, Local Time utilizing the electronic bidding software or by submitting a sealed physical proposal to the City of Fayetteville, Procurement Division. All proposals are due before the time stated. No late proposals shall be accepted. Submitting electronically is strongly encouraged. The City of Fayetteville shall not be responsible for lost or misdirected proposals, or for failure of proposer's technical equipment.

All interested parties shall be qualified to do business and licensed in accordance with all applicable laws of the state and local governments where the project is located. A current registration with the Arkansas Secretary of State shall be valid at the time of RFP award.

The City of Fayetteville reserves the right to reject any or all proposals and to waive irregularities therein, and all parties agree that such rejection shall be without liability on the part of the City of Fayetteville for any damage or claim brought by any interested party because of such rejections, nor shall any interested party seek any recourse of any kind against the City of Fayetteville because of such rejections. The filing of any Statement in response to this invitation shall constitute an agreement of the interested party to these conditions.

City of Fayetteville
By: Kenny Fitch, Sr Procurement Agent
P: 479.575.8258 E: kfitch@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316
Date of advertisement: 05/03/2026
This publication was paid for by the Procurement Division of the City of Fayetteville, Arkansas.
Amount paid: $163.28

SECTION:	PAGE NUMBER
Cover Page	01
Advertisement	02
SECTION A: General Terms & Conditions	04
SECTION B: Scope of Services and General Information	13
SECTION C: Submittal Signature	20

1. SUBMISSION OF A PROPOSAL SHALL INCLUDE:
   Each proposal shall contain the following at a minimum. Proposer must also address detailed requirements as specified in the Scope of Work.

   a. A written narrative describing the method or manner in which the Proposer proposes to satisfy requirements of this RFP in the most cost-effective manner. The term Proposer shall be in reference to a firm or individual responding to this solicitation.

   b. A description of the Proposer's experience in providing the same or similar services as outlined in the RFP. This description should include the names of the person(s) who will provide the services, their qualifications, and the years of experience in performing this type of work. Also, include the reference information requested in this RFP.

   c. The complete fee and cost to the City for all services outlined in this RFP.

   d. Statement should be no more than fifteen (15) pages; single sided, standard, readable, print on standard 8.5x11 documents. Proposers shall also submit a two (2) page (maximum) executive summary. The following items will not count toward the fifteen page limitation: appendix, cover sheet, 2-page executive summary, resumes (resumes shall be no more than 1 page per person), and forms provided by the City for completion.

      i. Submitting and responding to this RFP: Proposals shall be prepared simply and economically, providing a straightforward, concise description of its ability to meet the requirements for the project. Fancy bindings, colored displays, and promotional material are not required. Emphasis should be on completeness and clarity of content. All documents physically submitted should be typewritten on standard 8 ½" x 11" white papers and bound in one volume. Exceptions would be schematics, exhibits, one-page resumes, and City required forms. Limit proposal to fifteen (15) pages or less, excluding two-page executive summary, one-page team resumes, references, and forms required by the City for completion. All proposals shall be sealed upon delivery to the City of Fayetteville.

         1. Option 1 –Electronic Submittal (***strongly encouraged***): Proposers can go to www.fayetteville-ar.gov/bids and follow the prompts to submit a proposal within the electronic bidding platform. If a proposal is submitted electronically, a physical submission is not necessary. All Proposers must register in order to be able to submit. There is no fee for registration.

         2. Option 2 – Physical Submittal: All Proposers shall submit one (1) original copy of their proposal as well as one (1) electronic copy on a properly labeled USB or other electronic media device. The electronic copy submitted shall be contained into one single electronic file and shall be identical to the hard copies provided. The use of Adobe PDF documents is strongly recommended. Files contained on

an USB or electronic media shall not be restricted against saving or printing. Electronic copies shall not be submitted via e-mail to City employees by the Proposer and shall be provided to the City in a sealed manner. FedEx, UPS, USPS, or other packages should be clearly marked with the RFP number on the outside of the mailing package.

e. Proposals will be reviewed following the stated deadline, as shown on the cover sheet of this document. Only the names of Proposer's will be available after the deadline until a contract has been awarded by the Fayetteville City Council. All interested parties understand proposal documents will not be available until after a valid contract has been executed.

f. Proposers shall submit a proposal based on documentation published by the Fayetteville Procurement Division.

g. Proposals must follow the format of the RFP. Proposers should structure their responses to follow the sequence of the RFP.

h. Proposers shall have experience in work of the same or similar nature and must provide references that will satisfy the City of Fayetteville. Proposer shall furnish a reference list of clients for whom they have performed similar services and must provide information as requested in this document.

i. Proposer is advised that exceptions to any of the terms contained in this RFP or the attached service agreement must be identified in its response to the RFP. 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.

j. Local time shall be defined as the time in Fayetteville, Arkansas on the due date of the deadline. Documents shall be received before the deadline time as shown by the atomic clock located in the Procurement Division Office or electronic clock located in the City's third-party bidding software.

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 proposal must be sent in writing via e-mail to the Procurement Department. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the proposal. 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 RFP made or given prior to the award of the contract.

3. DESCRIPTION OF SUPPLIES AND SERVICES:

Any manufacturer's names, trade name, brand name, catalog number, etc. used in specifications are for the purpose of describing and establishing general quality levels. Such references are NOT intended to be restrictive. Proposals shall be considered for all brands that meet the quality of the specifications listed for any items.

4. RIGHTS OF CITY OF FAYETTEVILLE IN REQUEST FOR PROPOSAL PROCESS:

In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the right to the following:

a. The City of Fayetteville reserves the right to rank firms and negotiate with the highest-ranking firm. Negotiation with an individual Proposer does not require negotiation with others.

b. The City of Fayetteville reserves the right to select the proposal it believes will serve the best interest of the City.

c. The City of Fayetteville reserves the right to accept or reject any or all proposals.

d. The City of Fayetteville reserves the right to cancel the entire request for proposal.

e. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the request for proposal or in proposals submitted.

f. The City of Fayetteville reserves the right to request any necessary clarifications, additional information or proposal data without changing the terms of the proposal.

g. The City of Fayetteville reserves the right to make selection of the Proposer to perform the services required on the basis of the original proposals without negotiation.

h. The City reserves the right to ask for a best and final offer from one or more Proposers. The best and final offer process is not guaranteed; therefore, Proposers shall submit and respond to this RFP on the most favorable terms available.

5. EVALUATION CRITERIA:

The evaluation criterion defines the factors that will be used by the selection committee to evaluate and score responsive, responsible and qualified proposals. Proposers shall include sufficient information to allow the selection committee to thoroughly evaluate and score proposals. Each proposal submitted shall be evaluated and ranked by a selection committee. The contract will be awarded to the most qualified Proposer, per the evaluation criteria listed in this RFP. Proposers are not guaranteed to be ranked.

6. COSTS INCURRED BY PROPOSERS:

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

7. ORAL PRESENTATION:

An oral presentation and/or interview may be requested of any firm, at the selection committee's discretion.

8. CONFLICT OF INTEREST:

a. The Proposer 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 "Limited Authority of City Employee to Provide Services to the City".

b. The Proposer shall promptly notify Kenny Fitch, City Sr. Procurement 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 Proposer'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 Proposer 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 Proposer. The City agrees to communicate with the Proposer its opinion via e-mail or first-class mail within thirty days of receipt of notification.

9. WITHDRAWAL OF PROPOSAL:

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

10. LATE PROPOSAL OR MODIFICATIONS:

a. Proposal and modifications received after the time set for the proposal 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. Proposers refer to their submission status in the online bidding portal or call the Procurement Division at (479) 575-8256 to ensure receipt of their submittal documents prior to opening time and date listed.

b. The time set for the deadline shall be local time for Fayetteville, AR on the date listed. All proposals shall be received in the Procurement Division BEFORE the deadline stated. The official clock to determine local time shall be the atomic clock located in the Procurement Division, Room 306 of City Hall, 113 W. Mountain, Fayetteville, AR.

11. CONSTITUTIONAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

The laws of the State of Arkansas apply to any purchase made under this request for proposal. Proposers shall comply with all constitutional, 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.

12. PROVISION FOR OTHER AGENCIES:

Unless otherwise stipulated by the Proposer, the Proposer agrees to make available to all Government agencies, departments, municipalities, and counties, the proposal prices submitted in accordance with said proposal terms and conditions therein, should any said governmental entity desire to buy under this proposal. Eligible users shall mean all state of Arkansas agencies, the legislative and judicial branches, political subdivisions (counties, local district school boards, community colleges, municipalities, counties, or other public agencies or authorities), which may desire to purchase under the terms and conditions of the contract.

13. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "Proposer certifies that their proposal 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."

14. RIGHT TO AUDIT, FOIA, AND JURISDICITON:

a. The City of Fayetteville reserves the privilege of auditing a Contractor's records as such records relate to purchases between the City and said Contractor.

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 Arkansas with Arkansas law applying to the case.

15. CITY INDEMNIFICATION:

The successful Proposer(s) agrees to indemnify the City and hold it harmless from and against 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 services or any part thereof covered by this order, and such obligation shall survive acceptance of the services and payment thereof by the City.

16. VARIANCE FROM STANDARD TERMS & CONDITIONS:

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

17. 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), no later than seven days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Procurement Division, immediately.

18. DIGITAL ACCESSIBILITY REQUIREMENTS

If applicable, Contractor shall provide accessibility conformance reports (ACRs) for any software provided by the Contractor that will be accessible by the public upon delivery, whether developed by the Contractor or a third-party. Visit the link for more information: https://www.fayetteville-ar.gov/DocumentCenter/View/39767/Web-Accessibility-Requirements-for-Vendors_-and-Technology-Addendum

a. Contractor must address all accessibility issues in any software provided or licensed by the Contractor and delivered to the City, as well as any documents delivered by the Contractor.

b. Contractor must ensure that end user deliverables adhere to the WCAG 2.1 AA standard as defined by title II of the Americans with Disabilities Act.

i. Deliverables are defined as any web platform or mobile application, or documents that may be hosted on a web or mobile platform. This includes documents, spreadsheets or presentations regardless of format (Microsoft Office products, PDF, etc.).

c. Contractor must ensure accessibility is addressed during all stages of a project, from commencement to implementation. Contractor must meet with City staff at the City's discretion to review accessibility issues.

d. If Contractor deliverables fail to comply with WCAG 2.1 Level AA standard, the Contractor shall provide the City with a credit to cover the cost of additional accessibility testing and resolution. Such credits shall not exceed 5% of either (1) the total fixed price due to the Contractor under the contract or (2) the total not-to-exceed amount of the contract if entered under a time and materials basis.

19. CERTIFICATE OF INSURANCE:

The successful Proposer shall provide a Certificate of Insurance of professional liability insurance in the amount of $1 million US dollars, at minimum. Such Certificate of Insurance shall list the City as an additional insured and not be required unless firm is selected.

20. PAYMENTS AND INVOICING:

The Proposer must specify in their proposal the exact company name and address which must be the same as invoices submitted for payment as a result of award of this RFP. Further, the successful Proposer is responsible for immediately notifying the Procurement Division of any company name change, which would cause invoicing to change from the name used at the time of the original RFP. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest or penalty for untimely payments. Payments can be processed through Proposer's acceptance of Visa at no additional costs to the City for expedited payment processing. The City will not agree to allow any increase in hourly rates by the contract without PRIOR Fayetteville City Council approval.

21. 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 Contractor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City.

22. 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 Proposer intends to subcontract a portion of this work, the Proposer shall disclose such intent in the proposal submitted as a result of this RFP.

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.

23. NON-EXCLUSIVE CONTRACT:

Award of this RFP shall impose no obligation on the City to utilize the Contractor 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-phase contracts, this provision shall apply separately to each item.

24. 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 Procurement 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.

25. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this RFP from the Proposer. 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.

26. SERVICES AGREEMENT:

A written agreement, in substantially the form attached, incorporating the RFP and the successful proposal will be prepared by the City, signed by the successful Proposer and presented to the City of Fayetteville for approval and signature of the Mayor.

27. INTEGRITY OF REQUEST FOR PROPOSAL (RFP) DOCUMENTS:

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

28. OTHER GENERAL CONDITIONS:

a. Proposers must provide the City with their proposals signed by an employee having legal authority to submit proposals on behalf of the Proposer. The entire cost of preparing and providing responses shall be borne by the Proposer.

b. The City reserves the right to request any additional information it deems necessary from any or all Proposers after the submission deadline.

c. This solicitation 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 Proposer in preparation. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the Proposer'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.

d. If products, components, or services other than those described in this bid document are proposed, the Proposer must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.

e. **Any uncertainties shall be brought to the attention to Kenny Fitch immediately via telephone (479.575.8258) or e-mail (kfitch@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Procurement 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 Proposers to be on equal terms.**

f. Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Kenny Fitch, City of Fayetteville, Sr. Procurement Agent via e-mail (kfitch@fayetteville-ar.gov) or telephone (479.575.8258). 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.

g. At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews.

h. Any information provided herein is intended to assist the Proposer in the preparation of proposals necessary to properly respond to this RFP. The RFP 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 RFP's content or to exclude any relevant or essential data.

i. Proposers irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be controlled by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.

j. The successful Proposer 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 Proposer 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 Proposer 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.

k. The successful Proposer'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 Proposer 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 these 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 the City of Fayetteville.

1. INTRODUCTION:

The City of Fayetteville, Arkansas, hereinafter referred to as "the City", is requesting proposals from qualified firms with experience in performing historic property surveys to complete the second phase of a Certified Local Government Grant funded citywide windshield survey of historic properties, in downtown and southwest Fayetteville, as described in the following Scope of Work. It is the intent of the City of Fayetteville to select a single firm or team to accomplish the services outlined in this Request for Proposals.

2. COMMUNITY & NEIGHBORHOOD BACKGROUND:

The City of Fayetteville, Arkansas is located across the Boston Range of the wider Ozark Plateau in Northwest Arkansas. It is the county seat of Washington County. The City is home to the University of Arkansas, which is located just outside the Downtown area. The City is more than 55 square miles in area with a population of 101,694 according to the 2023 American Community Survey estimations, making it the second largest city in Arkansas.

Fayetteville has a rich cultural history. The town was founded in 1828 on land that had previously been set aside for the western Cherokee Nation. Before the Cherokee, the land had been hunted by the Osage and Quapaw tribes. During the Civil War General Benjamin McCulloch ordered Confederate forces under his command to burn all the commercial buildings, military stores and vacant houses in Fayetteville. Very few structures survived or are preserved today; however, Fayetteville does have a wealth of historic structures from the late 19th century through mid-20th century, many representing vernacular materials and styles. Agricultural production was a significant part of the local economy from the post-Civil War era through WWII, and the University of Arkansas, established in 1871 as the first public university in Arkansas, has also been a significant contributor both to the local economy and to population growth.

On March 1, 1979 the Historic District Commission was created as a group of devoted local citizens concerned with improving and protecting the City's unique historic and cultural resources. The Commission helps facilitate the identification, evaluation, preservation, restoration, protection, and enhancement of historical, cultural, and archaeological interests. The City of Fayetteville currently has numerous individual properties listed in the National Register and has an array of National Register Historic Districts and neighborhood associations with an eye on preservation (available online https://maps.fayetteville-ar.gov/HistoricSites/). With the City's first Heritage & Historic Preservation Plan adopted in summer 2023, the Commission is looking at projects to meet the plan goals, including the identification and protection of historic properties. Please see the Heritage & Historic Preservation Plan: https://www.fayetteville-ar.gov/4231/Heritage-and-Historic-Preservation-Plan.

The Black Heritage Preservation Commission was established on September 7, 2021. The purpose of this Commission is to recognize, acknowledge, protect and preserve historical Black Structures and Cemeteries in honor of the vision, accomplishment, and perseverance of Fayetteville's early Black families and individuals and the churches and other structures they built. Another Purpose of this Commission is the creation of Black Historical Markers to recognize the struggles and achievements of our Black citizens to promote diversity and equality for all Fayetteville residents and to oppose discrimination against any

person in Fayetteville. In June 2023 the Commission celebrated the unveiling of a historical marker and street naming honoring Nelson Hackett, a man who was enslaved in Fayetteville in the 1840s.

In 2025 the City contracted with a consultant to complete the first phase of a citywide windshield survey of historic properties, which focused on southeast Fayetteville. Phase 1 results included 486 properties with potentially significant resources, 85% of which were single-family homes. Properties represented a variety of architectural styles and forms, with the largest group, Bungalows, representing 20% of the total. Nine potential historic districts were identified and recommendations for each were outlined in the final report.

Phase 2 will follow a similar approach and geographically focus on downtown and southwest Fayetteville (see Attachment B). All resources with construction dates of 1975 or earlier will be evaluated, but only those with potential historic significance will be surveyed. Properties with buildings are the focus of the survey and additional historic resource types, like structures, objects, or below-ground resources will generally not be surveyed. Exceptions would include notable infrastructure like historic bridges and cemeteries. The results of the survey should provide a high-level inventory of potentially historically significant resources (buildings, districts, or cemeteries) in the survey area, and include address and parcel number, approximate date of construction, resource type, architectural style, notes about potential significance and integrity, and preservation priority level. A streamlined survey form (developed in phase one) and photo will be submitted for each resource with potential historic significance. Final deliverables will include an inventory table, individual survey forms for each property with historic significance, and an executive summary outlining findings and recommendations.

The study area for Phase 2, based on the Washington County Assessor's data, contains approximately 2,152 parcels with buildings dating to 1975 or earlier. This includes 205 parcels that have previously been surveyed. A windshield survey is a vital first step is assessing our historic resource stock, evaluating potential threats, and making plans for future in-depth surveys.

The City is prioritizing resources dating to 1975 or earlier to narrow the scale of this project. Fayetteville, like much of northwest Arkansas, experienced a building boom in the 1970s-1980s but it is unlikely that resources in this era are preservation priorities for citizens or reach the threshold of integrity and significance for state or National Register listing. However, National Register properties and districts are not the only valued places in Fayetteville. This survey project will pair with a staff-led citywide historic context statement that will provide a historical background for properties within the City and a framework for understanding and preserving the history of the area. Staff will develop a set of contexts and themes related to Fayetteville's development. It is intended to identify and characterize historic resources and to identify those areas that should be considered for future land use planning and for establishing local historic districts.

3. SCOPE OF WORK:

The purpose of this project is to conduct a windshield survey in downtown and southwest Fayetteville and prepare a survey log and executive summary highlighting key findings and recommendations. A desktop review using existing survey information, aerial photos, and historic maps provided by the City will help inform a strategic survey approach and save time on the ground. The City has received approval from the Arkansas Historic Preservation Program (AHPP) to continue to use customized, streamlined survey forms rather than using the current state survey forms as much of the information collected for those forms is

extraneous and not suited for our needs at this time. While the final scope of services will be negotiated with the selected consultant, the City's baseline expectations include the following:

a. Identify and assess historic properties in the downtown and southwestern portion of Fayetteville. Additionally, the survey shall expand upon and validate prior survey work completed in the study area.

b. Identify properties and property types that should be preservation priorities for the City of Fayetteville.

c. Identify properties potentially eligible for the State or National Register of Historic Places.

d. Provide a survey log and spreadsheet identifying properties and relevant information including location, type, architectural style, estimated construction date, photo(s), and preservation priority determination.

e. Recommend a strategy for future in-depth reconnaissance surveys or other preservation work in the study area.

4. QUALIFICATIONS:

Any consulting firm, consulting team, or other organization may respond. The identified project lead must meet the Secretary of the Interior's professional qualifications standards for performing work in the areas of 'History' or 'Architectural History'. These qualifications, which set specific minimum education and experience requirements, can be found online at: https://www.nps.gov/articles/sec-standards-prof-quals.htm. Respondents shall articulate in their proposal how the designated project lead meets these minimum qualifications.

5. TENTATIVE PROJECT TIMELINE:

July 31, 2026	Consultant under contract with City
August 14, 2026	Project coordination meeting with city staff and AHPP
November 2, 2026	AHPP deadline for project work to begin
January 18, 2027	Draft of ten (10) completed survey forms and preliminary report draft will be ready for review by City and AHPP
February 15, 2027	Comments on preliminary draft returned to consultant
May 7, 2027	Final deliverables of all project components submitted to AHPP
July 30, 2027	Final invoice submitted to City by Consultant
October 15, 2027	Final report submitted to AHPP by City

6. PROPOSAL FORMAT:

The proposal shall contain all sections listed herein and shall respond fully to all requirements of the RFP. Statement should be no more than fifteen (15) pages; single sided, standard readable, print on standard 8.5 X 11 pages. Proposers shall also submit a two (2) page (maximum) executive summary. The following items will not count toward the page limitations: appendix, cover sheet, 2-page executive summary, resumes (resumes shall be no more than 1 page per person), and forms provided by the City for completion:

Part I – Letter of Interest: Provide a letter of interest signed by an authorized consultant representative. Provide the names, offices, email addresses, and phone numbers for all key Consultant staff proposed to be involved in the project. The Proposal shall identify in which office(s) the majority of the work will occur. Acknowledge all issued addenda.

Part II – Consultant/Staff Qualifications: The Proposal shall include a company profile outlining the company's history and philosophy. This section will also provide a brief biography of key individuals proposed to be assigned to the project with an emphasis on a designated Project Manager. The Project Manager should be the individual conducting the day-to-day activities on this project. Each individual's proposed position / responsibility shall be indicated. Special emphasis shall be provided to the individual's background, qualifications, and experience on related and/or similar projects. The team must meet the Professional Qualification Standards for Historic Preservation set by the Secretary of the Interior (Appendix F).

At least three (3) client references, including name, description of past working relationship, and current contact information shall be listed for each key individual proposed. Any applicable professional licenses or certifications shall be listed for each individual. All known sub- Consultants needed to complete the project (individual or firm) must be identified.

Part III – Management Approach: The Proposal shall include a discussion regarding the Consultant's intended management approach on this project, including coordination and monitoring of project schedule, cost, scope, communications, quality, resources and other management issues that the Consultant feels should be addressed.

Part IV – Related Project Experience: The Proposal shall include up to three (3) profiles of similar services in comparable organizations. Past projects must have been completed in the last ten (10) years and shall include: project name, project time frame, client name, and a detailed description that clearly justifies why the Consultant's past experience is applicable to this RFP. For each project, indicate which proposed key individuals worked on the project and describe the role/work they performed and their levels of involvement.

Part V – State and Federal Grant Guidelines: Each Consultant team must familiarize themselves with all grant requirements as required by the CERTIFIED LOCAL GOVERNMENT PROGRAM GRANT AGREEMENT and must meet the minimum standards outlined in the appendices listed below in all work product produced. Please note this grant is subject to all rules and regulations pursuant to the National Park Service Historic Preservation Fund Manual. See attachments:

i. Appendix A: Historic Resources Survey & Documentation

ii. Appendix E: Other Consultant Contracts and Products

iii. Appendix F: The Secretary of the Interior's Historic Preservation Professional Qualification Standards

Part VI – Detailed Draft and Scope of Services: This will form the basis of the Scope of Services to be included in the Contract and be given the most weight in evaluation and scoring of the Proposals. The Proposal shall include:

i. Detailed description of the Consultant's proposed scope of services (including specific tasks and deliverables) to accomplish the Objectives specified in Section 3 of the RFP;

ii. List any additional documents or resources necessary to complete the Work;

iii. Describe your competitive advantage and value-added services and benefits that would be provided to the City. This could include any innovative approaches previously utilized to assist communities develop their similar historic context statements, and any unique challenges and how you overcame them;

iv. Any optional, recommended services otherwise excluded from the Consultant's proposed Scope of Services but are considered by the Consultant to be valuable aspects in achieving the Objectives;

v. A written summary identifying the types of information, data, and assistance needed from the City for a successful project;

Part VII – Project Schedule: The Consultant shall provide a project schedule, directly associated with the Consultant's proposed Scope of Services. All project timelines must meet the terms of grant agreement shown in Section 5. The City will submit quarterly reports to the AHPP detailing programmatic and fiscal progress of work on forms to be provided by AHPP.

The timeline must include the AHPP final deadline of May 7, 2027.

7. PRICE PROPOSAL:

Proposers shall provide a Flat Fee Price Proposal. Include a detailed cost breakdown including estimated personnel, exclusions, and all labor costs, expenses, overhead, profit, and contingency. Provide a payment schedule based on project milestones/deliverables. These deliverables will be confirmed during contract negotiations with the chosen consultant. The Price Proposal will serve as a basis for scoring.

7. CONTRACT FORMATION:

If the negotiation produces mutual agreement, a contract will be considered for approval by the City of Fayetteville City Council. If negotiations with the highest-ranking Proposer fail, negotiations may be initiated with the next highest-ranking Proposer until an agreement is reached. The City reserves the right to reject all offers and end the process without executing a contract.

8. SELECTION CRITERIA:

The following criteria will be used by the City to evaluate and score responsive proposals. Proposers shall include sufficient information to allow the City to thoroughly evaluate and score the proposal. Each proposal submitted is not required to be ranked by the selection committee. The contract may be awarded to the most qualified firm, per the evaluation criteria listed below, based on the evaluation of the selection committee. Following the evaluation of the proposals, the Selection Committee may request that the top-ranking firm(s) make an oral presentation or be interviewed. If presentations are necessary, they will take place in Fayetteville, Arkansas. Notices will be sent by the Procurement Division.

1) 20% **Qualifications in Relation to Specific Project to be Performed:** Information reflecting qualifications of the consultant, partners, and project team. Indicated specialized experience and technical competence of the firm in connection with the type and complexity of the service required. Subcontractors, if used, shall be listed with information on their organization.

2) 20% **Experience, Competence, and Capacity for Performance:** Information reflecting the names, titles, and qualifications (including experience and technical competence) of the major personnel assigned to this specific project.

3) 20% **Proposed Method of Doing Work:** A proposed work plan (description of how the project would be conducted as well as other facts concerning approach to scope) indicating methods and schedules for accomplishing scope of work. Include with this the amount of work presently underway.

4) 20% **Past Performance:** Previous evaluations shall be considered a significant factor. If previous evaluations with the City are not available, the professional firm's past performance records with City and others will be used, including quality of work, timely performance, diligence, and any other pertinent information. Firm will provide a list of similar jobs performed and person whom the City can contact for information.

5) 20% **Cost/Fees:** Complete costs and fees as described in this RFP and for delivery of the proposal including fiscal feasibility and financial stability. All fees shall be clearly identified with RFP response and be itemized as much as possible.

9. ADDITIONAL DOCUMENTS AND INFORMATON:

The following documents are included with this solicitation as additional information:

a. Attachment A: CLG Program Grant Information
    i. Appendix A: Historic Resources Survey & Documentation
    ii. Appendix E: Other Consultant Contracts and Products
    iii. Appendix F: The Secretary of the Interior's Historic Preservation Professional Qualification Standards
b. Attachment B: Phase 2 Study Area Map

1. DISCLOSURE INFORMATION

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

If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

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

_____1) NO KNOWN RELATIONSHIP EXISTS

_____2) RELATIONSHIP EXISTS (Please explain): _____

_____

_____

I certify that; 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; and my organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.

Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.

2. PRIMARY CONTACT INFORMATION

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

Corporate Name of Firm: _____

Primary Contact: _____ Title of Primary Contact: _____

Phone#1 (cell preferred): _____Phone#2: _____

E-Mail Address: _____

3. ACKNOWLEDGEMENT OF ADDENDA

Acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject Contractor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED

4. DEBARMENT CERTIFICATION:

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

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.

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

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

NAME OF COMPANY: _____

PHYSICAL ADDRESS: _____

MAILING ADDRESS: _____

TAX ID #: _____ AR. SECRETARY OF STATE FILING #: _____

PHONE: _____ FAX: _____

E-MAIL: _____

SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____ DATE: _____

END OF RFP DOCUMENT

Appendix A: Historic Resources Survey & Documentation

The production of surveys of historic structures, sites, etc., funded under this grant agreement will meet the following minimum standards, as applicable:

A.) CITY'S RESPONSIBILITIES

a. The City will ensure that any request for proposals (RFP), request for qualifications (RFQ), or other bid solicitation and any contract for survey and documentation services funded under this agreement includes duties and tasks as described in this appendix.

b. The City will submit a copy of any proposed RFQ, RFP, or other bid solicitation for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and approval and will not publish such announcement or request until comments been received from AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.

c. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review, prior to execution of the contract, and will not execute the contract until approval has been received from AHPP. A copy of the final executed contract will be provided to AHPP.

d. The City will contact the AHPP National Register staff to consult on the advisability of historic sites survey work in the proposed area, proposed boundaries for the survey work, etc., prior to engaging a contractor for survey work funded under this agreement.

e. The City will ensure that the contractor responsible for survey and documentation services funded under this agreement meets the Secretary of the Interior's Professional Qualification Standards (see Appendix F) in History and/or Architectural History and/or, when applicable, Archaeology or Historic Landscape Architecture.

f. The City will ensure that all milestones and work deadlines incorporated into its agreement with the Contractor are consistent with those outlined in the applicable CLG Grant Agreement. Any discrepancy between the Grant Agreement milestones and those applied to the Contractor's tasks must be approved in advance by AHPP.

B.) CONTRACTOR'S RESPONSIBILITIES

a. Prior to commencing any work under the contract, any contractor who has not attended a training on the required procedures for historic sites surveys taught by the AHPP National Register & Survey staff within five (5) years prior to the survey initiation date must attend a training class on the procedures required for historic site survey. This one-day class, at the offices of AHPP, will train the contractor in the proper and thorough completion of Arkansas Architectural Resources Forms, photography requirements, mapping, and compilation of the finished product.

b. Prior to commencing any work under the contract, the Contractor, regardless of the date of his or her last training, must contact the AHPP National Register & Survey staff to determine whether changes to required historic site survey procedures have changed since the contractor last attended a training. If the AHPP National Register & Survey staff determines that the Contractor's attendance at an additional training class is advisable, the contractor must attend a training class on the procedures required for historic sites surveys prior to the initiation of any fieldwork under the contract.

c. The contractor must comply with the standards and procedures set forth in the AHPP Survey Manual in carrying out the contract work and in completion of the final product. A copy of this manual will be provided by AHPP upon request.

d. The contractor must design and complete the survey and produce a survey report in accordance with the National Park Service Historic Preservation Fund Grants Manual Chapter 6, Section H, 2a-e and 3b and/or d as applicable and the Secretary of the Interior's Standards for Identification for Intensive Surveys (see at Identification Guidelines (U.S. National Park Service) (nps.gov)). The survey report should, at minimum, contain the following elements:

    i. Survey methodology
    ii. A brief historic context specific to the area surveyed
    iii. A brief overview of historic resource types within the area surveyed
    iv. Maps outlining the boundaries of the area surveyed
    v. Tables listing addresses or other location information of properties surveyed, resource numbers supplied by AHPP, and data relevant to evaluation of National Register eligibility, such as date of construction, property condition and architectural integrity, vacant lots, etc.
    vi. Maps locating properties by resource number and address
    vii. Language collected on Arkansas Architectural Resources Forms should be provided with the survey report in an organized, sortable, searchable,

digital format, such as a database, spreadsheet, GIS data, or similar data file.

e. The contractor must complete an Arkansas Architectural Resources Form and provide site plans for each resource in the field.

f. The contractor must provide, on the Arkansas Architectural Resources Form, information specific to the property for which the survey form is prepared, summarizing its history and any identifiable changes to the building that appear to have occurred since its construction.

g. The contractor will take color digital photographs of each resource in the field. At the very minimum the photographs should show all facades of each building. In addition, representative streetscape photographs will be provided by the Contractor. These photographs will be submitted with the final survey product in both electronic and print form.

h. To ensure efficient production of a quality product and to reduce the burden of repeated reviews, in projects involving inventory and documentation of more than 30 properties, the contractor will provide drafts of at least 10 completed Arkansas Architectural Resources Forms to the AHPP National Register & Survey staff for review prior to completion and submittal of all Arkansas Architectural Resources Forms. AHPP staff will review draft forms and return comments to the contractor within 14 business days of receipt of the draft forms.

i. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of carrying out the historic site survey or form completion, including but not limited to archival research, and photographs, to AHPP on request.

j. The contractor will grant the City, the State of Arkansas, and the United States of America a royalty-free, non-exclusive and irrevocable license to publish, reproduce and use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others, of all copyrightable material first produced or composed under this Agreement by the contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material.

k. The contractor must be able to adhere to set deadlines and provide initial and completed surveys by the dates set forth in contract documents.

l. The contractor will provide their own transportation and equipment.

m. For resurvey work, a copy of the previous survey form must be attached to the new survey form for each property and shall be included with final project deliverables.

n. The contractor will provide one full-color copy and one digital copy of the final survey report and forms to the City and one full-color printed copy and two digital copies of the survey report and forms to AHPP.

C.) AHPP RESPONSIBILITIES

a. AHPP will provide Arkansas Architectural Resources Forms and Ancillary Structures Forms to the contractor as necessary for project completion.

b. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.

c. AHPP will provide resource numbers to the contractor as necessary for project completion.

d. AHPP will provide a one-day training class at the AHPP offices in Little Rock on the procedures required for historic site surveys. This class will train the contractor in the proper and thorough completion of Arkansas Architectural Resources Forms, photography requirements, mapping, and compilation of the finished product.

e. AHPP will provide technical assistance to the contractor as necessary for project completion.

Appendix E: Other Consultant Contracts & Products

All other types of projects funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

a. The City will ensure that any request for proposals (RFP), request for qualifications (RFQ), or other bid solicitation and any contract for services funded under this agreement includes duties and tasks as described in this contract and appendix.

b. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and will not publish such announcement or request until approval has been received from AHPP or seven (7) business days have elapsed since the date on which the proposed announcement or request has been received by AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.

c. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review, prior to execution of the contract, and will not execute the contract until approval has been received from AHPP or seven (7) business days have elapsed since the date on which the proposed contract has been received by AHPP. A copy of the final executed contract will be provided to AHPP. All milestones and deadlines between the City and Contractor must be consistent with those outlined in the CLG Grant Agreement. Adjustment of these milestones must have advance AHPP approval.

d. The City will ensure that all milestones and work deadlines incorporated into its agreement with the Contractor are consistent with those outlined in the applicable CLG Grant Agreement. Any discrepancy between the Grant Agreement milestones and those applied to the Contractor's tasks must be approved in advance by AHPP.

e. The City will ensure that any contractor engaged for work funded under this agreement meets the applicable Secretary of the Interior's Historic Preservation Professional Qualification Standards (see Appendix F) as determined in consultation with AHPP.

f. The City will ensure that all project work and work products meet all applicable SOI "Standards" including: 1) Standards and Guidelines for Preservation

Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards.

B. CONTRACTOR'S RESPONSIBILITES

a. The contractor will ensure that all project work and work products meet all applicable Secretary of the Interior's "Standards" including: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards.

b. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of carrying out the contract, including but not limited to archival research, and photographs, to AHPP on request.

c. The contractor will grant the City, the State of Arkansas, and the United States of America a royalty-free, non-exclusive and irrevocable license to publish, reproduce and use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others, of all copyrightable material first produced or composed under this agreement by the contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material.

d. The contractor must be able to adhere to set deadlines as set forth in contract documents.

e. The contractor will provide own transportation and equipment.

f. The contractor will provide one full-color copy and one digital copy of the work product, as applicable, to the City and one full-color printed copy and two digital copies of the work product, as applicable, to AHPP.

C. AHPP RESPONSIBILITIES

a. AHPP will provide Arkansas Architectural Resources Forms and Ancillary Structures Forms to the contractor as necessary for project completion.

b. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.

c. AHPP will provide resource numbers to the contractor as necessary for project completion.

d. AHPP will provide access to other AHPP files to the contractor as necessary for project completion.

e. AHPP will provide technical assistance to the contractor as necessary for project completion.

Appendix F: The Secretary of the Interior's Historic Preservation Professional Qualification Standards

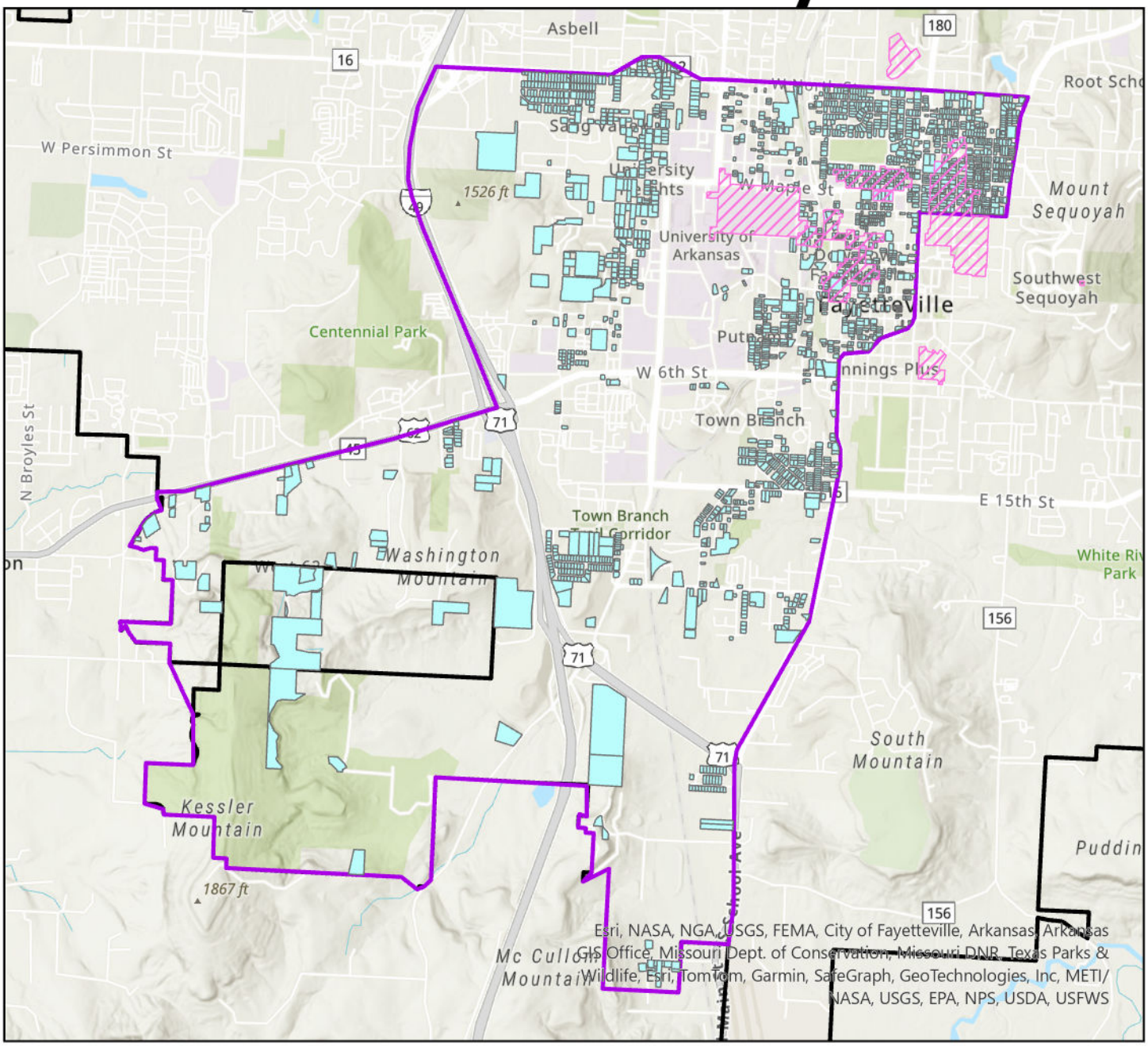
The Secretary of the Interior's Professional Qualification Standards were defined and officially adopted in 1983 (48 FR 44716, September 29) by the National Park Service, Department of the Interior, and the Secretary of the Interior's Historic Preservation Professional Qualification Standards were expanded and revised in 1997 (62 FR 33708, June 20) in response to amendments in the National Historic Preservation Act, but were not formally adopted for federal regulatory purposes. See https://www.nps.gov/articles/sec-standards-prof-quals.htm for more information.

The 1997 revisions update the professional qualification standards written in 1983 and add definitions for seven other historic preservation disciplines that appear in the National Historic Preservation Act.

The 1997 version also provides guidance on how to measure qualifying credentials that was lacking in the 1983 Standards. In the 1997 version, this information is provided in a standardized format that provides examples of the academic degrees, work and academic products, and professional activities that would qualify a professional in a particular discipline.

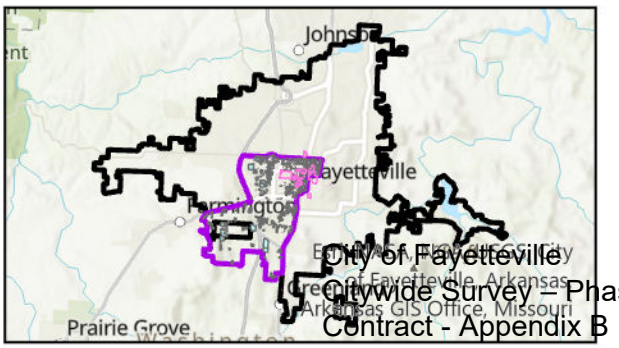
Because the 1997 Standards give the clearest description of the current understanding of what a qualified professional is in each of the disciplines described in the National Historic Preservation Act, AHPP uses them as guidance on judging the qualifications of contractors or consultants working on projects funded by AHPP's CLG grant agreements. It is important to note that these are not intended to be requirements for ALL consultants or contractors working on a project, lead as well as entry-level. However, each project must contain a person in a lead, responsible project role with the requisite expertise.

Phase II Survey Area



Legend

- Historic_District
- 1975orEarlier
- Phase 2 Boundary
- City_Limits



RFP 26-04 Addendum 1
Post Oak Preservation Solutions
Supplier Response

Event Information

Number: RFP 26-04 Addendum 1
Title: Citywide Survey, Phase 2
Type: Request for Proposal
Issue Date: 5/3/2026
Deadline: 5/26/2026 02:00 PM (CT)
Notes: The City of Fayetteville, Arkansas, is seeking proposals from qualified firms with experience in conducting historic property surveys to complete a citywide windshield survey of historic properties in downtown and southwest Fayetteville. Any questions regarding this RFP shall be directed to Kenny Fitch, Sr. Procurement Agent, at kfitch@fayetteville-ar.gov or (479) 575-8258.

Contact Information

Contact: Kenny Fitch
Address: Purchasing
City Hall
Room 306
113 W. Mountain St.
Fayetteville, AR 72701
Email: kfitch@fayetteville-ar.gov

Post Oak Preservation Solutions Information

Contact: Ellis Mumford-Russell
Address: 2506 Little John Lane
Austin, TX 78704
Phone: (832) 919-6433
Email: ellis@postoakpreservation.com
Web Address: postoakpreservation.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Ellis Mumford-Russell
Signature

ellis@postoakpreservation.com
Email

Submitted at 5/22/2026 01:25:40 PM (CT)

Requested Attachments

RFP 26-04, Citywide Survey, Phase 2

FayettevilleSurvey_Phase2_Proposal_signed_Post Oak Preservation.pdf

Please attach the signed and completed RFP form, located in the 'Attachments' tab, along with proposal.

Response Attachments

FayettevilleRFP_Disclosures_signed_Post Oak Preservation.pdf

Fayetteville RFP Disclosures - signed by Post Oak Preservation Solutions

Bid Attributes

1	**Arkansas Secretary of State Filing Number:** Registration is required before contract award. 811500376
2	**Addendum Acknowledgement** By selecting "I agree", you acknowledge that you have read all addendum(s) that have been issued for this solicitation, if applicable. ☑ I agree
3	**Check Yes or No:** Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing. ☑ Yes, I agree ☐ No, I don't agree

4	**Check Yes or No:** Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing. ☑ Yes, I agree ☐ No, I don't agree

PROPOSAL

Citywide Survey – Phase 2

RFP# 26-04



City of Fayetteville, Arkansas

RESPONDENT:
Post Oak Preservation Solutions, LLC

May 2026

City of Fayetteville
Citywide Survey – Phase 2
Contract – Appendix C

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Executive Summary

Citywide Survey – Phase 2

RFP# 26-04



City of Fayetteville, Arkansas

RESPONDENT:
Post Oak Preservation Solutions, LLC

May 2026

City of Fayetteville
Citywide Survey – Phase 2
Contract – Appendix C

Executive Summary

Post Oak Preservation Solutions, LLC (Post Oak) is pleased to submit this proposal in response to the City of Fayetteville's RFP 26-04, for a Citywide Survey - Phase 2. Our firm is a woman-owned preservation consulting firm with a national reputation for excellence in historic preservation consulting, historical research, National Register nominations, and cultural resource documentation. We are confident in our ability to deliver a high-quality, comprehensive, and meaningful windshield survey for downtown and southwest Fayetteville, aligning with the City's objectives for identifying and characterizing historic resources, particularly those underrepresented in prior surveys.

Our Firm and Expertise:

Post Oak specializes in historic documentation, with a strong focus on documenting and integrating the histories of underrepresented communities. Our team of highly qualified historians and preservation professionals exceeds the Secretary of the Interior's Professional Qualification Standards and has a proven track record of delivering comprehensive and inclusive historic documentation across the country. We are particularly adept at researching and presenting narratives for communities often overlooked in historical records, such as demonstrated in our work on the Kansas City African American Heritage MPDF and the Southeast Fayetteville Neighborhood Historic Context Statement. This core competency ensures that the survey will capture a richer, more inclusive historical record for Fayetteville's diverse population.

Understanding of the Project:

We understand the City of Fayetteville is seeking proposals for the second phase of a Certified Local Government (CLG) Grant-funded city-wide windshield survey, focusing on approximately 2,152 parcels in downtown and southwest Fayetteville. The project prioritizes resources dating to 1975 or earlier and will inform future land use planning and local historic district establishment. Our approach will incorporate customized survey forms approved by the Arkansas Historic Preservation Program (AHPP) and adhere strictly to all federal and state preservation guidelines, including the National Park Service Historic Preservation Fund Manual. Our proven ability to bring underrepresented stories to light will be central to this project, ensuring the survey is as comprehensive as possible.

Our Management Approach:

Our management approach emphasizes collaborative, efficient, and quality-driven execution. Megan Warley McDonald will lead as Project Manager, overseeing technical aspects, while Rebecca Wallisch will serve as Staff Lead. Ellis Mumford-Russell will manage administration, and Rachel Alison and Angela Jimenez will provide inventory and survey support. We prioritize transparent communication with City staff and AHPP, adhering to all federal and state standards, and meticulously monitoring project schedule and budget to ensure timely and compliant deliverables.

Competitive Advantage and Value-Added Services:

Post Oak offers unique advantages. Our collaborative approach fosters strong partnerships and ensures inclusive, community-embraced outcomes. With extensive experience in historic resource surveys and evaluations of National Register eligibility, including direct work in Fayetteville (Southeast Fayetteville Neighborhood Historic Context Statement and Phase 1 of the Citywide Survey), we are prepared to bring our experience and our knowledge to this project. Given our recent work in Fayetteville, we have a competitive advantage in our knowledge of local history, resources, and repositories as well as established relationships with community stakeholders. In addition, during the Phase 1 survey, Post Oak developed systems and a customized form approved by AHPP that would ensure streamlined and efficient procedures during Phase 2.

City of Fayetteville
Citywide Survey – Phase 2
Contract – Appendix C

Executive Summary

Proposed Scope of Services:
Our comprehensive scope of services includes:

- **Task 1: Kick-Off & Coordination with Staff & Stakeholders:** Initial meeting with City staff, AHPP, and stakeholders to align project scope, communication, and schedule.
- **Task 2: Inventory and Survey Preparation:** Desktop research using historic data, maps, and existing contexts to identify properties for windshield survey. Preparation of field maps and preliminary inventory.
- **Task 3: On-site Reconnaissance Survey:** Two teams of two staff will conduct a windshield survey of the study area, documenting historic-age resources (pre-1975) from the public right-of-way, adhering to NPS and AHPP photo guidelines.
- **Task 4: Preliminary Draft Inventory to City and AHPP:** Compilation of survey data, photographs, and research into a first draft of the inventory, including location, type, style, estimated construction date, photos, and preservation priority determination. Recommendations for State/National Register eligibility and future survey efforts will be included.
- **Task 5: Submit Final Deliverables to City and AHPP:** Revise and submit all final deliverables to City and AHPP.
- **Task 6: Final Invoice:** Submission of the final invoice to the City.

Project Schedule:
We are committed to delivering all project components within the specified timeline, ensuring all AHPP deadlines are met, with the final deliverables submitted by May 7, 2027, and the final invoice by July 30, 2027.

Price Proposal:
Our flat fee for all services related to the production of the Historic Resources Inventory and Recommendations is **$79,280**. This includes all estimated personnel, labor, expenses, overhead, profit, and contingency, with travel costs billed as incurred. A detailed cost breakdown and payment schedule based on percentage completion milestones are provided in our full proposal.

Conclusion:
Post Oak is exceptionally qualified to undertake the City of Fayetteville's Citywide Survey - Phase 2. Our experienced team, familiarity with the survey area, collaborative approach, and dedication to high-quality deliverables ensures a successful partnership that will significantly contribute to the long-term, inclusive preservation of Fayetteville's rich historical and cultural heritage.

City of Fayetteville
Citywide Survey – Phase 2
Contract – Appendix C

Letter of Interest

Citywide Survey – Phase 2

RFP# 26-04



City of Fayetteville, Arkansas

RESPONDENT:
Post Oak Preservation Solutions, LLC

May 2026

City of Fayetteville
Citywide Survey – Phase 2
Contract – Appendix C

Letter of Interest

City of Fayetteville, Arkansas
Procurement Division - Room 306
113 W. Mountain
Fayetteville, AR 72701

Subject: Proposal for RFP 26-04, Citywide Survey - Phase 2

Dear City of Fayetteville Procurement Division,

Post Oak Preservation Solutions, LLC (Post Oak) is pleased to submit this proposal in response to the City of Fayetteville's Request for Proposal (RFP) 26-04, Citywide Survey - Phase 2. With our extensive experience in historic resource surveys, historic context statements, and National Register nominations across the country, we are confident in our ability to deliver a high-quality, comprehensive, and meaningful windshield survey and survey report for downtown and southwest Fayetteville. Our confidence is furthered by the successful completion of the Fayetteville Citywide Survey - Phase 1, earlier this year, during which we developed deep familiarity with Fayetteville's history and architecture and developed a streamlined survey approach.

Our team of highly qualified historians and preservation professionals exceed the Secretary of the Interior's Professional Qualification Standards and is committed to providing exceptional service that aligns with the City's goals and objectives. The majority of work for this project will be conducted from our Austin and El Paso, TX, Fayetteville, NC, and Des Moines, IA, offices.

We have reviewed the RFP document in its entirety and acknowledge all issued addenda. We confirm our understanding of the project's scope, including the customization of survey forms as approved by the Arkansas Historic Preservation Program (AHPP), and the project timeline culminating in the submission of all final deliverables to AHPP by May 7, 2027.

We are excited about the opportunity to once again partner with the City of Fayetteville on this important initiative to identify and protect historic properties. Our team is responsive, communicative, and dedicated to delivering results on time and within budget. We believe our proven track record and collaborative approach make us the ideal choice for this project.

Our key staff proposed to be involved in this project are:

- Megan Warley McDonald, Project Manager (Fayetteville): megan@postoakpreservation.com, 814.397.2359
- Rebecca Wallisch, Staff Lead (Austin): rebecca@postoakpreservation.com, 512.766.7042
- Ellis Mumford-Russell, Project Administrator (Austin): ellis@postoakpreservation.com, 832.919.6433
- Rachel Alison, Staff Support (Des Moines): rachel@postoakpreservation.com, 210.580.6329
- Angela Jimenez, Staff Support (El Paso): angela@postoakpreservation.com, 915.240.6463

Thank you for considering our proposal. We look forward to the possibility of contributing to the preservation of Fayetteville's rich historical and cultural heritage.

Sincerely,

Ellis Mumford-Russell
Founder
Post Oak Preservation Solutions, LLC

City of Fayetteville
Citywide Survey – Phase 2
Contract – Appendix C

Consultant/Staff Qualifications

Citywide Survey – Phase 2

RFP# 26-04



City of Fayetteville, Arkansas

RESPONDENT:
Post Oak Preservation Solutions, LLC

May 2026

City of Fayetteville
Citywide Survey – Phase 2
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Firm Profile



Post Oak Preservation Solutions (Post Oak) is a woman-owned preservation consulting firm with a national reputation for excellence in historic preservation consulting, historical research, National Register nominations, and cultural resource documentation. Committed to equity and inclusion, Post Oak strives to tell the whole story in the historic narratives and contexts we prepare, and our work is grounded in a collaborative approach that prioritizes stakeholder engagement. We specialize in documenting the histories of underrepresented communities and integrating these narratives into broader historic contexts.

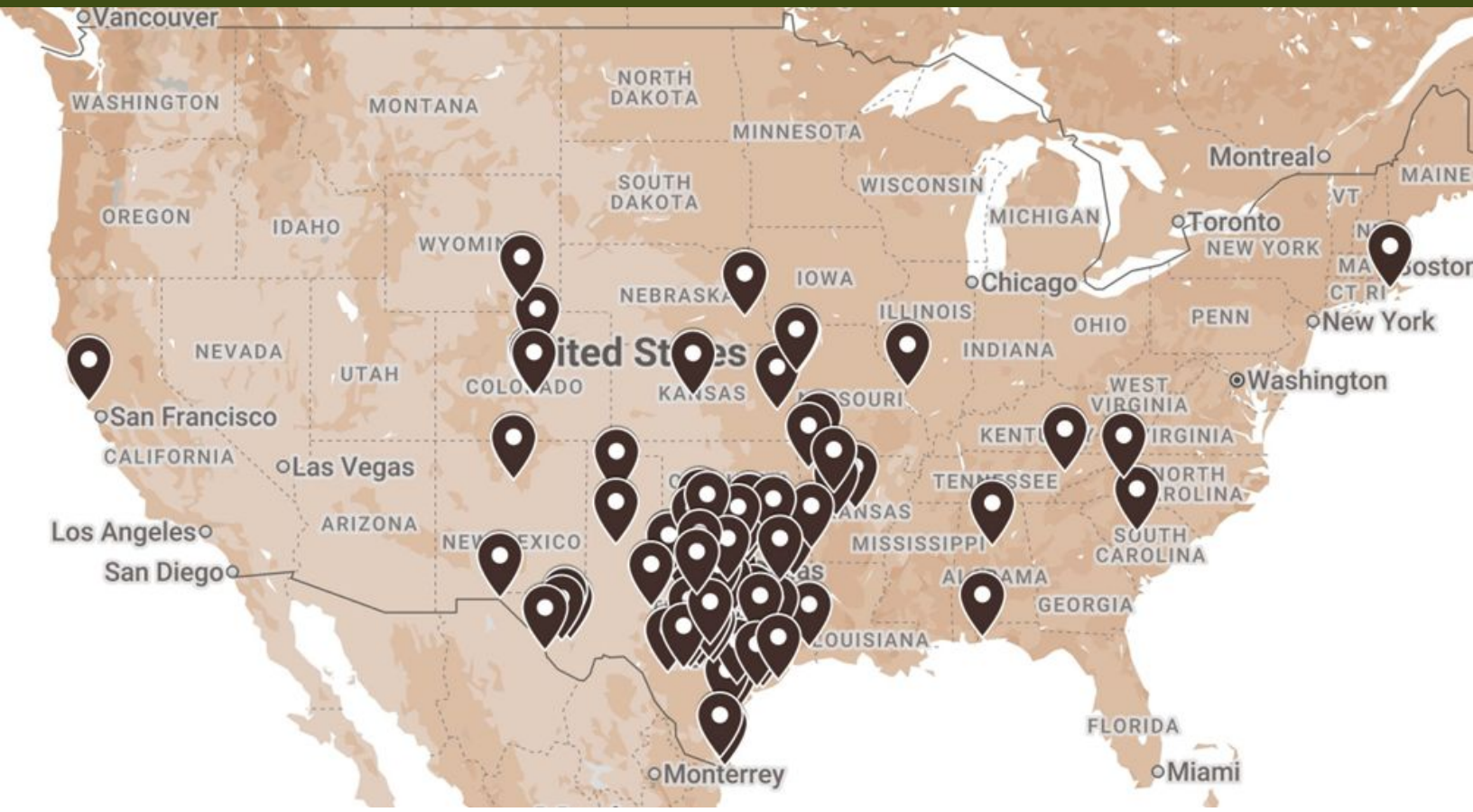
Our firm has successfully completed National Register nominations, historic resource surveys, and preservation planning efforts across the country. Notable recent projects include the Kansas City African American Heritage MPDF, Phase 1 of the Fayetteville Citywide Survey, a Historic Context Statement for Southeast Fayetteville's Historic Black Community, and the Design Downtown Denton project. We excel in conducting archival research, completing field surveys, and analyzing data to support preservation planning efforts.

Our past work demonstrates our ability to produce high-quality research that meets federal and state preservation standards. We have extensive experience working with the National Park Service, State Historic Preservation Offices (SHPOs), municipal governments, and community stakeholders to ensure that historic contexts and National Register nominations are accurate, inclusive, and meaningful. All members of our team exceed the Secretary of the Interior's Professional Qualification Standards.

Post Oak is dedicated to providing high-caliber services that align with our clients' needs, and those of the communities directly affected. We are committed to producing quality deliverables that support long-term stewardship of historic resources. Our team is responsive, communicative, and committed to delivering on time and within budget. Given our experience, sensitivity, and unwavering commitment to exceptional work, we firmly believe that Post Oak Preservation Solutions, LLC is the ideal choice for this project.

City of Fayetteville
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Firm Profile



Legal Name of Firm
Post Oak Preservation Solutions LLC

Location of Main Office
2506 Little John Ln, Austin, TX, 78704

Offices Working on Project
Austin, El Paso, Fayetteville NC, Des Moines

Bidder's Authorized Representative
Ellis Mumford-Russell, Founder
ellis@postoakpreservation.com
832.919.6433

Legal Business Description
Limited Liability Company (Texas)
Woman Owned Business

Date of Firm Formation
2019

Website
www.postoakpreservation.com

Our Mission

Post Oak Preservation Solutions exists to strengthen communities by documenting, preserving, and elevating the places that tell our shared history. We bring together rigorous research, practical guidance, and deep respect for the people and stories behind the work. Our mission is to help clients achieve preservation outcomes that are inclusive, thoughtful, and durable through projects that meet the highest standards while honoring the lived experiences of the communities they serve.

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Project Team

Key Personnel

Megan Warley McDonald, Architectural Historian (Project Manager)

Megan will serve as the Project Manager, leading the overall execution and technical oversight of the project. She will be responsible for ensuring all deliverables meet the highest standards of quality and align with the City's objectives and AHPP guidelines. Her expertise in historic context statements and historic resource surveys in Arkansas makes her exceptionally qualified to guide this project. Megan holds an M.H.P. and M.A. in History from Georgia State University. Her expertise includes writing National Register nominations, historic context statements, and conducting oral histories. Her prior role at the Florida State Historic Preservation Office involved managing the Certified Local Government program and contributing to the National Register program, providing valuable insight into CLG programs and state preservation requirements.

Related Projects:

- **Fayetteville Citywide Survey - Phase 1 (Fayetteville, AR, 2025-2026):** Performed a windshield survey of over 1,400 parcels in southeast Fayetteville, culminating in an inventory table, survey forms for nearly 500 potentially historically significant properties, and an executive summary providing preservation recommendations.
- **Southeast Fayetteville Neighborhood ("Spout Spring") Historic Context Statement (Fayetteville, AR, 2024-2025):** Authored a historic context statement documenting Southeast Fayetteville's Black community.
- **Pleasant Street Historic District Resurvey (Hot Springs, AR, 2023-2024):** Collaborated on this NRHP-listed district resurvey, demonstrating her experience with reconnaissance-level surveys and AHPP guidelines in Arkansas.

References:

- **Gwendolyn Kristy:** Client/WY SHPO staff, West Side NRHD in Laramie, Wyoming - gwendolyn.kristy@wyo.gov; 307-766-5366
- **Damian Kirkwood:** Client/WY SHPO staff, Lincoln Monument NR in Albany County, Wyoming - damian.kirkwood@wyo.gov
- **Collin Bibb:** Client, completed NRs for Hotel Limpia, Maverick Inn, Holland Hotel - collin@bywayshospitality.com; 210-861-8987

Rebecca Wallisch, Senior Architectural Historian (Staff Lead)

Rebecca will serve as the Staff Lead, providing direct guidance and coordination for the project's research, survey, and documentation activities. She will ensure consistency in methodology, quality of data collection, and adherence to project timelines. With nearly two decades of experience and an MS in Historic Preservation from the University of Texas at Austin, Rebecca's career includes extensive historic contexts, historic resource surveys, and National Register nominations across multiple states, including Arkansas. Formerly a cultural resources consultant for the Texas Department of Transportation, she authored numerous historic contexts and is skilled in identifying historic themes and managing large-scale projects.

Related Projects:

- **Fayetteville Citywide Survey - Phase 1 (Fayetteville, AR, 2025-2026):** Performed a windshield survey of over 1,400 parcels in southeast Fayetteville culminating in an inventory table and survey forms for nearly 500 potentially historically significant properties.
- **Pleasant Street Historic District Resurvey (Hot Springs, AR, 2023-2024):** Led a reconnaissance-level resurvey, preparing updated AHPP forms and a Historic Resources Survey Report that recommended expanding the NR nomination's period of significance to include Civil Rights and Green Book sites.
- **West Side Historic District (Laramie, WY, 2024-2025):** Directed on-site survey and public engagement for this NRHD nomination, documenting underrepresented histories.

References:

- **Lauren Adkins, City of Hot Springs:** Client, Pleasant Street Historic District Resurvey - ladkins@cityhs.net; 501-621-5520
- **Jill Dolberg, City of Lincoln:** Client, Nebraska Women In Building Trades Historic Context/MPDF - jdolberg@lincoln.ne.gov; 402-441-6373
- **Skylar Skikos:** Client For large, multi-building historic tax credit and National Register nomination - skikos@gmail.com; 650-906-2606

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Project Team

Ellis Mumford-Russell, Partner (Project Administrator)

Ellis will manage all project administration including contract management, communication, and timely submission of forms and invoices. She will also support research and data analysis, leveraging her preservation planning expertise. Ellis holds an M.S. in Historic Preservation from the University of Pennsylvania. As the founder of Post Oak, she brings extensive experience in private consulting, preservation education, and state historic preservation office project review. She is skilled in guiding projects through regulatory frameworks and implementing Secretary of the Interior's Standards.

Related Projects:

- **Fayetteville Citywide Survey - Phase 1 (Fayetteville, AR, 2025-2026):** Performed a windshield survey of over 1,400 parcels in southeast Fayetteville, culminating in an inventory table and survey forms for nearly 500 potentially significant properties.
- **Alpine Historic District (Alpine, TX, 2024-present):** Performed a historic resources survey and helped author a National Register District nomination
- **Wimberley Historic Preservation Program (Wimberley, TX, 2023-2025):** Supported the creation of a National Register District nomination, creation of a local historic district, and authored design guidelines for the local historic district.

References:

- **Zakcq Lockrem, Mend Collaborative:** sub contracted with Mend on several park master plans, downtown master plans, and cultural district plans - zakcq@mendcollaborative.com; 612-702-2453
- **Geo Calderon, City Of Alpine:** Collaborated with the City in the outreach, survey, research, and production of a downtown NRHD - g.calderon@cityofalpine.com; 432-837-3301
- **April Engstrom, Overland Property Group:** Collaborated on numerous historic tax credit projects across Texas - aengstrom@overlandpg.com; 785-212-0810

Rachel Alison, Associate (Staff Support)

Rachel will provide critical research and writing support, assisting in background research and data compilation for the inventory. Her attention to detail ensures accurate and comprehensive deliverables. Rachel holds an M.S. in Historic Preservation from Roger Williams University and a BA in History from Iowa State University. Her diverse background includes private and non-profit historic preservation sectors, with experience in historic tax credit projects, archival research, and National Register nominations. She is known for creative problem-solving and a people-based approach to preservation.

Related Projects:

- **Fayetteville Citywide Survey - Phase 1 (Fayetteville, AR, 2025-2026):** Performed a windshield survey of over 1,400 parcels in southeast Fayetteville, culminating in an inventory table and survey forms for nearly 500 potentially significant properties.
- **Kansas City African American Heritage Context (Kansas City, MO, 2024-2025):** Authored a citywide historic context and MPDF development, along with three National Register nominations.
- **Old Fitzhugh Road Historic District Historic Resources Survey (Dripping Springs, TX, 2024):** Performed a historic resources survey and prepared survey forms and a Historic Resources Survey Report.

References:

- **Kathryn Duff, studio2sustain:** Worked together on numerous community development projects in New Bedford, MA - kathryn@studio2sustain.com; 508-999-5145
- **Jennifer Reinhardt, City of Kansas City, MO:** Client, African American Heritage MPDF & NRs for Kansas City, MO - Jennifer.Reinhardt@kcmo.org; 816-513-2866
- **Rick Wells, Wells Group McKinney:** Client, historic tax credit project for the Masonic Lodge in McKinney, TX - rick@rickschophouse.com; 214-544-9612

City of Fayetteville
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Project Team

Angela Jimenez, Architectural Historian (Staff Support)

Angela will provide critical survey support, assisting in background research and data compilation for the inventory. Her attention to detail ensures accurate and comprehensive deliverables. Angela holds an M.A. in Sustainable & Historical Architecture from New York University and a BA in History from the University of Texas. She has extensive experience conducting historic resource surveys and developing historic contexts.

Related Projects:

- **Atchison Downtown Survey (Atchison, KS, 2026):** Performed a reconnaissance level survey of downtown Atchison, Kansas and authored a historic resources survey report.
- **Fayetteville Citywide Survey - Phase 1 (Fayetteville, AR, 2025-2026):** Performed a windshield survey of over 1,400 parcels in southeast Fayetteville, culminating in an inventory table and survey forms for nearly 500 potentially significant properties.
- **Master Preservation Plan for Historic Cemeteries (Prince George's County, MD, 2024-2025):** Developed a historic context and preservation plan for historic cemeteries in Prince George's County.

References:

- **Tom Wilson, Johnson, Mirmiran & Thompson:** Worked on numerous Section 106 surveys throughout multiple states- twilson@jmt.com
- **Carolyn Gimbal, Johnson, Mirmiran & Thompson:** Worked on numerous section 106 surveys and county-wide historical resources surveys throughout multiple states. cgimbal@jmt.com
- **D.J. Sevingy, Fort Bliss, Texas:** Conducted the stewardship of NRHP listed and eligible properties throughout the military base and ensured Section 106 Compliance. donald.j.sevigny.civ@army.mil

City of Fayetteville
Citywide Survey – Phase 2
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Management Approach

Citywide Survey – Phase 2

RFP# 26-04



City of Fayetteville, Arkansas

RESPONDENT:
Post Oak Preservation Solutions, LLC

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Management Approach

Post Oak's management approach for the Citywide Survey - Phase 2 project is rooted in a collaborative, efficient, and quality-driven framework, ensuring seamless coordination and successful delivery of all project objectives. The project team consists of the same individuals who successfully collaborated on the Fayetteville Citywide Survey - Phase 1, which would ensure continuity and efficiency moving forward with Phase 2. Our strategy emphasizes clear communication, proactive problem-solving, and adherence to established timelines and budgets.

Project Staffing and Coordination

Megan Warley McDonald will lead as Project Manager, overseeing all technical aspects and ensuring deliverables meet quality and compliance standards. Rebecca Wallisch, as Staff Lead, will guide research and field survey teams, coordinating preservation efforts and leveraging her experience in the area. Ellis Mumford-Russell, Project Administrator, will manage all administrative communication, invoicing, and support data analysis. Rachel Alison and Angela Jimenez will provide essential research and survey support. Our geographically diverse team utilizes a flexible, efficient remote collaboration model. We do not anticipate using subconsultants, but will seek approval if needed.

Communication and Stakeholder Engagement

We prioritize transparent communication, beginning with a kick-off meeting with City staff and AHPP to finalize scope and schedule. Regular virtual meetings (as needed) will ensure information sharing. We are committed to incorporating feedback efficiently. Our team is skilled at identifying and resolving potential challenges proactively, in consultation with the City and AHPP.

Quality Assurance and Control

Post Oak is committed to producing the highest quality work product by strictly adhering to the Secretary of the Interior's Professional Qualification Standards, the AHPP Survey Manual, and the National Park Service Historic Preservation Fund Grants Manual. Our multi-tiered internal review process, led by Megan as Project Manager and Rebecca as Staff Lead, ensures accuracy and consistency. Phased draft submissions allow for iterative review and feedback, guaranteeing robust and compliant final deliverables.

Schedule and Cost Monitoring

Ellis Mumford-Russell, as Project Administrator, will meticulously monitor the project schedule and budget. Our project schedule directly aligns with the Scope of Services and grant agreement terms, ensuring all AHPP deadlines, including the May 7, 2027 final deliverable deadline, are met. Billing schedule will be agreed upon during contract negotiation and all associated expenses are included in the overall project fee.

City of Fayetteville
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Related Project Experience

Citywide Survey – Phase 2

RFP# 26-04



City of Fayetteville, Arkansas

RESPONDENT:
Post Oak Preservation Solutions, LLC

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Citywide Survey – Phase 2
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Project Examples

Fayetteville Citywide Survey - Phase 1

FAYETTEVILLE, ARKANSAS 2025-2026



In 2025, the City of Fayetteville engaged Post Oak Preservation Solutions to conduct Phase 1 of a citywide windshield survey of historic-age properties. The project, funded by the Historic Preservation Fund and administered by the National Park Service and Arkansas Historic Preservation Program (AHPP), is the first step in a comprehensive effort to document historically significant resources and identify preservation priorities for the city. The Phase 1 survey area focused on Southeast Fayetteville, a geographic area that was historically underrepresented in the city's previous survey efforts. The survey area included a diversity of resource types and historical associations, including architecturally significant resources designed by University of Arkansas faculty, as well as vernacular resources associated with Fayetteville's Black community and White working class residents.

Megan Warley McDonald served as the project manager, and Rebecca Wallisch, Ellis Mumford-Russell, Rachel Alison, and Angela Jimenez were essential to completing the inventory of historic resources, evaluations of historic significance, and on-site survey efforts. Post Oak's work included a windshield-level historic resources survey (HRSR) of over 1,400 resources with data assimilated into an inventory table and survey forms custom designed by Post Oak to streamline the process (with approval from the city and AHPP). Post Oak also prepared an Executive Summary of the survey findings, with prioritized preservation recommendations for the City of Fayetteville. Post Oak identified historic, cultural, and architectural themes as well as at-risk properties, providing the city with a framework and next steps for future preservation efforts.

Post Oak's relationship with the City of Fayetteville began in 2024 and the firm has collaborated with the City on three projects to date: a Historic Context Study of Southeast Fayetteville's Historic Black Community (2024), interpretive signage for Buddy Hayes Park (2025), and Phase 1 of the Fayetteville Citywide Survey (2025-2026).

CLIENT: City of Fayetteville
SERVICES: Historic Resources Survey
PERSONNEL: Megan Warley McDonald, Ellis Mumford-Russell, Rebecca Wallisch, Rachel Alison, Angela Jimenez
REFERENCE: Kylee Cole, Long Range and Historic Preservation Planner; kcole@fayetteville-ar.gov

City of Fayetteville
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Project Examples

Southeast Fayetteville Neighborhood ("Spout Spring") Historic Context Statement

FAYETTEVILLE, ARKANSAS 2024-2025



Post Oak was contracted by the City of Fayetteville to develop a Historic Context Statement for the historic Southeast Fayetteville neighborhood, the center of Fayetteville's Black community since the end of the Civil War. Funded by a National Park Service grant and administered by the Arkansas Historic Preservation Program (AHPP), this project represents the first formal effort to document the neighborhood's development patterns and significant historic themes.

The Southeast Fayetteville neighborhood includes historically significant sites such as St. James United Methodist Church and the Henderson School—an 1870s brick schoolhouse for Black children and the first public school in Arkansas. Additionally, the Green Book identified three addresses within the neighborhood, underscoring its importance to African American travelers during the segregation era. Recognizing the urgency of documenting historically underrepresented communities, Post Oak prioritized stakeholder engagement to capture invaluable local knowledge about places that have been lost or altered.

Post Oak's comprehensive approach included primary and secondary research, data analysis to identify key trends and themes, and collaboration with the City of Fayetteville, AHPP, and the Black Heritage Preservation Commission. Public involvement was central to the process, ensuring that the narrative reflects local voices, alongside stakeholder priorities and
preservation standards.

The final draft of the Historic Context Statement, authored by Megan Warley McDonald, was submitted in January 2025 following review and feedback from the City, AHPP, and the public. This project serves as a foundation for future preservation efforts by identifying significant themes and places within the Southeast Fayetteville neighborhood, helping to honor and preserve Fayetteville's Black history for generations to come.

CLIENT: City of Fayetteville
SERVICES: Historic Context Statement; Community Engagement
PERSONNEL: Megan Warley McDonald
REFERENCE: Britin Bostick, City of Fayetteville, bbostick@fayettville-ar.gov

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Project Examples

Pleasant Street National Register Historic District Resurvey

HOT SPRINGS, ARKANSAS 2023-2024



Post Oak was contracted by the City of Hot Springs, Arkansas to complete a resurvey of the Pleasant Street National Register Historic District (NR Listed 2003). This project was funded through a Certified Local Government grant from the Historic Preservation Fund, administered by the National Park Service and the Arkansas Historic Preservation Program (AHPP). Located on the west side of Hot Springs, Arkansas, Pleasant Street is a primarily residential district with a small commercial section. The district is the most intact contiguous area in Hot Springs associated with the city's Black community. The Pleasant Street Historic District was also previously surveyed in 2015, however, recent changes to the area, including the demolition of several historic buildings and structures, necessitated a re-survey of the district to identify the current strengths and needs of the district.

Rebecca Wallisch and Megan Warley McDonald completed a resurvey of all properties within the NRHP-listed district, provided updated AHPP survey forms, and compiled the data into an inventory table and Historic Resources Survey Report (HRSR). In order to deepen Post Oak's understanding of the Pleasant Street neighborhood, oral histories were conducted by Ms. Wallisch and Ms. Warley McDonald. Post Oak also included recommendations for future work to strengthen the district and continue its longstanding significance to Hot Springs history. The results of the survey and HRSR recommended amending the National Register nomination, extending to the period of significance to 1974, expanding the historic context to incorporate the post-war significance of the district, including Civil Rights activities and significant *Green Book* sites, and reevaluation of resources previously deemed non-contributing due to age or physical integrity. Post Oak presented the results of the HRSR to the Hot Springs Historic District Commission.

CLIENT: City of Hot Springs
SERVICES: Reconnaissance-Level Historic Resources Resurvey & Inventory Update; Survey Report/Historic Context Statement; Oral History
PERSONNEL: Rebecca Wallisch, Megan Warley McDonald, Rachel Alison
REFERENCE: Lauren Adkins, City of Hot Springs/ Planning & Development Dept., LAdkins@cityhs.net

City of Fayetteville
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Detailed Draft and Scope of Services

Citywide Survey – Phase 2

RFP# 26-04



City of Fayetteville, Arkansas

RESPONDENT:
Post Oak Preservation Solutions, LLC

May 2026

City of Fayetteville
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Scope of Services

Our proposed scope of services involves a windshield survey of the study area determined by the City of Fayetteville for Phase 2 of the proposed project, identification and evaluation of historic-age resources (built in or before 1975) with potential historic significance, an inventory table of surveyed resources, and an executive summary of findings, recommendations, and preservation priorities. Post Oak's work follows guidelines set by the National Park Service and the Arkansas Historic Preservation Program (AHPP).

TASK 1: Kick-Off & Coordination with Staff and Stakeholders

Staff: Ellis Mumford Russell, Megan Warley McDonald, Rebecca Wallisch, Rachel Alison, Angela Jimenez
Target Completion: August 2026

Post Oak Project Manager Megan McDonald and founding partner Ellis Mumford-Russell will meet with City staff, the Arkansas Historic Preservation Program (AHPP), and other stakeholders identified by the City, to coordinate project scope, communication approach, and project schedule. Regular meetings with City staff, AHPP, and stakeholders may be scheduled through the project.

TASK 2: Inventory and Survey Preparation

Staff: Megan Warley McDonald, Rebecca Wallisch, Rachel Alison, Angela Jimenez
Target Completion: August - October 2026

Task 2A: Inventory

Post Oak will develop an initial inventory of all properties in the survey area constructed prior to 1975, consulting historic aerial photographs, maps, County Appraisal District data, and other relevant materials to gain an understanding of the historic-age (1975 or earlier) resources within the study area. Post Oak will determine which properties within the study area have potential historical significance and should be documented during windshield survey. Post Oak will utilize background research, existing historic contexts, surveys, and maps, among other source materials, to make high-level determinations for planning field survey. Post Oak will determine if any additional research is needed during the site visit and will make arrangements as necessary.

Task 2B: Survey Preparation

Post Oak will prepare field maps and a preliminary inventory table in anticipation of field survey. Post Oak will work with the City to ensure that the properties proposed for windshield survey include all those constructed in or prior to 1975 with potential historic significance. Post Oak will create a plan for on-site survey to increase efficiency and accuracy while in the field.

Task 2C: Virtual meetings with City/AHPP as needed

In consultation with the City and AHPP, Post Oak will meet with project stakeholders throughout the survey preparation and planning process to ensure that all relevant information has been shared with Post Oak staff and to make arrangements for on-site survey.

Task 2 Deliverables:

- Field maps and preliminary survey inventory

TASK 3: On-site Research (if needed), Reconnaissance Survey

Staff: Megan Warley McDonald, Rebecca Wallisch, Rachel Alison, Ellis Mumford-Russell, Angela Jimenez
Target Completion: October-November 2026

3A: On-site Reconnaissance Survey

Post Oak staff will send four staff to conduct a reconnaissance-level survey of the study area identified in the RFP. Post Oak will note concentrations of intact historic resources, modern infill, and take photographs of streetscapes and resources. Post Oak will document historic-age resources (built in 1975 or earlier) with potential historic significance within the study area from the public right-of-way (ROW). For properties that are obscured from view, Post Oak will supplement field photos with background research, aerial photographs, and historic maps. The survey will be completed in accordance with the requirements outlined in the RFP. Photographs will adhere to National Park Services (NPS) and Arkansas Historical Preservation Program (AHPP) photo guidelines and policies.

3B: On-site Research (if needed)

If Post Oak identified any additional on-site research in Task 2, Post Oak staff will complete this during the site visit.

Task 3 Deliverables:

- Field survey photographs

TASK 4: Draft 1 Historic Resources Inventory and Recommendations to City and AHPP

Staff: Megan Warley McDonald, Rebecca Wallisch, Rachel Alison, Angela Jimenez
Target Completion: January 2027

Task 4A: Draft 1 Historic Resources Inventory, 10 Survey Forms, and Preliminary Report Draft to City and AHPP

Post Oak will compile all the survey data, including photographs and background research, and prepare a first draft of the historic resources inventory of properties surveyed within the study area. The survey inventory will include location, type, architectural style, estimated construction date, photos, and a preservation priority determination. The deliverable will also include recommendations for individual resources or concentrations of resources that have the potential to be eligible for inclusion on the State or National Register of Historic Places, and those that should be considered as preservation priorities for the City of Fayetteville. Post Oak will also provide a summary of recommendations for future survey efforts and other historic preservation work to help guide future efforts for Historic Preservation in Fayetteville. Data collected during field survey, including locational data, will be provided to the City for their GIS/mapping purposes.

Task 4B: Revise Draft 1 Historic Resources Inventory and Recommendations

Post Oak will complete any edits made to the Historic Resource Inventory and Recommendations based on comments or feedback received from the City.

Task 4 Deliverables:

- Draft 1 Historic Resources Inventory and Recommendations (submitted digitally)

TASK 5: Final Deliverables to City and AHPP

Staff: Megan Warley McDonald, Rebecca Wallisch, Rachel Alison
Target Completion: May 7, 2027

Task 5A: Final Draft Historic Resources Inventory, Forms, and Executive Summary

Post Oak will compile all edits received on the Historic Resource Inventory, Forms, and Executive Summary and resubmit the final deliverables to the City and AHPP.

Task 5 Deliverables:

- Final Historic Resources Inventory, Forms, and Executive Summary (digital copies and one printed copy each to City and AHPP)

TASK 6: Final Invoicing to City

Staff: Ellis Mumford-Russell
Target Completion: July 30, 2027

Task 6A: Final Invoicing and Project Close Out

Post Oak will provide a final invoice to the City no later than July 30, 2027.

Task 6 Deliverables:

- Final Invoice

Competitive Advantage and Value-Added Services

Post Oak offers distinct competitive advantages and value-added services for the City of Fayetteville's Citywide Survey - Phase 2 project, stemming from our specialized expertise, innovative community engagement, and proven results.

Proven Track Record in Similar Windshield and Reconnaissance Surveys: Our recent completion of Phase 1 of the Fayetteville Citywide Survey, directly mirrors this RFP's core requirements and demonstrates our effectiveness and efficiency in conducting windshield surveys and providing actionable recommendations within state guidelines.

Specialized Expertise in Underrepresented Histories: Our firm excels at documenting the histories of underrepresented communities, demonstrated in projects like the Kansas City African American Heritage MPDF and the Southeast Fayetteville Neighborhood Historic Context Statement. This ensures the survey will create a richer, more inclusive historical record for Fayetteville, aligning with the City's objective to recognize diverse heritage.

Holistic Understanding of Preservation Standards and Local Context: Our team's extensive experience with SHPOs and municipal governments, including direct experience in Fayetteville, provides a comprehensive understanding of federal and state preservation guidelines. Project personnel, such as Megan Warley McDonald (former Florida SHPO staff), offer an insider's perspective on grant compliance. This ensures all deliverables meet and exceed CLG Grant and NPS Historic Preservation Fund Manual requirements with efficient workflow.

Data-Driven and Actionable Recommendations: Beyond simply inventorying properties, our deliverables will include practical, prioritized recommendations for guiding Fayetteville's future preservation efforts. This directly addresses the RFP's call for a strategy for future in-depth surveys and historic preservation work, informed by our deep understanding of preservation planning.

In summary, Post Oak brings the required qualifications, experience, and a strategic approach prioritizing inclusivity, collaboration, and actionable insights, uniquely positioning us to deliver a comprehensive and impactful Phase 2 Citywide Historic Property Survey.

Coordination with the City of Fayetteville

For the successful completion of a Historic Context Statement, Post Oak will require the following types of information, data, and assistance from the City of Fayetteville:

Historic Documentation and Property Information: Access to existing records, archives, and documentation related to the historic properties and neighborhoods, including any previous survey reports, historic context statements, and National Register nominations.

Geographic and Spatial Data: GIS data, maps, and other spatial information delineating the boundaries of the properties or districts within the study area, as well as their relationship to surrounding areas and neighborhoods.

Feedback and Input: Opportunities for feedback and input from the City and other stakeholders throughout the project lifecycle, including review meetings, presentations, and consultations to ensure alignment with project goals and objectives.

By providing comprehensive information, data, and assistance in these areas, the City can contribute significantly to the success and efficacy of the project, facilitating the accurate documentation and preservation of its historic resources.

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Project Schedule

Citywide Survey – Phase 2

RFP# 26-04



City of Fayetteville, Arkansas

RESPONDENT:
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City of Fayetteville
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Project Schedule

MONTH:	August 2026	September 2026	October 2026	November 2026	December 2026	January 2027	February 2027	March 2027	April 2027	May 2027	June 2027	July 2027
1. Kickoff Meeting & Coordination with Staff & Stakeholders												
2. Inventory and Survey Preparation												
2A. Inventory												
2B. Survey Preparation												
2C. Virtual meetings with City/AHPP as needed												
3. On-site Reconnaissance Survey												
3A. On-site Reseach (if needed)												
3B. On-site Reconnaissance Survey												
3C. Meetings with City/AHPP as needed												
4. Preliminary Draft Inventory to City and AHPP												
4A. Draft 1 Deliverables to City and AHPP												
4B. Revise deliverables per City comments												
5. Submit Final Deliverables to City and AHPP												
5A. Final Deliverables to City and AHPP												
6. Final Invoice												
6A. Final Invoicing & Project Close Out												

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Price Proposal

Citywide Survey – Phase 2

RFP# 26-04



City of Fayetteville, Arkansas

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Price Proposal

*The fee of **$79,280** covers all services related to the production of a Historic Resources Inventory and Recommendations. Post Oak Preservation Solutions will bill for the services provided according to the billing milestones described below. A breakdown of all costs is provided in the chart below. Travel costs will be billed as incurred.*

1. $31,712 due upon 40% Project Completion
2. $31,712 due upon 80% Project Completion
3. $15,856 due upon 100% Project Completion

Item	Description	Hourly Rate	Time Calculation (hour)	Total
Task 1: Kick-Off				
1A	Kick-off meetings (3 staff)	$115	9	$1,035
			9	$1,035
Task 2: Inventory and Survey Preparation				
2A	Desktop Research	$115	80	$9,200
2B	Inventory and Survey Preparation	$115	80	$9,200
2C	Virtual Meetings (as needed)	$115	12	$1,380
			172	$19,780
Task 3: On-site Research (as needed) and field survey				
3A	On-site Research (as needed)	$115	20	$2,300
3B	On-site windshield/recon survey	$115	160	$18,400
			180	$20,700
Task 4: Draft 1 Historic Resources Inventory and Recommendations to City and AHPP				
4A	Draft 1 Deliverables to City	$115	150	$17,250
4B	Revise Draft 1 deliverables	$115	40	$4,600
			190	$21,850
Task 5: Submit Final Deliverables to City and AHPP				
5A	Final Deliverables to AHPP	$115	45	$5,175
			45	$5,175
Task 6: Final Invoice				
6A	Final Invoicing and Project Close Out	$115	4	$460
			4	$460
Travel Costs (4 staff)				
	Airfare	$600.00	4	$2,400
	Rental Car	$500.00	2	$1,000
	Hotel GSA+taxes/fees (120/day) 4 staff	$260.00	16	$4,160
	Per Diem GSA($68/day) 4 staff	$272.00	10	$2,720
			Travel	$10,280
			Project Total	**$79,280**

City of Fayetteville
Citywide Survey – Phase 2
Contract – Appendix C

Appendix: Resumes

Citywide Survey – Phase 2

RFP# 26-04



City of Fayetteville, Arkansas

RESPONDENT:
Post Oak Preservation Solutions, LLC

May 2026

City of Fayetteville
Citywide Survey – Phase 2
Contract – Appendix C



ELLIS MUMFORD-RUSSELL

FOUNDER — Austin, TX

Ellis's professional experience includes private historic preservation consulting, preservation education, project review at a State Historic Preservation Office, and architectural salvage.

Ellis guides projects through the historic tax credit process and strategically implements the Secretary of the Interior's Standards. She employs a client-focused, collaborative approach to ensure that not only are the NPS reviewers happy, but the client meets their goals as well. Through attention to detail and creative problem-solving, Ellis has seen dozens of projects through to Part 3 certification.

In addition to wrangling historic tax credit projects, Ellis has her hands in design guidelines and other preservation planning efforts. She serves as the managing partner at Post Oak.

EDUCATION
University of Pennsylvania
MS Historic Preservation

University of Iowa
BA Art & Art History

LEADERSHIP
Preservation Austin
Chair, Inherit Austin, 2015-2018

PUBLICATIONS
World Monuments Fund
The Walled City of Famagusta: A Compendium of Preservation Studies, 2008-2012

PRESENTATIONS
Preservation Texas Central Texas Summit, 2023
Preserving the Wimberley Way

Texas Society of Architects Conference, 2023
Common Mistakes in Historic Tax Credits

ellis@postoakpreservation.com
832.919.6433

PROFESSIONAL EXPERIENCE

Post Oak Preservation Solutions Founder	Austin, TX 2019-present
The University of Texas at Austin Adjunct Faculty	Austin, TX 2024-present
Ogee, LLC Founding Partner	Austin, TX 2015-2019
Rosin Preservation Historic Preservation Specialist	Kansas City, MO 2014-2015
New Jersey Historic Preservation Office Historic Preservation Assistant	Trenton, NJ 2013-2014

SELECTED PROJECTS

Fayetteville Citywide Survey - Phase 1 Historic Resources Survey	Fayetteville, AR 2025-2026
Pilot Point Heritage District Design Guidelines; Administrative Audit; Commission Training	Pilot Point, TX 2023
Wimberley Historic Preservation Program National Register District; Local District; Design Guidelines	Wimberley, TX 2023-2025
Alpine Historic District Historic Resources Survey; National Register District	Alpine, TX 2024-present
Freeport Downtown Master Plan Design Guidelines; Preservation Planning	Freeport, TX 2024
Old Fitzhugh Road Historic District Historic Resources Survey	Dripping Springs, TX 2024

City of Fayetteville
Citywide Survey – Phase 2
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MEGAN WARLEY MCDONALD

ARCHITECTURAL HISTORIAN — Fayetteville, NC

Megan McDonald is a seasoned professional with extensive experience in both Historic Preservation and Public History. During her tenure at the Florida State Historic Preservation Office, she contributed to the National Register program and managed the Certified Local Government program, providing comprehensive training to historic preservation commissions statewide. Megan has authored successful National Register nominations in Florida, Texas, California, Wyoming, and Missouri, overseeing the process from initial fieldwork to final review.

With a background in Public History, Megan's work in museums, archives, and oral history initiatives furthered her research skills and narrative abilities. Passionate about preserving the historic resources of underrepresented communities, Megan excels in crafting cohesive historical narratives and advocating for the adaptive reuse of historic buildings.

EDUCATION

Georgia State University
Master Heritage Preservation
MA U.S. History

Penn State University
BA Psychology, Rehabilitation and Human Services

AWARDS

Department of the Army Civilian Service Commendation Medal, 2022

Immediate Impact Award: Florida Secretary of State Sunshine Awards, 2018

PRESENTATIONS

SESAH Conference, 2025
Blueprints for Belonging: Using MPDFs to Document Underrepresented Histories

Preservation Texas Member Webinar, 2024
Oral Histories in NRHP Nominations

megan@postoakpreservation.com
814.397.2359

PROFESSIONAL EXPERIENCE

Post Oak Preservation Solutions Architectural Historian	Fayetteville, NC 2023-present
U.S. Army Military Police Corps Regimental Museum Museum Specialist	Fort Leonard Wood, MO 2020-2022
Florida Division of Historical Resources Historic Preservationist	Tallahassee, FL 2018-2020

SELECTED PROJECTS

Fayetteville Citywide Survey - Phase 1 Historic Resources Survey	Fayetteville, AR 2025-2026
Alpine Downtown Historic District National Register Historic District Nomination	Alpine, TX 2025-2026
Buddy Hayes Park Interpretive Signage Interpretive Sign	Fayetteville, AR 2025
Southeast Fayetteville's Historic Black Community Historic Context Statement	Fayetteville, AR 2024
Pleasant Street Historic District Historic Resources Survey	Hot Springs, AR 2023-2024
West Side Historic District Historic Resources Survey; National Register Historic District Nomination	Laramie, WY 2024-2025
Hotel Limpia National Register Nomination	Fort Davis, TX 2023-2024
Weeki Wachee Springs National Register Nomination	Weeki Wachee, FL 2019-2020

City of Fayetteville
Citywide Survey – Phase 2
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REBECCA WALLISCH

SENIOR ARCHITECTURAL HISTORIAN — Austin, TX

Rebecca has extensive experience performing windshield-, intensive and reconnaissance-level historical, architectural, and cultural resource management investigations. This includes conducting fieldwork, research, and surveys; identifying and documenting cultural resources; and developing historic contexts, National Register of Historic Places nominations, and HABS/HAER-level documentation. Rebecca has conducted dozens of historic resources surveys and authored numerous National Register nominations in California, Oregon, Washington, Oklahoma, New Mexico, Nebraska, Missouri, Arkansas, Wyoming, and throughout Texas in rural, urban, and suburban environments.

To Post Oak, Rebecca brings a passion for historical research and telling the whole story of our shared cultural heritage.

EDUCATION

University of Texas
MS Historic Preservation

Scripps College
BA European Studies with Minor in History

PUBLICATIONS

Handbook of Texas
The Great Southwest Industrial Park, Arlington, TX
Six Flags Over Texas (Revision Author), Arlington, TX

PRESENTATIONS

Texas Real Places Conference, 2024
Hidden Histories: The Importance of Documenting & Preservine Overlooked Properties

rebecca@postoakpreservation.com
512.766.7042

PROFESSIONAL EXPERIENCE

Post Oak Preservation Solutions Senior Architectural Historian	Austin, TX 2022-present
Blanton & Associates, Inc (now ICF) Architectural Historian / Historian	Austin, TX 2012-2022
ENTRIX, Inc Staff Historian / Cultural Resources Project Coordinator	Seattle, WA 2008-2010

SELECTED PROJECTS

Fayetteville Citywide Survey - Phase 1 Historic Resources Survey	Fayetteville, AR 2025-2026
Nebraska Women In Building Trades Statewide Historic Context / MPDF	Nebraska 2024-2025
West Side Historic District Historic Resources Survey; National Register Historic District Nomination	Laramie, WY 2024-2025
Immaculate Heart of Mary Seminary National Register Nomination	Santa Fe, NM 2022-2024
Pleasant Street Historic District Historic Resources Survey	Hot Springs, AR 2023-2024
Casa de Dios National Register Nomination	San Antonio, TX 2023-2024
Old Fitzhugh Road Historic District Historic Resources Survey	Dripping Springs, TX 2024
Deep Eddy Cabaret Local Landmark Application	Austin, TX 2024

City of Fayetteville
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RACHEL ALISON

ASSOCIATE — Des Moines, IA

Rachel has worked in the private and nonprofit sectors of historic preservation and has professional experience on both the development and consulting sides of historic tax credit projects, as well as professional experience with archival research and nominating properties to the National Register of Historic Places. This breadth of experience makes her an effective communicator with all key players at every part of the rehabilitation process and allows her to successfully guide projects from inception to completion.

Rachel enjoys creative problem-solving and taking an individualized approach to each project. She is passionate about people-based preservation and believes in the power of historic preservation to bolster vibrant local communities and economies.

EDUCATION

Roger Williams University
MS Historic Preservation

Iowa State University
BA History

PRESENTATIONS

Rhode Island Statewide Historic Preservation Conference, 2019
Gender Bias in Historic Preservation: Representation in the National Register of Historic Places

Rhode Island Statewide Historic Preservation Conference, 2018
Historic Resources in High-Risk Flood Zones: Practical Lessons from a Newport Case Study

rachel@postoakpreservation.com
210.580.6329

PROFESSIONAL EXPERIENCE

Post Oak Preservation Solutions Associate	Des Moines, IA 2022-present
Rosin Preservation Historic Preservation Specialist	Kansas City, MO 2022
WHALE (Waterfront Historic Area League) Project Manager	New Bedford, MA 2017-2022

SELECTED PROJECTS

Fayetteville Citywide Survey - Phase 1 Historic Resources Survey	Fayetteville, AR 2025-2026
Kansas City African American Heritage Context Historic Context / MPDF; 3 National Register Nominations	Kansas City, MO 2024-2025
Hardin-Simmons University Historic Resources Survey / Determination of Eligibility	Abilene, TX 2023
Old Fitzhugh Road Historic District Historic Resources Survey	Dripping Springs, TX 2024
Denton Downtown Concept Plan Preservation Planning	Denton, TX 2024
Capitol Theater National Register Nomination / Historic Tax Credit Consulting	New Bedford, MA 2024-2025
Strand Theater Historic Tax Credit Consulting	New Bedford, MA 2024-2025
Valdese Weavers Mill, Inc National Register Nomination	Valdese, NC 2023



ANGELA JIMENEZ

ARCHITECTURAL HISTORIAN — El Paso, TX

Angela has 7 years of experience working with historic resources within the U.S. and internationally. She has conducted historical resource surveys in various states that include multiple-property surveys, reconnaissance and intensive level surveys, Determinations of Eligibility, and historic district design guidelines. She has documented a variety of resource types such as single buildings, residential properties, agricultural properties, commercial businesses, cemeteries, and bridges. Angela brings experience with public history and her local Historic Landmarks Commission.

EDUCATION
New York University
MA Sustainable & Historical Architecture

University of Texas
BA History

LEADERSHIP
El Paso Historic Landmark Commission
Commissioner, 2021-present

LANGUAGES
Spanish

angela@postoakpreservation.com
915.240.6463

PROFESSIONAL EXPERIENCE

Post Oak Preservation Solutions Architectural Historian	El Paso, TX 2025-present
JMT Architectural Historian	El Paso, TX 2024-2025
Fort Bliss Preservation Specialist	El Paso, TX 2020-2024
Magoffin Home State Historic Site Visitor Relations & Marketing Assistant	El Paso, TX 2018
French Legation State Historic Site Museum Associate	Austin, TX 2017

SELECTED PROJECTS

Fayetteville Citywide Survey - Phase 1 Historic Resources Survey	Fayetteville, AR 2025-2026
Alcorn Dry Goods / Eustis Building Determination of Eligibility	Henrietta, TX 2025
Laramie West Side National Register Historic District Spanish Translation	Laramie, WY 2025
TXDOT Reconnaissance Level Historic Resources Survey, FM 3097 Historic Resource Survey	Rockwall County, TX 2024-2025
Taylor County Historical Resources Survey Countywide Historic Resource Survey	Taylor County, FL 2024-2025
TXDOT Intensive Level Historic Resources Survey, FM 546 Historic Resource Survey	Collin County, TX 2024-2025
Master Preservation Plan for Historic Cemeteries Cemetery Historic Context and Preservation	Prince George's County, MD 2024-2025

1. DISCLOSURE INFORMATION

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

If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

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

X_____1) NO KNOWN RELATIONSHIP EXISTS

_____2) RELATIONSHIP EXISTS (Please explain): _____

_____

_____

I certify that; 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; and my organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.

Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.

2. PRIMARY CONTACT INFORMATION

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

Corporate Name of Firm: Post Oak Preservation Solutions, LLC

Primary Contact: Ellis Mumford-Russell Title of Primary Contact: Founder

Phone#1 (cell preferred): 832-919-6433 Phone#2: _____

E-Mail Address: ellis@postoakpreservation.com

3. ACKNOWLEDGEMENT OF ADDENDA

Acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject Contractor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED
1		5/13/26

4. DEBARMENT CERTIFICATION:

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

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.

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

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

NAME OF COMPANY: Post Oak Preservation Solutions, LLC

PHYSICAL ADDRESS: 2506 Little John Lane

MAILING ADDRESS: [same as above]

TAX ID #: 84-2188317 AR. SECRETARY OF STATE FILING #: 811500376

PHONE: 832-919-6433 FAX: _____

E-MAIL: ellis@postoakpreservation.com

SIGNATURE: _____

PRINTED NAME: Ellis Mumford-Russell

TITLE: Founder DATE: 5/13/26

END OF RFP DOCUMENT

CERTIFIED LOCAL GOVERNMENT PROGRAM GRANT AGREEMENT
Grant Number 26-CLG-06

This agreement is entered into between the City of Fayetteville, Arkansas, hereinafter referred to as the City, and the Arkansas Historic Preservation Program, hereinafter referred to as AHPP. AHPP agrees to provide a grant in the amount of **$47,300** for the purpose of funding phase II of a citywide survey and training expenses.

THIS GRANT IS FOR THE ACCOMPLISHMENT OF THE PURPOSE, OBJECTIVE AND SCOPE OF WORK HEREIN DEFINED.

I. SCOPE OF WORK

TASK A. The City will fund the completion of Phase II of the citywide historic windshield survey.
$45,000 is designated for this activity.

TASK C. The City will fund travel expenses to approved, preservation-related training events.
$2,300 is designated for this activity.

II. TIME FRAME of AGREEMENT

This agreement will begin on March 2, 2026, and shall extend until September 30, 2027. No grant funds shall be expended by the City or its sub-grantees or assigns after September 30, 2027. No work on any grant task will be undertaken, continued, or carried out after September 30, 2027.

III. PAYMENTS

A. Payments of funds under this grant agreement will be made upon receipt of invoices requesting reimbursement of expenses paid by the City within the time frame of this agreement.

B. No invoice received after August 1, 2027, will be processed.

C. Payments under this grant agreement are conditioned on successful completion of the tasks described in the scope of work and submission of deliverables as described in section IV.

D. The grant award is conditioned on the use of the grant funds to accomplish the tasks described in the scope of work. Funds will only be disbursed to achieve the purposes described in the scope of work. The grantee retains no interest in grant funds for which an invoice has not been submitted to AHPP by August 1, 2027.

E. The availability of funds under this grant award is dependent on the National Park Service's 2026-2027 Historic Preservation Fund award to the AHPP.

IV. MILESTONES

A. Citywide Windshield Survey, Phase II
1. The City will be under contract for consultant's services by September 25, 2026.
2. The consultant will begin work no later than November 2, 2026.
3. A draft of ten (10) completed surveys will be submitted to AHPP for review no later than January 25, 2027.
4. A final draft of all deliverables will be submitted to AHPP for approval no later than May 7, 2027. When all deliverables are accepted as complete and correct by AHPP, the City may invoice AHPP for the full cost of the project.

V. AHPP RESPONSIBILITIES

AHPP staff agrees to make periodic reviews of the project to assess practices and products. AHPP reserves the right to enforce the procedures as outlined in this contract. AHPP agrees to make available advice and counsel necessary to accomplish the objectives and to render compensation upon invoice within a reasonable timeframe.

VI. REPORTING REQUIREMENTS

A. The City will submit quarterly reports detailing programmatic and fiscal progress of work on forms to be provided by AHPP on:

Period	**Date Due**
March-June, 2026	July 15, 2026
July-Sept, 2026	October 15, 2026
October-December, 2026	January 15, 2027
January-March, 2027	April 15, 2027
April-June, 2027	July 15, 2027
July-September, 2027	October 15, 2027
FINAL	October 29, 2027

B. The report of April 15, 2027, will be accompanied by a timeline for completion of all tasks and spend down of project funds by the end of the grant term.

C. If changes in the grant agreement - e.g.: scope of work, products, budgets, etc. - are required, then the City must submit a written request detailing proposed changes and wait for written approval from AHPP before proceeding.

D. No funds will be disbursed if grant reporting is more than two weeks delinquent.

E. Failure to submit grant reports within one month of the date required herein shall be grounds for cancellation of the grant at the discretion of AHPP.

F. The City will submit a final project report detailing all completed projects and including copies of all publications as per the requirements of this agreement no later than October 29, 2027.

G. The City will promptly notify AHPP if it will be unable to expend the awarded funds within the grant period.

VII. REQUIRED TRAINING

Disbursement of funds under this agreement is contingent on attendance by a designated representative of the City at a training session on grant administration requirements held by AHPP. This requirement may be waived at the discretion of AHPP if the City's grants administrator has attended a grant administration training session within the two years prior to the execution of this grant agreement.

VIII. COMPLIANCE

A. All products and projects funded by grant funds must comply with the applicable Secretary of the Interior's "Standards." These include: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards. See Appendices A-E.

B. PROJECT EXECUTION AND CONTRACT REQUIREMENTS: All projects, sub-grants and consulting contracts funded through this grant agreement must be carried out in accordance with the procedures and standards laid out in the applicable appendices to this agreement. All work products funded through this grant must meet the standards laid out in the applicable appendices to this agreement.

C. EASEMENTS AND PRESERVATION AGREEMENTS: The City will donate to AHPP a conservation easement on any property being restored, rehabilitated, or repaired as a part of any project(s) funded in whole or in part by this grant utilizing ten thousand dollars ($10,000) or more of funds awarded by AHPP. On such projects involving private properties, it will be the City's responsibility to secure this easement for donation to AHPP before any grant funds are released. The City will ensure that the owner(s) of property being restored, rehabilitated, or repaired as part of any project utilizing at least one dollar ($1) but less than ten thousand dollars ($10,000) of Historic Preservation Fund monies awarded by AHPP enters into a five-year preservation agreement concerning that property with AHPP before grant funds are released. On such projects involving City property, the City and any other parties

holding an ownership interest in such property must enter into a five-year preservation agreement with AHPP before funds will be released.

D. All activities pursuant to this Agreement shall be in compliance with the requirements of Executive Order 11246, as amended; Title VI of the Civil Rights Act of 1964, as amended; (78 Stat. 252; 42 U.S.C. §§2000d *et seq*.); the Rehabilitation Act of 1973, as amended, (87 Stat. 394; 29 U.S.C. §794); the Age Discrimination Act of 1975 (89 Stat. 728; 42 U.S.C. §§6101 *et seq*.); the Americans with Disabilities Act (42 U.S.C. §12101); the Architectural Barriers Act (42 U.S.C. §§4151 *et seq.)*; and with all other federal laws and regulations prohibiting discrimination on grounds of race, color, sexual orientation, national origin, disabilities, religion, age, or sex.

A. In all hiring or employment made possible by or resulting from grant awards, the City (1) will not discriminate against any employee or applicant from employment because of race, color, religion, sex, age, or national origin, and (2) will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin. This requirement applies to, but is not limited to, the following: employment promotion, demotion, or transfer; recruitment or other recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The City and its sub-grantees will comply with all applicable statutes and Executive orders on equal employment opportunity and grant awards will be governed by the provisions, as implemented by, but not limited to, Department of the Interior policies, published in 43 CFR 17.

IX. MANAGEMENT AND BUDGET GUIDELINES

A. Certified Local Government grants are funded by the National Park Service Historic Preservation Funds Grants in Aid, CFDA number 15.904. All policies and procedures of the Department of the Interior, the National Park Service, and all other Federal regulations concerning expenditures of Federal funds must be followed by AHPP and all sub-grant recipients. All grant projects will be administered by AHPP and the City in accordance with the Historic Preservation Fund Grants Manual. The manual may be found online here: https://www.nps.gov/subjects/historicpreservationfund/historic-preservation-fund-grant-manual.htm The City must maintain efficient and effective accountability and control of all funds received and expended under a sub-grant from AHPP.

B. Federal Award Identification Number, total award amount, award date, and a copy of the NPS grant agreement with AHPP will be provided to subgrantee with this signed grant agreement. This subgrant award may be subject to additional conditions as required by the National Park Service.

C. A City employee or paid contractor will be responsible for fulfilling all responsibilities assumed by the City under this grant agreement.

D. The City will promptly disclose any conflict of interest to AHPP in accordance with 2 CFR §200.112.

E. Indirect costs are not eligible for reimbursement under this award.

F. The City will maintain all grant-related records at the City offices in accordance with its normal recordkeeping procedures.

G. The City hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements as they relate to the application, acceptance and use of Federal funds for this federally assisted project. The following Federal regulations are incorporated by reference into this Agreement (full text can be found at http://www.ecfr.gov):

1) Administrative Requirements:
2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, in its entirety;

2) Determination of Allowable Costs:
2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart E; and

3) Audit Requirements:
2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F.

4) Code of Federal Regulations/Regulatory Requirements:

2 CFR 182 & 1401, "Government-wide Requirements for a Drug-Free Workplace";

2 CFR 180 & 1400, "Non-Procurement Debarment and Suspension", previously located at 43 CFR §42, "Government wide Debarment and Suspension (Non-Procurement)";

43 CFR Part 18, "New Restrictions on Lobbying";

2 CFR Part 175, "Trafficking Victims Protection Act of 2000";

FAR Clause 52.203-12, Paragraphs (a) and (b), Limitation on Payments to Influence Certain Federal Transactions; and

2 CFR Part 25, System for Award Management (www.SAM.gov).

H. Cities that expend $750,000 or more during a year in Federal awards shall have a

single or program-specific audit conducted for that year in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. §§7501-7507) and 2 CFR Part 200, Subpart F.

I. The City will comply with Federal competitive procurement requirements for professional services and subcontractors and will provide documentation of such compliance upon request.

J. The City will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act.

K. Upon completion of the project, the Secretary of the Interior, the Comptroller General of the United States, AHPP, and/or any of their duly authorized representatives shall have access for the purpose of financial or programmatic audit and examination any books, documents, papers and records of the City that are pertinent to the grant at all reasonable times during the period of retention provided in 2 CFR §200.334, for at least three (3) years or until all claims or audit findings have been resolved.

L. The City will comply with the provisions of 18 U.S.C. §1913, Lobbying with Appropriated Moneys, as amended by Public Law 107-273, Nov. 2, 2002. "No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Members or official, at his request, or to Congress or such official, through the proper official channels, requests for legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities. Violations of this section shall constitute violations of section 1352(a) of title 31." In addition to the above, the related restrictions on the use of appropriated funds found in Div. F, §402 of the Omnibus Appropriations Act of 2008 (P.L. 110-161) also apply.

M. The City will comply with all provisions of Executive Order 113858 "Strengthening Buy American Preferences for Infrastructure Projects" that may apply to the project that is the subject of this award.

X. PUBLICATIONS, WORK PRODUCT AND PUBLIC INFORMATION

A. An acknowledgment of National Park Service and the Arkansas Historic Preservation Program support must be made in connection with the publication of any material based on, or developed under, any activity supported by Historic Preservation Fund grant funds. This acknowledgment shall be in the form of a statement as follows: *"This material was produced with assistance from the Historic Preservation Fund, administered by the National Park Service, Department of the Interior and the Arkansas Historic Preservation Program, an agency of the Division of Arkansas Heritage. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of the Interior or the Division of Arkansas Heritage."*

B. Press releases, publications, and other public dissemination of information by the City concerning a project made possible by this grant shall acknowledge National Park Service, Department of the Interior, Arkansas Historic Preservation Program, and Division of Arkansas Heritage grant support.

C. Posters, brochures, program literature, and publications will include the following statement: *This program receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office for Equal Opportunity, National Park Service, 1849 C Street NW, Washington, D.C. 20240.*

D. Drafts of all publications, reports, audio-visual material, and other material subject to distribution, publication, or display must be submitted to AHPP for approval prior to production, publication, public display or general distribution.

E. Publications, reports, audio-visual material, and other material subject to distribution, publication, or display will be made accessible to the widest audience possible in accordance with Title II of the Americans with Disabilities Act (42 U.S.C. §§12132 *et seq*.). For more information, guidance is available from the Department of Justice, Civil Rights Division, Disability Rights Section.

F. The City grants the State of Arkansas and the United States of America a royalty-free, non-exclusive and irrevocable license to publish, reproduce and use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others, of all copyrightable material first produced or composed under this agreement as complied or produced by the City, its contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material. Any data, analysis, methodology, or other information that formed the basis of the work product funded by this grant award shall be made available to the AHPP and the NPS on request. The City shall

ensure that these rights are secured by any sub-award or sub-agreement funded under this grant award.

G. All Geographic Information Systems data produced or collected as a part of this grant funded project must comply with the NPS Cultural Resource Spatial Data Transfer Standards. Please contact the AHPP for more information.

XI. DEVELOPMENT PROJECTS

A. Any development project funded through this award must obtain appropriate permits from the City, including approval from the local Historic District Commission, if the project falls within a local ordinance district and the Commission has jurisdiction.

B. Work funded by this grant award cannot be claimed under the Federal Historic Preservation Tax Incentives Program. City and any potential subgrantees should consult with their attorneys or financial advisors about tax or other consequences of this award or its conditions on project financing.

C. Approvals of project work by AHPP for this grant project are independent of and may not be substituted for the review and approval of any project or matter under any other AHPP or National Park Service program.

XII. LIMITATION OF LIABILITY

AHPP assumes no responsibility with respect to accidents, illness or claims arising out of any work performed under a sub-grant supported project. The City is expected to take necessary steps to insure itself and its personnel and students and to comply with the applicable local, State, or Federal safety standards, including those issued pursuant to the National Occupational Safety and Health Act of 1970 (see 20 CFR Part 1910).

XIII. PROJECT CANCELLATION

Approved projects may be canceled for one or more of the following reasons:

A. The City requests project cancellation.

B. The City fails to pursue project work in a timely fashion or fails to adequately pursue project objectives in a manner likely to ensure completion of the grant project or substantial spend-down of the grant award within the grant term.

C. Project work or project administration is found not to be in conformance with conditions as stated in the grant agreement and appendices.

XIV. AMENDMENTS

This agreement may be amended upon written request and approval by both parties.

XV. APPENDICES

The following appendices are hereby incorporated into this agreement by this reference.

A. Historic Resources Survey & Documentation
B. National Register of Historic Places Nominations
C. Design Guidelines & Preservation Plans
D. Rehabilitation Work to Historic Properties
E. Other Consultant Contracts & Products
F. SOI Professional Qualifications Standards

SIGNATURES

Scott Kaufman
Agency Director, AHPP
State Historic Preservation Officer
1100 North Street
Little Rock, Arkansas 72201

City of Fayetteville Signature

Name (printed)

Title

Date

Date

APPENDIX A: Historic Resources Survey & Documentation

The production of surveys or resurveys of historic structures, sites, etc., funded under this grant agreement will meet the following minimum standards, as applicable:

A.) CITY'S RESPONSIBILITIES

a. The City will ensure that any request for proposals (RFP), request for qualifications (RFQ), or other bid solicitation and any contract for survey and documentation services funded under this agreement includes duties and tasks as described in this appendix.

b. The City will submit a copy of any proposed RFQ, RFP, or other bid solicitation for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and approval and will not publish such announcement or request until comments been received from AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.

c. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review, prior to execution of the contract, and will not execute the contract until approval has been received from AHPP. A copy of the final executed contract will be provided to AHPP.

d. The City will contact the AHPP National Register staff to consult on the advisability of historic sites survey work in the proposed area, proposed boundaries for the survey work, etc., prior to engaging a contractor for survey work funded under this agreement.

e. The City will ensure that the contractor responsible for survey and documentation services funded under this agreement meets the Secretary of the Interior's Professional Qualification Standards (see Appendix F) in History and/or Architectural History and/or, when applicable, Archaeology or Historic Landscape Architecture.

f. The City will ensure that all milestones and work deadlines incorporated into its agreement with the Contractor are consistent with those outlined in the applicable CLG Grant Agreement. Any discrepancy between the Grant Agreement milestones and those applied to the Contractor's tasks must be approved in advance by AHPP.

B.) CONTRACTOR'S RESPONSIBILITIES

a. Prior to commencing any work under the contract, any contractor who has not attended a training on the required procedures for historic sites surveys taught by the AHPP National Register & Survey staff within five (5) years prior to the survey initiation date must attend a training class on the procedures required for historic site survey. This one-day class, at the offices of AHPP, will train the contractor in the proper and thorough completion of Arkansas Architectural Resources Forms, photography requirements, mapping, and compilation of the finished product.

b. Prior to commencing any work under the contract, the Contractor, regardless of the date of his or her last training, must contact the AHPP National Register & Survey staff to determine whether changes to required historic site survey procedures have changed since the contractor last attended a training. If the AHPP National Register & Survey staff determines that the Contractor's attendance at an additional training class is advisable, the contractor must attend a training class on the procedures required for historic sites surveys prior to the initiation of any fieldwork under the contract.

c. The contractor must comply with the standards and procedures set forth in the AHPP Survey Manual in carrying out the contract work and in completion of the final product. A copy of this manual will be provided by AHPP upon request.

d. The contractor must design and complete the survey and produce a survey report in accordance with the National Park Service Historic Preservation Fund Grants Manual Chapter 6, Section H, 2a-e and 3b and/or d as applicable and the Secretary of the Interior's Standards for Identification for Intensive Surveys (see at Identification Guidelines (U.S. National Park Service) (nps.gov)). The survey report should, at minimum, contain the following elements:

    i. Survey methodology
    ii. A brief historic context specific to the area surveyed
    iii. A brief overview of historic resource types within the area surveyed
    iv. Maps outlining the boundaries of the area surveyed
    v. Tables listing addresses or other location information of properties surveyed, resource numbers supplied by AHPP, and data relevant to evaluation of National Register eligibility, such as date of construction, property condition and architectural integrity, vacant lots, etc.
    vi. Maps locating properties by resource number and address
    vii. Language collected on Arkansas Architectural Resources Forms should be provided with the survey report in an organized, sortable, searchable,

digital format, such as a database, spreadsheet, GIS data, or similar data file.

e. The contractor must complete an Arkansas Architectural Resources Form and provide site plans for each resource in the field.

f. The contractor must provide, on the Arkansas Architectural Resources Form, information specific to the property for which the survey form is prepared, summarizing its history and any identifiable changes to the building that appear to have occurred since its construction.

g. The contractor will take color digital photographs of each resource in the field. At the very minimum the photographs should show all facades of each building. In addition, representative streetscape photographs will be provided by the Contractor. These photographs will be submitted with the final survey product in both electronic and print form. *All photography must be credited either on the survey form or in the survey report.*

h. To ensure efficient production of a quality product and to reduce the burden of repeated reviews, in projects involving inventory and documentation of more than 30 properties, the contractor will provide drafts of at least 10 completed Arkansas Architectural Resources Forms to the AHPP National Register & Survey staff for review prior to completion and submittal of all Arkansas Architectural Resources Forms. AHPP staff will review draft forms and return comments to the contractor within 14 business days of receipt of the draft forms.

i. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of carrying out the historic site survey or form completion, including but not limited to archival research, and photographs, to AHPP on request.

j. The contractor will grant the City, the State of Arkansas, and the United States of America a royalty-free, non-exclusive and irrevocable license to publish, reproduce and use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others, of all copyrightable material first produced or composed under this Agreement by the contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material.

k. The contractor must be able to adhere to set deadlines and provide initial and completed surveys by the dates set forth in contract documents.

l. The contractor will provide their own transportation and equipment.

m. For resurvey work, a copy of the previous survey form must be attached to the new survey form for each property and shall be included with final project deliverables.

n. The contractor will provide one full-color copy and one digital copy of the final survey report and forms to the City and one full-color printed copy and two digital copies of the survey report and forms to AHPP.

C.) AHPP RESPONSIBILITIES

a. AHPP will provide Arkansas Architectural Resources Forms and Ancillary Structures Forms to the contractor as necessary for project completion.

b. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.

c. AHPP will provide resource numbers to the contractor as necessary for project completion.

d. AHPP will provide a one-day training class at the AHPP offices in Little Rock on the procedures required for historic site surveys. This class will train the contractor in the proper and thorough completion of Arkansas Architectural Resources Forms, photography requirements, mapping, and compilation of the finished product.

e. AHPP will provide technical assistance to the contractor as necessary for project completion.

APPENDIX B: National Register of Historic Places Nominations

The production of nominations of historic structures, sites, etc., for listing on the National Register of Historic Places funded under this grant agreement will meet the following minimum standards, as applicable:

A.) CITY'S RESPONSIBILITIES

a. The City will ensure that any request for proposals (RFP), request for qualifications (RFQ), or other bid solicitation and any contract for services funded under this agreement includes duties and tasks as described in this appendix.

b. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and will not publish such announcement or request until approval has been received from AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.

c. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review prior to execution of the contract, and will not execute the contract until approval has been received from AHPP. A copy of the final executed contract will be provided to AHPP.

d. The City will contact the AHPP National Register staff to consult on the advisability of preparation and submission of National Register of Historic Places nominations prior to engaging a contractor for preparation of nominations funded under this agreement.

e. The City will ensure that the contractor responsible for survey and documentation services funded under this agreement meets the Secretary of the Interior's Professional Qualification Standards (see Appendix F) in History and/or Architectural History and/or, when applicable, Archaeology or Historic Landscape Architecture.

f. The City will ensure that all milestones and work deadlines incorporated into its agreement with the Contractor are consistent with those outlined in the applicable CLG Grant Agreement. Any discrepancy between the Grant Agreement milestones and those applied to the Contractor's tasks must be approved in advance by AHPP.

B.) CONTRACTOR'S RESPONSIBILITIES

a. It is required that the contractor complete a National Register of Historic Places nomination form for the historic property or properties in compliance with all applicable AHPP or National Park Service standards and guidance for nomination form completion.

b. The contractor will take color digital photos of the historic property in the field. In the case of a proposed historic district, representative streetscape photos will be provided by the Contractor. All photographs submitted must meet the National Park Service standards in the "National Register Photo Policy Factsheet."

c. The contractor will label all photographs to be included with the completed National or Arkansas Register of Historic Places nomination according to the National Park Service instructions, including credits for all included photographs.

d. The contractor will also need to locate the property on a United States Geological Survey Map and provide UTM coordinates for the historic property or district.

e. The contractor will be responsible for on-site presentation of information sufficient to fully support a recommendation for or against listing of the proposed historic district or property to the AHPP State Review Board at the earliest meeting following completion and staff approval.

f. Any contractor who has not submitted an accepted National Register of Historic Places form in the last five (5) years must attend a training class on completing

National or Arkansas Register of Historic Places nomination forms. This one-day class, at the offices of AHPP, will train the contractor in the proper and thorough completion of National Register of Historic Places nomination forms, photography requirements, mapping, and compilation of the finished product.

g. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of preparing the nomination, including but not limited to property data, databases, archival research, and photographs, to AHPP on request.

h. The contractor will grant the City, the State of Arkansas, and the United States of America a royalty-free, non-exclusive and irrevocable license to publish, reproduce and use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others, of all copyrightable material first produced or composed under this agreement by the contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material.

i. The contractor must be able to comply with deadlines and provide initial and completed nominations by the dates set forth in the contract between the City and the Contractor.

j. The contractor will provide his or her own transportation and any equipment necessary to completion of the nomination forms and presentation to the Arkansas State Review Board.

k. The contractor must work outside in extreme temperatures and provide proper attire for the weather conditions.

l. The contractor will perform all services and provide all materials to be produced under the contract in consultation with AHPP.

m. The contractor will conduct meetings with AHPP as required to complete the project.

n. The contractor will provide one full-color printed final clean copy nomination and attachments, including digital photographs, and one digital copy of any nominations created to the City and three full-color printed copies of the final clean copy nomination and attachments, including digital photographs, and two digital copies of any nominations to AHPP.

C.) AHPP RESPONSIBILITIES

a. AHPP will provide access to any previously completed architectural resource forms in its possession for all buildings included in the contract for services.

b. AHPP will provide a one-day training class at the AHPP offices in Little Rock contractor on the proper and thorough completion of National Register of Historic Places nomination forms, photography requirements, mapping, and compilation of the finished product.

c. AHPP will provide technical assistance to the contractor as necessary for project completion.

APPENDIX C: Design Guidelines & Preservation Plans

Preparation of design guidelines and/ or preservation plans funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

a. The City will ensure that any request for proposals (RFP), request for qualifications (RFQ), or other bid solicitation and any contract for services funded under this agreement include duties and tasks as described in this appendix.

b. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and will not publish such announcement or request until approval has been received from AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.

c. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review prior to execution of the contract and will not execute the contract until approval has been received from AHPP. A copy of the final executed contract will be provided to AHPP.

d. The City will ensure that all milestones and work deadlines incorporated into its agreement with the Contractor are consistent with those outlined in the applicable CLG Grant Agreement. Any discrepancy between the Grant Agreement milestones and those applied to the Contractor's tasks must be approved in advance by AHPP.

e. The City will submit a draft copy of the design guidelines to AHPP for review, comments, and approval prior to printing, and will not give final approval to the product or proceed with final printing of the document until approval has been received by AHPP.

f. The City will ensure that any contractor engaged to prepare design guidelines funded under this agreement meets the Secretary of the Interior's Standards for Professional Qualifications (see Appendix F) as an Architectural Historian, a Historic Preservation Planner, or a Historic Preservationist with experience equivalent to one or both those professions. Any contractor engaged to prepare a

preservation plan must be qualified as a Historic Preservation Planner or a Historic Preservationist with experience equivalent to a Preservation Planner.

B. CONTRACTOR'S RESPONSIBILITIES

a. The contractor will design and complete a preservation plan or plans, when applicable, in accordance with the Secretary of the Interior's Standards and Guidelines for Preservation Planning (see at Preservation Planning Standards (U.S. National Park Service) (nps.gov)).

b. The contractor will draft design guidelines, when applicable, that include, at minimum:
    i. A summary of the City's ordinances, procedures, and bylaws relating to work regulated by the City's Historic District Commission;
    ii. Maps describing the boundaries of any local or National Register historic districts in which work is regulated under authority of the Arkansas Historic Districts Act, A C.A. § 14-172-201, et seq., and local ordinance.
    iii. A list of addresses within such historic districts;
    iv. A history of the City as it provides historic context for any such local historic districts, National Register of Historic Places districts, or the City as a whole;
    v. An overview of the architectural styles prevalent in the local historic districts within the period of significance as described in the most recent historic resources survey and/or nomination previously approved by the City's Historic District Commission;
    vi. The text of the Secretary of the Interior's Standards for Rehabilitation, as codified at 36 CFR 68.
    vii. Illustrated design guidance addressing appropriate rehabilitation of and additions to historic structures and sites and construction or development of appropriate infill structures and sites that addresses all historic architectural styles, periods, and methods of construction specific to the local districts.

c. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of preparing work product on any project funded through this grant agreement, including but not limited to property data, databases, archival research, and photographs, to AHPP on request.

d. The contractor will grant the City, the State of Arkansas, and the United States of America a royalty-free, non-exclusive and irrevocable license to publish,

reproduce and use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others, of all copyrightable material first produced or composed under this agreement by the contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material.

e. The contractor must be able to comply with deadlines and provide initial and completed deliverables by the dates set forth in the contract between the City and the Contractor.

f. The contractor will provide one full-color printed final clean copy of the design guidelines and/or preservation plan and attachments and one digital copy of the design guidelines and/or preservation plan and attachments created to the City and one full-color printed copies and one digital copy to AHPP.

g. The contractor will include proper credits or citations for all photographs included with final project deliverables.

C. AHPP RESPONSIBILITIES

a. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.

b. AHPP will provide access to any nominations or other background research or information relevant to the project as necessary for project completion

APPENDIX D: Rehabilitation Work to Historic Properties

Projects for rehabilitation work to historic properties funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

a. The City will ensure that any request for proposals (RFP), request for qualifications (RFQ), or other bid solicitation and any contract for services funded under this agreement includes duties and tasks as described in this appendix.

b. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and will not publish such announcement or request until approval has been received from AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.

c. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review prior to execution of the contract, and will not execute the contract until approval has been received from AHPP. A copy of the final executed contract will be provided to AHPP.

d. The City will ensure that all milestones and work deadlines incorporated into its agreement with the Contractor are consistent with those outlined in the applicable CLG Grant Agreement. Any discrepancy between the Grant Agreement milestones and those applied to the Contractor's tasks must be approved in advance by AHPP.

e. Architects/Engineers/Contractors must have the requisite experience and training in historic preservation or relevant field to oversee investigation, design and project work, as determined in consultation with AHPP. See Appendix F.

f. The City will submit plans and specifications to AHPP for all proposed work that is part of any project funded by this grant that would make any material alteration in any feature of any property listed on or eligible for listing on the National Register of Historic Places, either individually or as a contributing feature in a district. The City will not begin any such work until approval has been granted by AHPP.

i. A site plan that has the north direction clearly marked
ii. A city/county map with the site of the property clearly labeled
iii. Set of plans and specifications for the project
iv. Photographs (or digital images) of all exterior elevations of the building or site, with views identified and oriented and keyed to the site plan.

v. Interior photographs of all major rooms and those involved in the project, labels, and keyed to a floor plan
vi. Any additional information that will better enable a technical review of the project to be completed like historic photographs, historic structure reports, building studies, etc.

g. The City will ensure that the Contractor performs all work in compliance with the plans, milestones, and specifications as approved by AHPP.

h. All projects must comply with the Americans with Disabilities Act, the Architectural Barriers Act, and the Rehabilitation Act of 1973.

i. All products and projects must comply with the applicable Secretary of the Interior's Standards for Rehabilitation. The Standards are:

j. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

k. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

l. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

m. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

n. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

o. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and,

where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

p. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

q. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

r. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

s. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

B. CONTRACTOR'S RESPONSIBILITIES

a. The Contractor will perform all work in compliance with the plans and specifications as approved by AHPP.

b. All products and projects must comply with the applicable Secretary of the Interior's Standards for Rehabilitation. The Standards are:

c. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

d. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

e. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

f. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

g. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

h. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

i. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

j. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

k. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

l. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

m. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of preparing work product on any project funded through this grant agreement, including but not limited to property data, databases, archival research, and photographs, to AHPP on request.

n. The contractor will grant the City, the State of Arkansas, and the United States of America a royalty-free, non-exclusive and irrevocable license to publish, reproduce and use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others, of all copyrightable material first produced or composed under this agreement by the contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material.

o. The contractor must be able to comply with deadlines set forth in the contract between the City and the Contractor.

p. The contractor must erect a project sign acknowledging the assistance of the Department of the Interior, the National Park Service, the Department of Arkansas Heritage, and the AHPP at the project site. This sign will be provided by the AHPP.

C. AHPP RESPONSIBILITIES

a. AHPP will provide access to any previously completed architectural resource forms or architectural plans in its possession for all buildings included in the contract for services.

b. AHPP will review and approve or comment on all plans and specifications submitted by the City within 14 business days of submission of plans and specifications that allow for a clear and complete understanding of the scope and detail of the project.

c. AHPP will provide technical assistance to the contractor as necessary for project completion.

APPENDIX E: Other Consultant Contracts & Products

All other types of projects funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

a. The City will ensure that any request for proposals (RFP), request for qualifications (RFQ), or other bid solicitation and any contract for services funded under this agreement includes duties and tasks as described in this contract and appendix.

b. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and will not publish such announcement or request until approval has been received from AHPP or seven (7) business days have elapsed since the date on which the proposed announcement or request has been received by AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.

c. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review, prior to execution of the contract, and will not execute the contract until approval has been received from AHPP or seven (7) business days have elapsed since the date on which the proposed contract has been received by AHPP. A copy of the final executed contract will be provided to AHPP. All milestones and deadlines between the City and Contractor must be consistent with those outlined in the CLG Grant Agreement. Adjustment of these milestones must have advance AHPP approval.

d. The City will ensure that all milestones and work deadlines incorporated into its agreement with the Contractor are consistent with those outlined in the applicable CLG Grant Agreement. Any discrepancy between the Grant Agreement milestones and those applied to the Contractor's tasks must be approved in advance by AHPP.

e. The City will ensure that any contractor engaged for work funded under this agreement meets the applicable Secretary of the Interior's Historic Preservation Professional Qualification Standards (see Appendix F) as determined in consultation with AHPP.

f. The City will ensure that all project work and work products meet all applicable SOI "Standards" including: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards.

B. CONTRACTOR'S RESPONSIBILITES

a. The contractor will ensure that all project work and work products meet all applicable Secretary of the Interior's "Standards" including: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards.

b. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of carrying out the contract, including but not limited to archival research, and photographs, to AHPP on request.

c. The contractor will grant the City, the State of Arkansas, and the United States of America a royalty-free, non-exclusive and irrevocable license to publish, reproduce and use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others, of all copyrightable material first produced or composed under this agreement by the contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material.

d. The contractor must be able to adhere to set deadlines as set forth in contract documents.

e. The contractor will provide own transportation and equipment.

f. The contractor will provide one full-color copy and one digital copy of the work product, as applicable, to the City and one full-color printed copy and two digital copies of the work product, as applicable, to AHPP.

C. AHPP RESPONSIBILITIES

a. AHPP will provide Arkansas Architectural Resources Forms and Ancillary Structures Forms to the contractor as necessary for project completion.

b. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.

c. AHPP will provide resource numbers to the contractor as necessary for project completion.

d. AHPP will provide access to other AHPP files to the contractor as necessary for project completion.

e. AHPP will provide technical assistance to the contractor as necessary for project completion.

Appendix F: The Secretary of the Interior's Historic Preservation Professional Qualification Standards

The Secretary of the Interior's Professional Qualification Standards were defined and officially adopted in 1983 (48 FR 44716, September 29) by the National Park Service, Department of the Interior, and the Secretary of the Interior's Historic Preservation Professional Qualification Standards were expanded and revised in 1997 (62 FR 33708, June 20) in response to amendments in the National Historic Preservation Act, but were not formally adopted for federal regulatory purposes. See https://www.nps.gov/articles/sec-standards-prof-quals.htm for more information.

The 1997 revisions update the professional qualification standards written in 1983 and add definitions for seven other historic preservation disciplines that appear in the National Historic Preservation Act.

The 1997 version also provides guidance on how to measure qualifying credentials that was lacking in the 1983 Standards. In the 1997 version, this information is provided in a standardized format that provides examples of the academic degrees, work and academic products, and professional activities that would qualify a professional in a particular discipline.

Because the 1997 Standards give the clearest description of the current understanding of what a qualified professional is in each of the disciplines described in the National Historic Preservation Act, AHPP uses them as guidance on judging the qualifications of contractors or consultants working on projects funded by AHPP's CLG grant agreements. It is important to note that these are not intended to be requirements for ALL consultants or contractors working on a project, lead as well as entry-level. However, each project must contain a person in a lead, responsible project role with the requisite expertise.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2261

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff

FROM: Tim Nyander, Utilities Director

SUBJECT: **Easement Condemnations for South School Water Line Bottleneck Project**

RECOMMENDATION:
Staff recommends City Council approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession for the remaining easements necessary for the South School Waterline Bottleneck Project.

BACKGROUND:
The South School Waterline Bottleneck project will upgrade a section of existing 8-inch diameter waterline to 12-inch diameter. The waterline is along South School Avenue from approximately West Hops Drive to Sunrise Mountain Road, in the general vicinity of the Fulbright Expressway Interchange.

The majority of the necessary easements have been negotiated and acquired. However, there are three tracts (two total owners) remaining that will require orders of possession for the project to proceed with bidding this summer. This is due to lack of response to mail, email, and phone calls.

DISCUSSION:
Even if a condemnation must be filed on a particular property, we prefer reaching fair settlements with every landowner and the city will continue negotiating with property owners to obtain easements without having to go to trial.

BUDGET/STAFF IMPACT:
The payment for land acquisition will be made from the Water System Rehabilitation account. The agenda item staff review form indicates $13,200.00 as the cost of this request. It should be noted that this is an estimate, based on the appraised value of the properties, and that the final cost is subject to negotiation with the property owners or court order. The appraised value will be deposited into the Registry of the Circuit Court as just compensation when the condemnation complaint is filed for the property, so the City will be able take immediate possession of the easements.

ATTACHMENTS: 3. Staff Review Form, 4. Attachments

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2261

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY INDIVIDUALS NEEDED FOR THE SOUTH SCHOOL WATER LINE BOTTLENECK PROJECT

WHEREAS, the City of Fayetteville has been unable to negotiate the acquisition of easements on two properties needed to complete the South School Water Line Bottleneck Project; and

WHEREAS, the City of Fayetteville needs to gain possession of these needed properties promptly to begin work on this public improvement and to not delay construction of the project.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of two properties located on or near the South School Water Line Bottleneck Project and owned by Brenda Thuruvan and Verena Thuruvan, also known as Brenda Thuruvan-Willis and Verena Thuruvan-Willis, that are needed for permanent water/sewer easements and for temporary construction and grading easements for the Project, and to pay into the registry of the Circuit Court just compensation in the amount of $7,400.00.

City of Fayetteville Staff Review Form

2026-2261

Item ID

7/21/2026

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

Tim Nyander	6/30/2026	WATER SEWER (720)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends City Council approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession for the remaining easements necessary for the South School Waterline Bottleneck Project.

Budget Impact:

5400.720.5600-5810.00	Water and Sewer
Account Number	Fund
12009.1	Water System Rehabilitation/Replacement
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	7,263,679.00
		Expenses (Actual+Encum)	$	4,064,369.17
		Available Budget	$	**3,199,309.83**
Does item have a direct cost?	Yes	Item Cost	$	13,200.00
Is a Budget Amendment attached?	No	Budget Amendment	$	-
		Remaining Budget	$	**3,186,109.83**

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

CITY OF
FAYETTEVILLE
ARKANSAS

April 29, 2026

Brenda Thuruvan-Willis and Verena Thuruvan-Willis
1318 E Stubblefield Road
Fayetteville, AR 72703

RE: South School Waterline Extension Project
Parcel No. 765-10812-000, 765-10813-000 &
765-10814-000 – 3130 S SCHOOL AVE
Updated Offer Letter

Dear Ms. Brenda Thuruvan-Willis and Ms. Verena Thuruvan-Willis,

As a follow-up to our previous correspondence regarding the City of Fayetteville's water line improvement project along South School Avenue, the City has obtained an updated appraisal and wishes to present a revised offer for the required easements on your property.

The City of Fayetteville hereby offers $3,400.00 for 1,253 square feet of permanent water/sewer easement and $4,000.00 for the rental of 2,031 square feet of temporary construction and grading easement for a total offer of **$7,400.00** based on an updated appraisal by Holland Commercial Appraisals and Valuation Services (summary attached).

Should you choose to accept this offer, the enclosed Water/Sewer Easement, which includes a Temporary Construction and Grading Easement, must be executed by all individuals or entities holding a current ownership interest in the property. The completed easement must be notarized and returned to the City of Fayetteville. If needed, a City Land Agent is available to witness and notarize the execution of the easement upon request. Please contact our office to arrange this service. Upon receipt of the fully executed and notarized easement, a request for payment will be initiated. Payment is typically processed within approximately three weeks from the date all required documents are received. To facilitate payment, please provide either a Social Security Number or a Tax Identification Number (for corporations). A W-9 form has been included for your convenience.

Please be advised that the City must receive your response no later than June 1, 2026. If we have not heard from you by that date, this matter will be referred to the Water/Sewer Committee with a recommendation to proceed to condemnation. The City's preference is to resolve this matter amicably and in a timely manner, and we strongly encourage you to contact us before that deadline to discuss any questions or concerns you may have.

A City Land Agent will be glad to meet with you at your convenience and discuss all phases of this project and the associated easements and acquisitions. Please contact Holly Jones at (479) 444-3414 (hjones@fayetteville-ar.gov) or Brandi Samuels at (479) 444-3421 (bsamuels@fayetteville-ar.gov). If technical questions arise, the City Land Agents will involve project engineers or city utility staff, as needed.

Sincerely,

Tim Nyander, Utilities Director

TN/hj

Enclosures

Document Drop off: **City of Fayetteville, Engineering Division of the Public Works Department, 125 W Mountain Street, 479-575-8206**

EXECUTIVE SUMMARY

Before the acquisition, the subject property consists of 0.64 acres of commercial land. The city is relocating water and sewer easements along this corridor. See mapping for specific locations. Any existing site improvements (parking, paving, driveways, sidewalks, lawn) will be repaired by the grantee.

3/17/2026	Effective Date
PHYSICAL CHARACTERISTICS	
Brenda and Verena Thuruvan	Property Owner
765-10813-000; 765-10814-000	Parcel #
Fayetteville	City
AR	State
C-2; Thoroughfare Commercial	Zoning
	Before the Acquisition
27,878	SqFt - Land
	Acquisition Area
	Permanent Easement
934	SqFt - Land
	Temporary Easements
1,026	SqFt - Land
	After the Acquisition
26,944	SqFt - Land (Remainder)
934	SqFt - Land (Residual)
CONCLUSIONS	
$ 299,492	Value Before the Acquisition
$ 294,984	Value After the Acquisition
$ 4,500	**Total Value Impact of the Acquisition**

After the acquisition, the property rights in the permanent easement acquisition area will be split between the owner and the city.

The WSE restricts permanent structures above the easement area.

APPRAISERS:

Zach J Holland, AR CG 2911

This Instrument Prepared By:
Land Agent's Office of the
City of Fayetteville, Arkansas
113 W Mountain St
Fayetteville, AR 72701

South School Water Main
Parcel No. 765-10813-000 & 765-10814-000
Tract 9

WATER/SEWER EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT **Brenda Thuruvan Willis and Verena Thuruvan Willis**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, unto Grantee's successors and assigns, a permanent easement to construct, lay, remove, relay, inspect, enlarge and/or operate a 12-inch water and/or sanitary sewer pipe line or lines, manholes, grantee owned fiber optic equipment and appurtenances thereto, grantee on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Administrator's Deed: 2011-29816)

Part of Lots 2, 3, 6 & 7, Block 2, J.W. Skelton Subdivision to the City of Fayetteville, Arkansas, as shown on plat of record in plat book 4, at page 134, plat records of Washington County, Arkansas, being more particularly described as follows: Beginning at a point that is West 740 feet, N 00°03'11" E, 363 feet and N68°11'25" W, 81.69 feet from the SE corner of the SE 1/4 of the SW 1/4 of Section 28, T-16-N, R-30-W, also being the SE corner of Lot 11, Block 2 of said J.W. Skelton Subdivision, said point of beginning being in the centerline of a creek; thence South and West along said centerline the following: S 00°13'18" W, 44.0 feet; s 46°10'36" W, 109.73 feet; N 88°22'52" W, 215.86 feet; N 84°13'32" W,202.4 feet to the East Right-of-Way line of U.S. Highway No. 71 (South School Street); thence Northerly along said Right-of-Way the following: N 01°05'28" E, 50.0 feet; thence North 88°54'22" W, 10.0 feet, North 1°05'28" E, 50.0 feet; thence leaving said Right-of-Way S 89°14'40" E, 504.62 feet to the point of beginning, containing 1.254 acres, more or less.

PERMANENT EASEMENT DESCRIPTION:

Part of Lots 2 and 3 in Block 2 of JW Skelton's Subdivision, Washington County, Arkansas, as shown in Plat Book 4, Page 134, and being more particularly described as follows: Commencing at the SE Corner of Lot 5 in said Block 2; thence N 02°49'06" E 363.00 feet; thence N 65°20'05" W 81.32 feet to the Grantor's northeast corner; thence along the Grantor's north line, N 86°27'45" W 472.34 feet to the Point of Beginning (POB ESMT); thence leaving said north line, S 04°15'29" W 102.03 feet to the Grantor's south line; thence along said south line, N 81°24'23" W 9.24 feet to the east line of an existing easement as described in Water and Sewer Easement Deed 779-142; thence leaving said south line along said easement line, N 04°18'03" E 60.18 feet; thence along east line of an existing easement as described in Water and Sewer Easement Deed 779-138, N 04°15'21" E 41.04 feet to said north line; thence along said north line S 86°27'45" E 9.17 feet to the POB ESMT, containing 934 sq. ft., or 0.02 acres.

TEMPORARY CONSTRUCTION AND GRADING EASEMENT DESCRIPTION:

Part of Lots 2 and 3 in Block 2 of JW Skelton's Subdivision, Washington County, Arkansas, as shown in Plat Book 4, Page 134, and being more particularly described as follows: Commencing at the SE Corner of Lot 5 in said Block 2; thence N 02°49'06" E 363.00 feet; thence N 65°20'05" W 81.32 feet to the Grantor's northeast corner; thence along the Grantor's north line, N 86°27'45" W 462.34 feet to the Point of Beginning (POB TCE); thence leaving said north line, S 04°14'54" W 102.92 feet to the Grantor's south line; thence along said south line, N 81°24'23" W 10.05 feet; thence leaving said south line N 04°15'29" E 102.03 feet to said north line; thence S 86°27'45" E 10.00 feet to the POB TCE, containing 1,026 sq. ft., or 0.02 acres.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

This temporary construction and grading easement as conditioned above, shall terminate when the hereinabove referenced project has been completed by the contractor and accepted by the City of Fayetteville, Arkansas.

It is expressly understood that the above temporary construction and grading easement shall exclude any permanent structure presently located within said temporary construction and grading easement area.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipelines upon the above-described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document on behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this _____ day of _____, 2026.

_____ _____

Brenda Thuruvan Willis **Verena Thuruvan Willis**

_____ _____

[**spouse of Brenda Thuruvan Willis, if any**] [**spouse of Verena Thuruvan Willis, if any**]

A C K N O W L E D G M E N T

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Brenda Thuruvan Willis and her spouse _____ _____, if any**, to me well known as the person/s who executed the foregoing document, and who stated and acknowledged that he/she/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2026.

MY COMMISSION EXPIRES

_____
Notary Public

A C K N O W L E D G M E N T

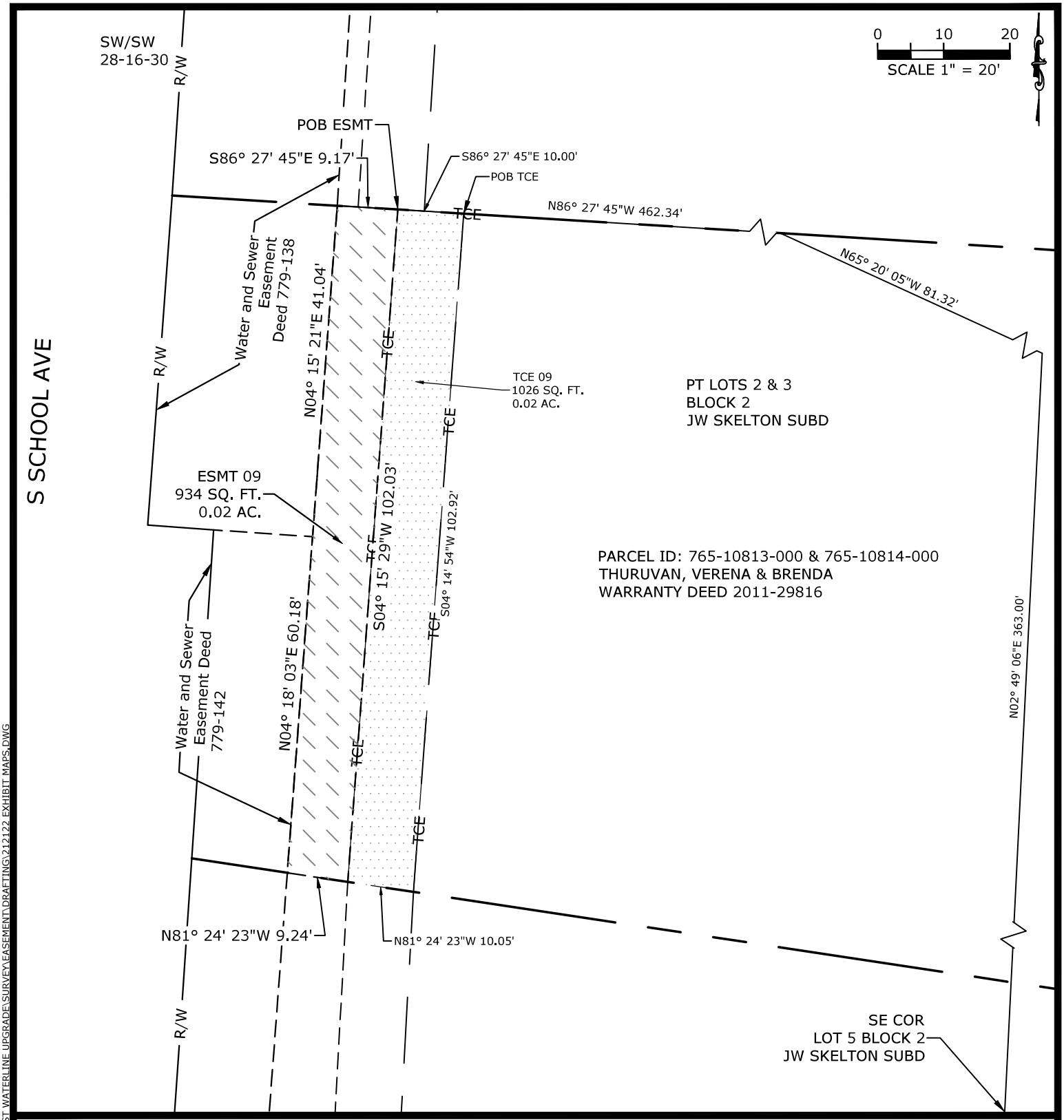
STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Verena Thuruvan Willis and her spouse _____ _____, if any**, to me well known as the person/s who executed the foregoing document, and who stated and acknowledged that he/she/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2026.

MY COMMISSION EXPIRES:

_____
Notary Public



LEGEND

765-10813-000 &
765-10814-000 — TAX PARCEL NUMBER

2011-29816 — DEED RECORD

EXISTING PROPERTY LINE

PROPOSED RIGHT-OF-WAY

PROPOSED UTILITY EASEMENT

PROPOSED TEMP. CONST. EASEMENT

BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH ZONE. (NOT A PLAT OF SURVEY)

PROJ. MANAGER:	DRAWN BY:
MNGR	DRWN
DATE:	REVISION:
06/06/24	01
SCALE:	PROJ. NUMBER:
AS NOTED	212122

EX-1

EXHIBIT "A"
MAP

SOUTH SCHOOL WATERLINE
FAYETTEVILLE, AR
TRACT 09
THURUVAN, VERENA & BRENDA

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE
1810 N COLLEGE AVE.
FAYETTEVILLE, AR 72703
(479) 443-2377
HTTP://WWW.MCE.US.COM

©2020

W:\2021\21-2122 - FAYETTEVILLE S SCHOOL ST WATERLINE UPGRADE\SURVEY\EASEMENT\DRAFTING\212122 EXHIBIT MAPS.DWG

EXECUTIVE SUMMARY

Before the acquisition, the subject property consists of a 1021 SqFt single family home or office on 0.5 acres of commercial land. The city is relocating water and sewer easements along this corridor.

See mapping for specific locations. They have minimal impact on the subject improvements. Any existing site improvements (parking, paving, driveways, sidewalks, lawn) will be repaired by the grantee.

3/17/2026	Effective Date
PHYSICAL CHARACTERISTICS	
Brenda and Verena Thuruvan	Property Owner
765-10812-000	Parcel #
Fayetteville	City
AR	State
C-2; Thoroughfare Commercial	Zoning
	Before the Acquisition
21,780	SqFt - Land
	Acquisition Area
	Permanent Easement
319	SqFt - Land
	Temporary Easements
1,005	SqFt - Land
	After the Acquisition
21,461	SqFt - Land (Remainder)
319	SqFt - Land (Residual)
CONCLUSIONS	
$ 233,978	Value Before the Acquisition
$ 231,121	Value After the Acquisition
$ 2,900	**Total Value Impact of the Acquisition**

After the acquisition, the property rights in the permanent easement acquisition area will be split between the owner and the city. The continued use of the building does not appear to be affected by the permanent easement, and the client assures us that owners and customers will continue to have access and use of the parking and building during construction.

The WSE restricts permanent structures above the easement area.

APPRAISERS:
Zach J Holland, AR CG 2911

This Instrument Prepared By:
Land Agent's Office of the
City of Fayetteville, Arkansas
113 W Mountain St
Fayetteville, AR 72701

South School Water Main
Parcel No. 765-10812-000
Tract 10

WATER/SEWER EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT **Brenda Thuruvan Willis and Verena Thuruvan Willis**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, unto Grantee's successors and assigns, a permanent easement to construct, lay, remove, relay, inspect, enlarge and/or operate a 12-inch water and/or sanitary sewer pipe line or lines, manholes, grantee owned fiber optic equipment and appurtenances thereto, grantee on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Administrator's Deed: 2011-26554)

A part of Lots Two (2), Three (3), Six (6) and Seven (7) in Block Two (2) of the J.W. Skelton Subdivision to the City of Fayetteville, Arkansas, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, being more particularly described as follows: Beginning at a point that is West 740 feet, North 0 degrees 03'11" East 363 feet from the Southeast corner of the SE 1/4 of the SW 1/4 of Section 28, Township 16 North, Range 30 West, also being the Southeast corner of Lot Eleven (11) in Block Two (2) of said J.W. Skelton Subdivision, said point of beginning being in the centerline of a creek; thence with said centerline North 68 degrees 11' 25" West 81.69 feet; thence leaving said centerline North 89 degrees 14' 40" West 504.62 feet to the East Right of-Way line of U.S. Highway No. 71 (South School Street); thence Northerly along said Right-of-way the following: North 1 degrees 05'28" East 25.0 feet, North 0 degrees 41' East 75.0 feet; thence leaving said Right-of-way East 580.0 feet to the East line of said Lot Seven (7) in Block Two (2); thence South 0 degrees 41'21" West 75.0 feet along said East line; thence South 0 degrees 03'11" West 62.0 feet to the Point of Beginning, containing 1.408 acres, more or less.

PERMANENT EASEMENT DESCRIPTION:

Part of Lot 2 in Block 2 of JW Skelton's Subdivision, Washington County, Arkansas, as shown in Plat Book 4, Page 134, and being more particularly described as follows: Commencing at the NE Corner of Lot 7 in said Block 2; thence along the Grantor's north line, N 86°51'55" W 551.79 feet to the Point of Beginning (POB ESMT); thence leaving said north line, S 03°41'40" W 100.45 feet to the Grantor's south line; thence along said south line, N 86°27'45" W 3.17 feet to the east line of an existing easement as described in Water and Sewer Easement Deed 779-138; thence leaving said south line along the east line of said existing easement, N 03°41'40" E 31.03 feet to the east line of an existing easement as described in Water and Sewer Easement Deed 779-442; thence along the east line of said existing easement, N 03°41'40" E 69.39 feet to the Grantor's north line; thence along said north line, S 86°51'55" E 3.17 feet to the POB ESMT, containing 319 sq. ft., or 0.01 acres.

TEMPORARY CONSTRUCTION AND GRADING EASEMENT DESCRIPTION:

Part of Lot 2 in Block 2 of JW Skelton's Subdivision, Washington County, Arkansas, as shown in Plat Book 4, Page 134, and being more particularly described as follows: Commencing at the NE Corner of Lot 7 in said Block 2; thence along the Grantor's north line, N 86°51'55" W 541.79 feet to the Point of Beginning (POB TCE); thence leaving said north line, S 03°41'40" W 100.52 feet to the Grantor's south line; thence along said south line, N 86°27'45" W 10.00 feet; thence leaving said south line, N 03°41'40" E 100.45 feet to said north line; thence along said north line, S 86°51'55" E 10.00 feet to the POB TCE, containing 1,005 sq. ft., or 0.02 acres.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

This temporary construction and grading easement as conditioned above, shall terminate when the hereinabove referenced project has been completed by the contractor and accepted by the City of Fayetteville, Arkansas.

It is expressly understood that the above temporary construction and grading easement shall exclude any permanent structure presently located within said temporary construction and grading easement area.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipelines upon the above-described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document on behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this _____ day of _____, 2026.

_____ _____

Brenda Thuruvan Willis **Verena Thuruvan Willis**

_____ _____

[**spouse of Brenda Thuruvan Willis, if any**] [**spouse of Verena Thuruvan Willis, if any**]

A C K N O W L E D G M E N T

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Brenda Thuruvan Willis and her spouse _____ _____, if any**, to me well known as the person/s who executed the foregoing document, and who stated and acknowledged that he/she/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2026.

MY COMMISSION EXPIRES

_____
Notary Public

A C K N O W L E D G M E N T

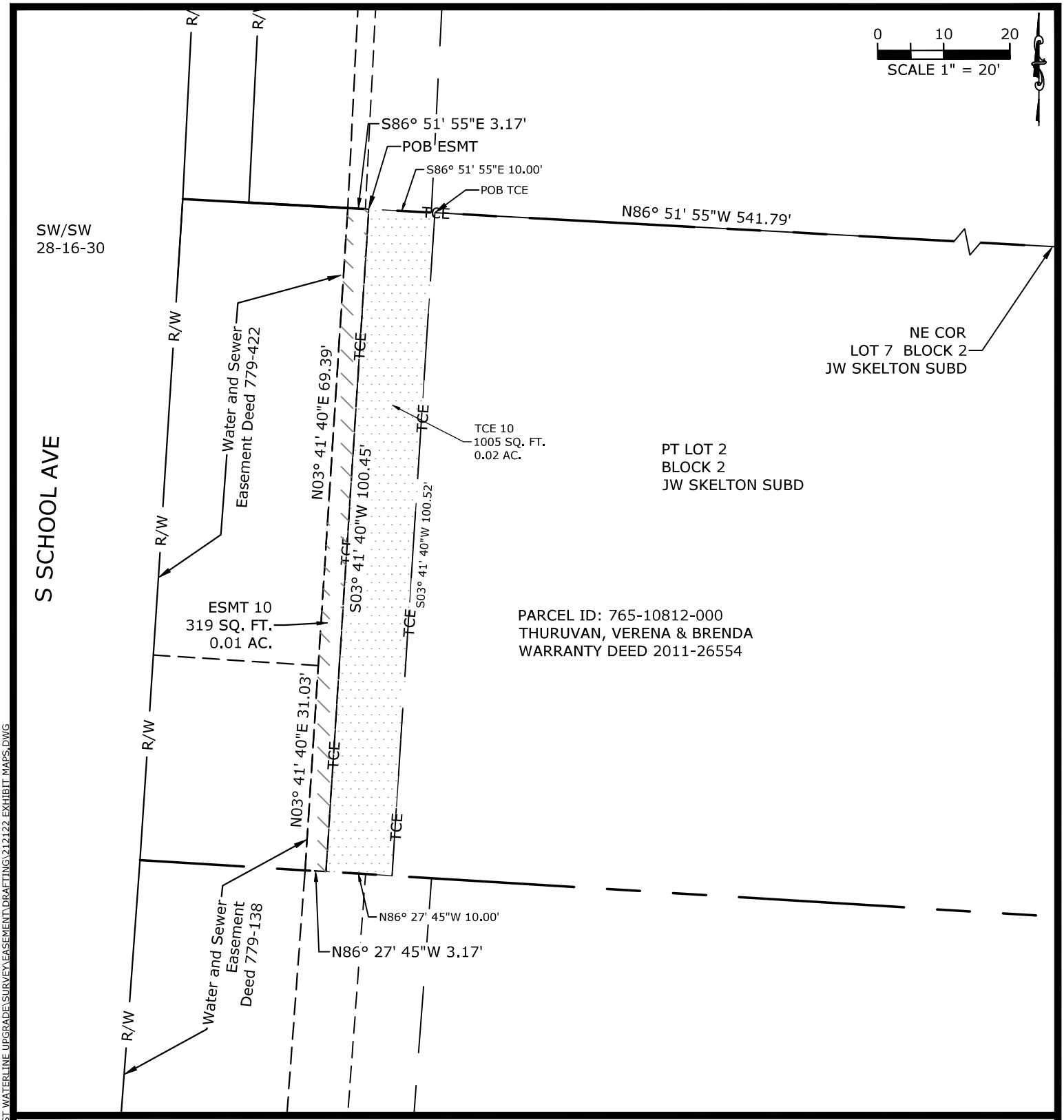
STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Verena Thuruvan Willis and her spouse _____ _____, if any**, to me well known as the person/s who executed the foregoing document, and who stated and acknowledged that he/she/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2026.

MY COMMISSION EXPIRES:

_____
Notary Public



LEGEND

765-10812-000 — TAX PARCEL NUMBER

2011-26554 — DEED RECORD

EXISTING PROPERTY LINE

PROPOSED RIGHT-OF-WAY

PROPOSED UTILITY EASEMENT

PROPOSED TEMP. CONST. EASEMENT

BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH ZONE. (NOT A PLAT OF SURVEY)

PROJ. MANAGER:	DRAWN BY:
ZL	MJ
DATE:	REVISION:
06/06/24	01
SCALE:	PROJ. NUMBER:
AS NOTED	212122

EX-1

EXHIBIT "A"
MAP

SOUTH SCHOOL WATERLINE
FAYETTEVILLE, AR
TRACT 10
THURUVAN, VERENA & BRENDA

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE
1580 E. STEARNS ST.
FAYETTEVILLE, AR 72703
(479) 443-2377
HTTP://WWW.MCE.US.COM

©2024

W:\2021\21-2122 - FAYETTEVILLE S SCHOOL ST WATERLINE UPGRADE\SURVEY\EASEMENT\DRAFTING\212122 EXHIBIT MAPS.DWG

Form **W-9**
(Rev. March 2024)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give form to the requester. Do not send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See ***Specific Instructions*** on page 3.

1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)

2 Business name/disregarded entity name, if different from above.

3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor ☐ C corporation ☐ S corporation ☐ Partnership ☐ Trust/estate

☐ LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) . . . . .

Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner.

☐ Other (see instructions)

3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions . . . . . ☐

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any)

Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any)

(Applies to accounts maintained outside the United States.)

5 Address (number, street, and apt. or suite no.). See instructions.

6 City, state, and ZIP code

Requester's name and address (optional)

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			–			–				

or

Employer identification number

		–							

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	**Signature of U.S. person**	**Date**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9*.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

CITY OF
FAYETTEVILLE
ARKANSAS

June 3, 2026

Brenda Thuruvan-Willis and Verena Thuruvan-Willis
1318 E Stubblefield Road
Fayetteville, AR 72703

RE: South School Waterline Extension Project
Parcel No. 765-10812-000, 765-10813-000 &
765-10814-000 – 3130 S SCHOOL AVE
Notification Letter

Dear Ms. Brenda Thuruvan-Willis and Ms. Verena Thuruvan-Willis,

As a follow-up to our previous correspondence regarding the City of Fayetteville's water line improvement project along South School Avenue, the City has obtained an updated appraisal and wishes to present a revised offer for the required easements on your property. We have not yet heard from you.

The City of Fayetteville has offered $3,400.00 for 1,253 square feet of permanent water/sewer easement and $4,000.00 for the rental of 2,031 square feet of temporary construction and grading easement for a total offer of **$7,400.00** based on an updated appraisal by Holland Commercial Appraisals and Valuation Services.

The City would like to advertise the project as soon as possible for construction to begin late summer. All easements not received will go to Water/Sewer Committee for approval for condemnation on June 9th, 2026. Once the Water/Sewer Committee has granted their approval, it will be forwarded to City Council and they will meet on July 7, 2026, starting at 5:30 p.m. in Room 326 at 113 W Mountain Street.

The City's preference is to resolve the matter amicably. You may contact us at any time to discuss any questions or concerns you may have, or simply return all the documents you received in April and we will request payment.

A City Land Agent will be glad to meet with you at your convenience and discuss all phases of this project and the associated easements and acquisitions. Please contact Holly Jones at (479) 444-3414 (hjones@fayetteville-ar.gov) or Brandi Samuels at (479) 444-3421 (bsamuels@fayetteville-ar.gov). If technical questions arise, the City Land Agents will involve project engineers or city utility staff, as needed.

Sincerely,

Tim Nyander, Utilities Director

TN/hj

Document Drop off: City of Fayetteville, Engineering Division of the Public Works Department, 125 W Mountain Street, 479-575-8206

CITY OF
FAYETTEVILLE
ARKANSAS

April 29, 2026

Mr. Hom Poudel
Gorkha Arcade, LLC
3118 S School Avenue
Fayetteville, AR 72701

RE: South School Waterline Extension Project
Parcel No. 765-10810-000 – 3118 S SCHOOL AVE
Updated Offer Letter

Dear Mr. Poudel,

As a follow-up to our previous correspondence regarding the City of Fayetteville's water line improvement project along South School Avenue, the City has obtained an updated appraisal and wishes to present a revised offer for the required easements on your property.

The City of Fayetteville hereby offers $1,300.00 for 405 square feet of permanent water/sewer easement and $4,500.00 for the rental of 1,505 square feet of temporary construction and grading easement for a total offer of **$5,800.00** based on an updated appraisal by Holland Commercial Appraisals and Valuation Services (summary attached).

Should you choose to accept this offer, the enclosed Water/Sewer Easement, which includes a Temporary Construction and Grading Easement, must be executed by all individuals or entities holding a current ownership interest in the property. The completed easement must be notarized and returned to the City of Fayetteville. If needed, a City Land Agent is available to witness and notarize the execution of the easement upon request. Please contact our office to arrange this service. Upon receipt of the fully executed and notarized easement, a request for payment will be initiated. Payment is typically processed within approximately three weeks from the date all required documents are received. To facilitate payment, please provide either a Social Security Number or a Tax Identification Number (for corporations). A W-9 form has been included for your convenience.

Please be advised that the City must receive your response no later than June 1, 2026. If we have not heard from you by that date, this matter will be referred to the Water/Sewer Committee with a recommendation to proceed to condemnation. The City's preference is to resolve this matter amicably and in a timely manner, and we strongly encourage you to contact us before that deadline to discuss any questions or concerns you may have.

A City Land Agent will be glad to meet with you at your convenience and discuss all phases of this project and the associated easements and acquisitions. Please contact Holly Jones at (479) 444-3414 (hjones@fayetteville-ar.gov) or Brandi Samuels at (479) 444-3421 (bsamuels@fayetteville-ar.gov). If technical questions arise, the City Land Agents will involve project engineers or city utility staff, as needed.

Sincerely,

Tim Nyander, Utilities Director

TN/hj

Enclosures

Document Drop off: **City of Fayetteville, Engineering Division of the Public Works Department, 125 W Mountain Street, 479-575-8206**

EXECUTIVE SUMMARY

Before the acquisition, the subject property consists of a 1,488 SqFt retail shop on 0.69 acres of commercial land. The city is relocating water and sewer easements along this corridor.

See mapping for specific locations. They have minimal impact on the subject improvements. Any existing site improvements (parking, paving, driveways, sidewalks, lawn) will be repaired by the grantee.

3/17/2026	Effective Date
PHYSICAL CHARACTERISTICS	
Gorkha Arcade LLC	Property Owner
765-10810-000	Parcel #
Fayetteville	City
AR	State
C-2; Thoroughfare Commercial	Zoning
1,488	SqFt - Gross Building Area
	Before the Acquisition
30,056	SqFt - Land
	Acquisition Area
	Permanent Easement
405	SqFt - Land
	Temporary Easements
1,505	SqFt - Land
	After the Acquisition
29,651	SqFt - Land (Remainder)
405	SqFt - Land (Residual)
CONCLUSIONS	
$ 392,423	Value Before the Acquisition
$ 386,601	Value After the Acquisition
$ 5,800	**Total Value Impact of the Acquisition**

After the acquisition, the property rights in the permanent easement acquisition area will be split between the owner and the city. The continued use of the building does not appear to be affected by the permanent easement, and the client assures us that owners and customers will continue to have access and use of the parking and building during construction.

The WSE restricts permanent structures above the easement area.

APPRAISERS:

Zach J Holland, AR CG 2911

This Instrument Prepared By:
Land Agent's Office of the
City of Fayetteville, Arkansas
113 W Mountain St
Fayetteville, AR 72701

South School Water Main
Parcel No. 765-10810-000
Tract 12

WATER/SEWER EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT **Gorkha Arcade LLC, an Arkansas limited liability company**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to construct, lay, remove, relay, inspect, enlarge and/or operate a 12-inch water and/or sanitary sewer pipe line or lines, manholes, grantee owned fiber optic equipment and appurtenances thereto, grantee on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Warranty Deed: 2024-4395)

Tract 2:
Part of Lot Numbered One (1) in Block Numbered Two (2) of Skelton's Subdivision of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) and the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 28, Township 16 North, Range 30 West, as shown by the plat of subdivision on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, being more particularly described as follows: Beginning at a point 85 feet West of the Northeast corner of said lot and running thence West 205 feet; thence South 150 feet; thence East 205 feet; thence North 150 feet to the point of beginning. Less and Except that portion sold to the Arkansas State Highway Commission, recorded in Book 772 at Page 55 of the records of Washington County, Arkansas and being more particularly described as follows: part of Lot 1, Block 2 in J.W. Skelton's Subdivision to the City of Fayetteville, Washington County, Arkansas more particularly described as follows: starting at the Southeast corner of Lot 1, Block 2, in J.W. Skelton's Subdivision to the City of Fayetteville as surveyed by the Arkansas State Highway Commission; thence South 89°44' West along the south line of said Lot 1, a distance of 285.6 feet to a point on the proposed easterly right-of-way line of U.S. Highway 71 for the point of beginning; thence continue South 89°44' West a distance of 10.00 feet to a point on the existing easterly right-of-way line of said highway; thence North 00°08' East along said existing right-of-way line a distance of 148.8 feet to a point; thence North 89°15' East a distance of 10.00 feet to a point on the proposed easterly right-of-way of said highway; thence South 00°08' West along the said proposed right-of-way line a distance of 148.9 feet to the point of beginning and containing 1,489 square feet, more or less.

PERMANENT EASEMENT DESCRIPTION:

Part of Lot 1 in Block 2 of JW Skelton's Subdivision, Washington County, Arkansas, as shown in Plat Book 4, Page 134, and being more particularly described as follows: Commencing at the SE Corner of Lot 8 in said Block 2; thence along the south line of lots 8 and 1 in said Block 2, N 86°51'55" W 552.31 feet to the Point of Beginning (POB ESMT); thence continuing along said south line, N 86°51'55" W 2.66 feet; thence leaving said south line, N 02°52'36" E 150.47 feet to the southerly Right-of-Way (ROW) of Skelton St; thence along said ROW, S 86°56'55" E 2.66 feet; thence leaving said ROW S 02°48'44" W 64.99 feet; thence S 02°55'31" W 85.48 feet to the POB ESMT, containing 405 sq. ft., or 0.01 acres.

TEMPORARY CONSTRUCTION AND GRADING EASEMENT DESCRIPTION:

Part of Lot 1 in Block 2 of JW Skelton's Subdivision, Washington County, Arkansas, as shown in Plat Book 4, Page 134, and being more particularly described as follows: Commencing at the SE Corner of lot 8, block 2 of JW Skelton's Subdivision; thence along the south line of lots 8 and 1 of said block, N 86°51'55" W 542.31 feet to the Point of Beginning (POB TCE); thence continuing along said south line, N 86°51'55" W 10.00 feet; thence leaving said south line, N 02°55'31" E 85.48 feet; thence N 02°48'44" E 64.99 feet to the southerly Right-of-Way (ROW) of Skelton St; thence along said ROW, S 86°56'55" E 10.00 feet; thence leaving said ROW, S 02°48'43" W 64.96 feet; thence S 02°55'31" W 85.53 feet to the POB TCE, containing 1,505 sq. ft., or 0.03 acres.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

This temporary construction and grading easement as conditioned above, shall terminate when the hereinabove referenced project has been completed by the contractor and accepted by the City of Fayetteville, Arkansas.

It is expressly understood that the above temporary construction and grading easement shall exclude any permanent structure presently located within said temporary construction and grading easement area.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipelines upon the above-described easement at any time in the future and agrees to pay any damages because of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document on behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this _____ day of _____, 2026.

GORKHA ARCADE LLC,
an Arkansas limited liability company

BY: _____
Hom Poudel, Member

_____

ACKNOWLEDGMENT

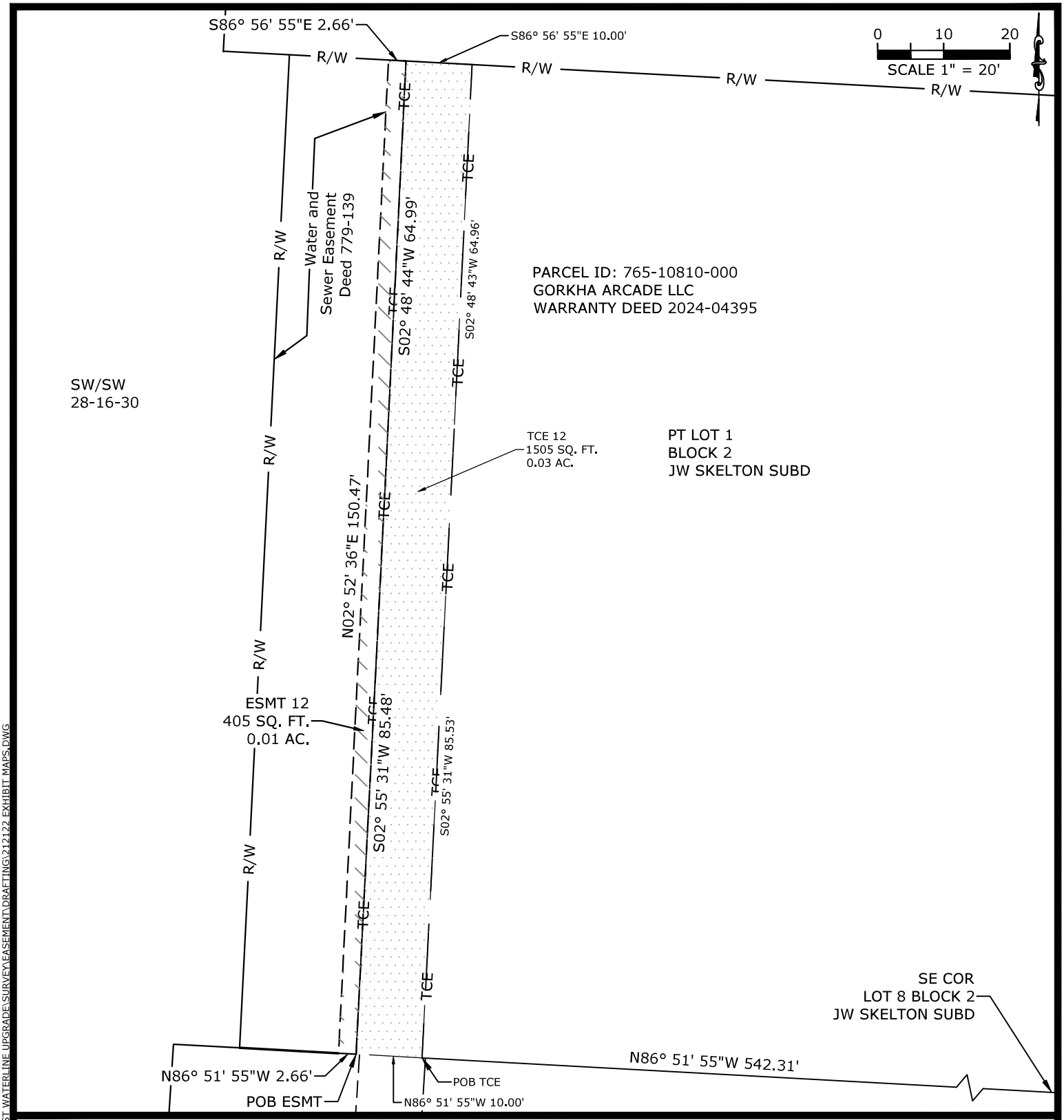
STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Hom Poudel**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that he is the Member of **Gorkha Arcade LLC, an Arkansas limited liability company**, and is duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2026.

MY COMMISSION EXPIRES:

_____
Notary Public



LEGEND

765-10810-000 — TAX PARCEL NUMBER

2024-04395 — DEED RECORD

EXISTING PROPERTY LINE

PROPOSED RIGHT-OF-WAY

PROPOSED UTILITY EASEMENT

PROPOSED TEMP. CONST. EASEMENT

BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH ZONE. (NOT A PLAT OF SURVEY)

PROJ. MANAGER:	DRAWN BY:
ZL	MJ
DATE:	REVISION:
06/06/24	01
SCALE:	PROJ. NUMBER:
AS NOTED	212122

EX-1

EXHIBIT "A"
MAP

SOUTH SCHOOL WATERLINE
FAYETTEVILLE, AR
TRACT 12
GORKHA ARCADE LLC

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE
1580 E. STEARNS ST.
FAYETTEVILLE, AR 72703
(479) 443-2377
HTTP://WWW.MCE.US.COM

©2024

W:\2021\21-2122 - FAYETTEVILLE S SCHOOL ST WATERLINE UPGRADE\SURVEY\EASEMENT\DRAFTING\212122 EXHIBIT MAPS.DWG

Form **W-9**
(Rev. March 2024)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give form to the requester. Do not send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See ***Specific Instructions*** on page 3.

1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)

2 Business name/disregarded entity name, if different from above.

3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor ☐ C corporation ☐ S corporation ☐ Partnership ☐ Trust/estate

☐ LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) . . . . .

Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner.

☐ Other (see instructions)

3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions . . . . . ☐

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any)

Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any)

(Applies to accounts maintained outside the United States.)

5 Address (number, street, and apt. or suite no.). See instructions.

6 City, state, and ZIP code

Requester's name and address (optional)

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

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Social security number

			–			–				

or

Employer identification number

		–							

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	**Signature of U.S. person**	**Date**

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Purpose of Form

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CITY OF
FAYETTEVILLE
ARKANSAS

June 3, 2026

Mr. Hom Poudel
Gorkha Arcade, LLC
3118 S School Avenue
Fayetteville, AR 72701

RE: South School Waterline Extension Project
Parcel No. 765-10810-000 – 3118 S SCHOOL AVE
Notification Letter

Dear Mr. Poudel,

As a follow-up to our previous correspondence regarding the City of Fayetteville's water line improvement project along South School Avenue, the City has obtained an updated appraisal and wishes to present a revised offer for the required easements on your property. We have not yet heard from you.

The City of Fayetteville has offered $1,300.00 for 405 square feet of permanent water/sewer easement and $4,500.00 for the rental of 1,505 square feet of temporary construction and grading easement for a total offer of **$5,800.00** based on an updated appraisal by Holland Commercial Appraisals and Valuation Services.

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The City's preference is to resolve the matter amicably. You may contact us at any time to discuss any questions or concerns you may have, or simply return all the documents you received in April and we will request payment.

A City Land Agent will be glad to meet with you at your convenience and discuss all phases of this project and the associated easements and acquisitions. Please contact Holly Jones at (479) 444-3414 (hjones@fayetteville-ar.gov) or Brandi Samuels at (479) 444-3421 (bsamuels@fayetteville-ar.gov). If technical questions arise, the City Land Agents will involve project engineers or city utility staff, as needed.

Sincerely,

Tim Nyander, Utilities Director

TN/hj

Document Drop off: City of Fayetteville, Engineering Division of the Public Works Department, 125 W Mountain Street, 479-575-8206

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-1944

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Planning Director

SUBJECT: **RZN-2026-0015: Rezoning (NORTHWEST OF N DEANE SOLOMON ROAD AND W VANIKE DR/DRP HOLDINGS LLC, 246 & 247): Submitted by CRAFTON TULL for property located NORTHWEST OF N DEANE SOLOMON ROAD AND W VANIKE DR. in WARD 4. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRES AND CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 36.2 acres. The request is to rezone the property to RMF-12, RESIDENTIAL-MULTI FAMILY, 12 UNITS PER ACRE and RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is in northwest Fayetteville, northwest of the intersection of N. Deane Solomon Road and W. Vanike Drive. There are two properties in question with this request: one parcel, 765-23602-000, is currently zoned CPZD as part of the Wilson Springs development which was established in 2003; and the other, 765-16658-101, is currently zoned RSF-4, Residential Single-Family, 4 Units per Acre.

Request: The request is to rezone a 9.6-acre portion of the overall property from a Commercial Planned Zoning District to RMF-12, Residential Multi-Family, 12 Units per Acre, and to rezone a 26.6-acre portion of the site from RSF-4, Residential Single-Family, Four (4) Units per Acre to RSF-8, Residential Single-Family, Eight (8) Units per Acre.

Public Comment: Staff received public comment in favor and opposition to the request. The comments have centered around a concern for added density in the area, existing traffic problems, especially with regards to existing conditions on N. Deane Solomon, existing and future drainage issues, safety, added construction traffic, concerns about how this density will interact with other recently-approved development in the area, and disruption to existing neighborhood peace.

Land Use Compatibility: Staff finds the request to be compatible. The subject property is immediately adjacent to subdivisions of single-family dwellings on the west and south sides, and across N. Deane Solomon to the east is another single-family subdivision. The Clabber Creek trail currently bisects the property and acts as a natural boundary between the two requested zoning district classifications. The westernmost parcel, 765-16658-101, is currently zoned RSF-4, which allows for single-family residential development at a density of up

to four (4) units per acre, with minimum lot sizes of 70 feet, and lot areas of 8,000 sq. ft. The applicant's requested zoning district, RSF-8, a single-family district, allows for an incremental increase in density to eight (8) units per acre, 50-foot lot widths, and 5,000 sq. ft. lot areas. The visual difference between the zoning districts is minimal, as evidenced by property directly west of the subject property, where a portion of the existing subdivisions are zoned RSF-4 and RSF-8. A proposed residential link street connects W. Ika Lane to N. Deane Solomon, which upon its completion, will help promote future connectivity between subdivisions in this area.

The area requested for RMF-12 is currently zoned under a commercial planned zoning district that came to fruition in 2003. The parcel in question, Lot 4 of the Springwoods plat, is currently entitled for multi-family development under Use Unit 26, at a density of 4 units per acre. Under RMF-12, the area in question could allow for a range of housing types, from single-, two-, three- and four-family dwellings, up to multi-family apartment buildings. Building height under RMF-12 is limited to a maximum of three stories, which is similar to the RSF-4 and RSF-8 districts in the area. Given the surrounding conditions, the natural barrier with the Clabber Creek Trail and N. Deane Solomon Road, staff finds the request to rezone to RMF-12 can add density in a harmonious and compatible way with the existing surrounding context.

The current zoning districts and the proposed zoning pattern loosely mimics the stylized theory of the Transect, an urban design principle outlined in City Plan, which identifies successional zones ranging from nature to urban core. The higher intensity zoning district is aligned with the higher classification street.

Land Use Plan Analysis: Staff finds the proposed zoning to be consistent with adopted land use plans. While the property has a low infill score, staff finds that this request is still in line with other City goals, such as Goal 3 which makes connected development the standard, and Goal 6, which increases housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. This request is located along the Clabber Creek trail, and will bring additional residential uses to an area that could benefit from an increase in housing choice.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **2-5** for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #8, 2266 W Deane Street.)
- Near Sewer Main (W. Ika Lane, W. Vanike Drive., N. Deane Solomon Road)
- Near Water Main (W. Ika Lane, W. Vanike Drive., N. Deane Solomon Road)
- Near City Park (Underwood Park and Wilson Springs Preserve)
- Near Paved Trail (Clabber Creek Trail)

DISCUSSION:

At the May 26, 2026 Planning Commission meeting, a vote of 7-0-1 forwarded the request to City Council with a recommendation of approval; Commissioner Cabe recused. All members of the Commission present voted in favor the request, finding it to be compatible with surroundings and with future land use goals. 25 members of the public spoke at the meeting, with 22 in opposition and three in favor of the request. Those opposed had concerns primarily about traffic increases and safety concerns, lack of consistency with surrounding homes and lot sizes, tree preservation and loss of habitat on the affected properties, and existing or future drainage issues. Those in favor voiced that the request was compatible with the surroundings, stating that generally a variety of housing types would support broader goals about serving the housing needs within the City of Fayetteville.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Planning Commission Staff Report, 7. Additional Information - Bill of Assurance

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-1944

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2026-15 FOR APPROXIMATELY 36.2 ACRES NORTHWEST OF NORTH DEANE SOLOMON ROAD AND WEST VANIKE DRIVE IN WARD 4 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR (4) UNITS PER ACRE AND CPZD, COMMERCIAL PLANNED ZONING DISTRICT, TO RMF-12, RESIDENTIAL-MULTI FAMILY, 12 UNITS PER ACRE AND RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT (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 property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential Single-Family, Four (4) Units per Acre and CPZD, Commercial Planned Zoning District, to RMF-12, Residential-Multi Family, 12 Units per Acre and RSF-8, Residential Single-Family, Eight (8) Units per Acre.

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.

City of Fayetteville Staff Review Form

2026-1944

Item ID

6/6/2026

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

Jonathan Curth	5/26/2026	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN-2026-0015: Rezoning (NORTHWEST OF N DEANE SOLOMON ROAD AND W VANIKE DR/DRP HOLDINGS LLC, 246 & 247): Submitted by CRAFTON TULL for property located NORTHWEST OF N DEANE SOLOMON ROAD AND W VANIKE DR. in WARD 4. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRES AND CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 36.2 acres. The request is to rezone the property to RMF-12, RESIDENTIAL-MULTI FAMILY, 12 UNITS PER ACRE and RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

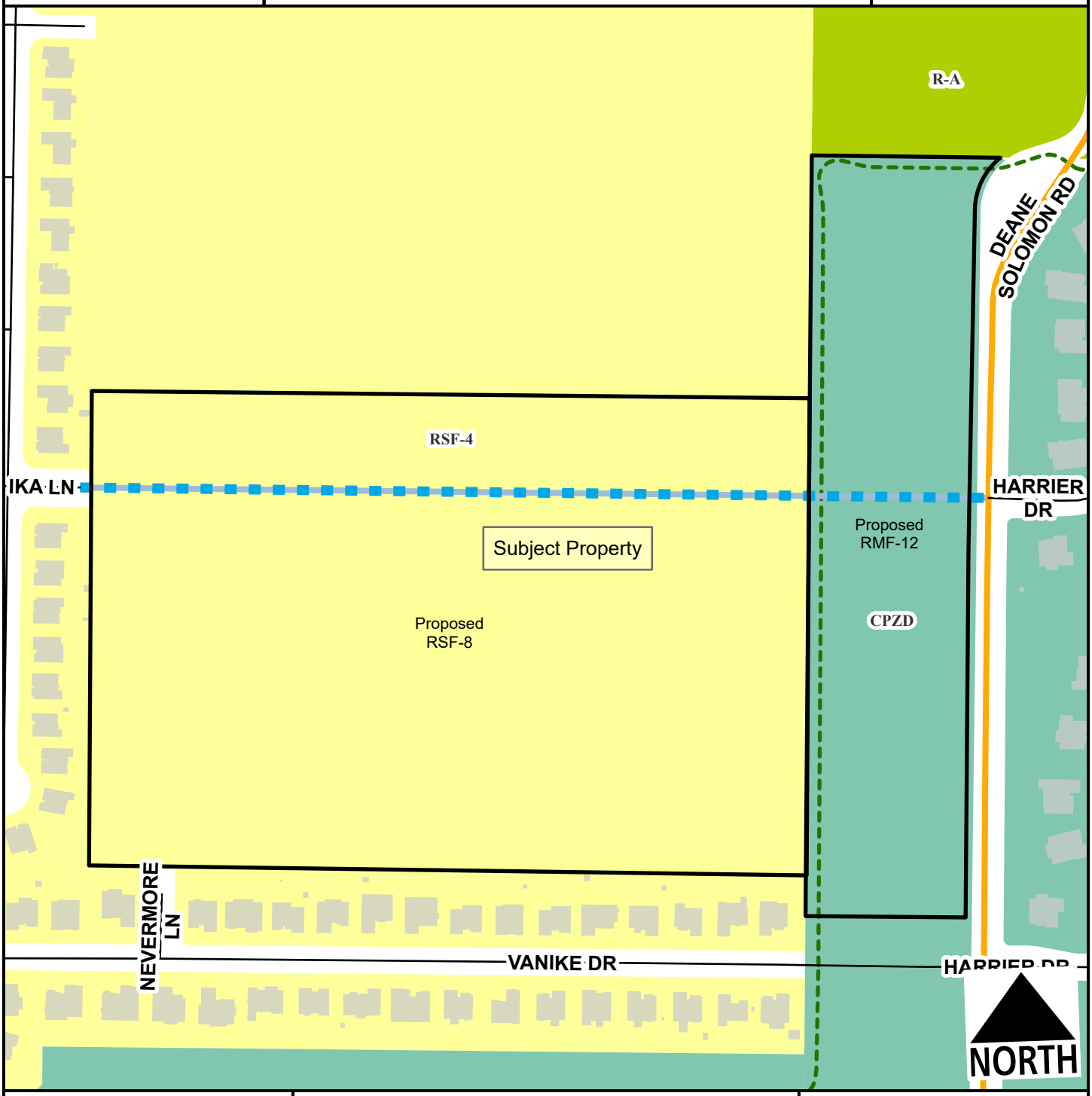
Comments:

RZN-2026-0015

Close Up View

NORTH OF W VANIKE DR

EXHIBIT A



- Neighborhood Link
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits

Feet

0 100 200 400 600 800

1:3,200

Zone	Current	Proposed
CPZD	9.6	0.0
RMF-12	0.0	9.6
RSF-4	26.6	0.0
RSF-8	0.0	26.7

Total 36.3 ac

EXHIBIT B

REZONE DESCRIPTION – PARCEL #765-23602-000

All of Lot 4 as shown on the Final Plat of C-PZD03-08 Springwoods in Plat Record 23A-102, located in a part of the NW 1/4 of the NW 1/4 and in a part of the SW 1/4 of the NW 1/4 of Section 33, Township 17 North, Range 30 West in Fayetteville, Washington County, Arkansas, more precisely described as follows: starting at the Northwest corner of the NW 1/4 of the NW 1/4 of Section 33 for the true point of beginning; thence South 87 degrees 18 minutes 53 seconds East 347.78 feet; thence along the right-of-way of Deane Soloman Road the following courses: along a non tangent curve to the left, with a radius of 125.00 feet, an arc length of 109.76 feet, and a chord of South 28 degrees 14 minutes 20 seconds West 106.27 feet; thence South 03 degrees 04 minutes 58 seconds West 588.95 feet; thence along a curve to the left having a radius of 6885.46 feet, an arc length of 75.38 feet, and a chord of South 02 degrees 46 minutes 08 seconds West 75.38 feet; thence South 02 degrees 27 minutes 19 seconds West 641.06 feet; thence leaving said right-of-way North 87 degrees 32 minutes 04 seconds West 295.14 feet; thence North 02 degrees 28 minutes 26 seconds East 1402.39 feet to the true point of beginning, containing 9.587 acres, more or less, and being subject to the right-of-way of Deane Solomon Road and any easements or rights-of-way of record or fact.

REZONE DESCRIPTION – TRACT 2 OF PARCEL 765-16658-100 (SPLIT BY 2026SP-184)

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4) OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND COTTON PICKER SPINDLE IN THE SOUTHEAST FACE OF A 10-INCH WOOD FENCE CORNER POST FOR THE NORTHEAST CORNER OF SAID SECTION 32; THENCE ALONG THE EAST LINE OF SAID SECTION 32, SOUTH 02°30'12" WEST A DISTANCE OF 447.57 FEET TO A SET 5/8" REBAR WITH CAP "1944" FOR THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 02°30'12" WEST A DISTANCE OF 875.00 FEET TO A FOUND 5/8" REBAR WITH CAP FOR THE SOUTHEAST CORNER OF SAID NE/4 NE/4; THENCE ALONG THE SOUTH LINE OF SAID NE/4 NE/4, NORTH 87°25'13" WEST A DISTANCE OF 1323.39 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "1944" FOR THE SOUTHWEST CORNER OF SAID NE/4 NE/4; THENCE ALONG THE WEST LINE OF SAID NE/4 NE/4, NORTH 02°27'24" EAST A DISTANCE OF 875.00 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "1944"; THENCE SOUTH 87°25'13" EAST A DISTANCE OF 1324.10 FEET TO THE POINT OF BEGINNING, CONTAINING 26.59 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS OR RIGHTS-OF-WAY OF RECORD OR FACT.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: May 26, 2026 Updated with final results

SUBJECT: **RZN-2026-0015: Rezoning (NORTHWEST OF N DEANE SOLOMON ROAD AND W VANIKE DR/DRP HOLDINGS LLC, 246 & 247):** Submitted by CRAFTON TULL for property located NORTHWEST OF N DEANE SOLOMON ROAD AND W VANIKE DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRES AND CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 36.2 acres. The request is to rezone the property to RMF-12, RESIDENTIAL-MULTI FAMILY, 12 UNITS PER ACRE and RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE.

RECOMMENDATION:
Staff recommends forwarding **RZN-2026-0015** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2026-0015** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in northwest Fayetteville, northwest of the intersection of N. Deane Solomon Road and W. Vanike Drive. There are two properties in question with this request: one parcel, 765-23602-000, is currently zoned CPZD as part of the Wilson Springs development which was established in 2003; and the other, 765-16658-101, is currently zoned RSF-4, Residential Single-Family, 4 Units per Acre. The overall property was previously owned by the Fayetteville Public School district and transferred to a private developer in spring 2026 following the approval of a lot split (LSP-2026-0013); the school district is not the representative on this request to rezone. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	RSF-4, Residential Single-Family, Four Units per Acre; R-A, Residential Agricultural
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	CPZD, Commercial Planned Zoning District
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre

Request: The request is to rezone a 9.6-acre portion of the overall property from a Commercial Planned Zoning District to RMF-12, Residential Multi-Family, 12 Units per Acre, and to rezone a 26.6-acre portion of the site from RSF-4, Residential Single-Family, 4 Units per Acre to RSF-8, Residential Single-Family, 8 Units per Acre.

Public Comment: To date, staff has received public comment in opposition to the request. The comments have centered around a concern for added density in the area, existing traffic problems, especially with regards to existing conditions on N. Deane Solomon, existing and future drainage issues, safety, added construction traffic, concerns about how this density will interact with other recently-approved development in the area, and disruption to existing neighborhood peace.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has street frontage along North Deane Solomon Road, which is a partially-improved Neighborhood Link Street with asphalt paving and open ditches. The subject area also has a street frontage along West Ika Lane and along North Nevermore Lane, with are both fully improved Residential Link Streets with asphalt paving, sidewalk and curb and gutter. Any street improvements required in these areas would be determined at the time of the development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject area. An existing 12-inch water main is present along the east side of North Deane Solomon Road. An existing 8-inch water main is present along the east side of North Nevermore Lane, and an existing 12-inch water main is present at the end of West Ika Lane.

Sewer: Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present at the end of West Ika Lane. Two existing 8-inch sewer mains are present along the south side of the subject property. There are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear directly in front of the property in the system.

Drainage: No portion of the property has a protected stream, lies within the Hillside-Hilltop overlay district, or is impacted by a FEMA floodplain.

There are hydric soils present on site. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 8, located at 2266 W Deane St., protects this site. The property is located approximately 1.7 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated

based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning districts RSF-8, Residential Single-Family, 8 Units per Acre and RMF-12, Residential Multi-Family, 12 Units per Acre require **20% minimum canopy preservation.** The current zoning districts RSF-4, Residential Single-Family, 4 Units per Acre and CPZD require **25% minimum canopy preservation.**

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Civic Institutional and Residential Neighborhood.**

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

Civic Institutional Areas are dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, government, education or transit and municipal parking.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **2-5** for this site with a weighted score of **4.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #8, 2266 W Deane Street.)
- Near Sewer Main (W. Ika Lane, W. Vanike Drive., N. Deane Solomon Road)
- Near Water Main (W. Ika Lane, W. Vanike Drive., N. Deane Solomon Road)
- Near City Park (Underwood Park and Wilson Springs Preserve)
- Near Paved Trail (Clabber Creek Trail)

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: ***Land Use Compatibility:*** **Staff finds the request to be compatible. The subject property is immediately adjacent to subdivisions of single-family dwellings on the west and south sides, and across N. Deane Solomon to the east is another single-family subdivision. The Clabber Creek trail currently bisects the property and acts as a natural boundary between the two requested zoning district classifications. The westernmost parcel, 765-16658-101, is currently zoned RSF-4, which allows for single-family residential**

development at a density of up to 4 units per acre, with minimum lot sizes of 70 feet, and lot areas of 8,000 sq. ft. The applicant's requested zoning district, RSF-8, a single-family district, allows for an incremental increase in density to 8 units per acre, 50-foot lot widths, and 5,000 sq. ft. lot areas. The visual difference between the zoning districts is minimal, and can be seen directly west of the subject property, where a portion of the existing subdivisions are zoned between RSF-4 and RSF-8. A proposed residential link street also connects W. Ika Lane ultimately to N. Deane Solomon, which upon its completion, will help promote future connectivity between subdivisions in this area. (Exhibit 1 attached).

The area requested for RMF-12 is currently zoned under a commercial planned zoning district that came to fruition in 2003. The lot in question, Lot 4, is currently entitled to *only* Use Unit 26, multi-family apartment buildings at a density of 4 units per acre. Under RMF-12, the area in question could allow for a wider range of housing types, from single-, two-, three- and four-family dwellings, up to multi-family apartment buildings. Building height under RMF-12 is limited to a maximum of three stories. Given the surrounding conditions, the natural barrier with the Clabber Creek Trail and N. Deane Solomon Road, staff finds the request to rezone to RMF-12 can add density in a harmonious and compatible way with the existing surrounding context.

The current zoning districts and the proposed zoning pattern loosely mimics the stylized theory of the Transect, an urban design principle often spoken about by New Urbanists, which identifies six successional zones ranging from nature to urban core. The higher intensity zoning district is aligned with the higher classification street. (Exhibit 2 attached).

***Land Use Plan Analysis:* Staff finds the proposed zoning to be consistent with the property's Future Land Use Map designation, even though the map indicates most of this property to be set aside as a Civic/Institutional Area. This designation is a result of the Fayetteville School District's ownership of the property at the time the Future Land Use Map was developed. Since the school district has transferred a portion of that area, staff would argue that the Residential Neighborhood Area designation would be a likely candidate for consideration at the next opportunity for amendment. While the property has a low infill score, staff finds that this request is still in line with other City goals, such as Goal 3 which makes connected development the standard, and Goal 6, which increases housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. This request is located along the Clabber Creek trail, and will bring additional residential uses to an area that could benefit from an increase in housing choice.**

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

Finding: **Staff finds there is justification to rezone the property from RSF-4 to RSF-8 and from the existing CPZD to the standard zoning district of RMF-12. This rezoning could allow for additional, compatible, single-family homes in an**

area already established as a single-family neighborhood, and allow for the insertion of additional, slightly higher density housing types along N. Deane Solomon. The insertion of compatible housing types of appropriate scale and context is directly in line with the City's goals for creating neighborhoods that are compact and complete, and serve a variety of housing needs.

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

Finding: **Staff finds that rezoning the property could increase traffic in this area, but so also could allowable uses and density under the current zoning entitlement offered by the property. Rezoning is not likely to overburden the existing infrastructure in a measurable way that would be significantly different than the by-right allowances. Any street improvements required in this area would be determined at the time of a development proposal. Staff recognizes that N. Deane Solomon currently acts as a parallel route to HWY 112 for traffic coming into the City from the north. Though it is currently underimproved to the typical master street plan standards, N. Deane Solomon has been classified as a Neighborhood Link Street, symbolizing the City's goal for improving that road to allow for added capacity. It is highly likely that this development will be responsible for making any necessary improvements proportional to their impact along N. Deane Solomon, and/or any offset impact as necessary.**

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: **Rezoning the property from RSF-4 to RSF-8 and from the existing CPZD standards to RMF-12 will alter the population density in this area. However, given the presence of existing public infrastructure (water and sewer), nearby trails and other bike infrastructure staff finds that the proposed rezoning is not likely to increase the load on public services to an undesirable degree. There are also known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system on this property. Any requirements to upsize those services would be evaluated at the time of a future development. Further, of note, should any wetlands be present on the property, the developer would be responsible for meeting any requirements set forth by the Army Corps of Engineers, and would be determined at the time of future development. Fayetteville Public Schools did not comment on this request.**

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**

RECOMMENDATION: Planning staff recommends forwarding RZN-2026-0015 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: May 26, 2026	❒ **Tabled**	☒ **Forwarded** with a recommendation of approval	❒ **Denied**
Motion: McGetrick			
Second: Brewer			
Vote: 7-0-1 (Cabe recused)			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Unified Development Code
  - §161.07 District RSF-4, Residential Single-Family — Four (4) Units Per Acre
  - §161.09 District RSF-8, Residential Single-Family — Eight (8) Units Per Acre
  - §161.14 District RMF-12, Residential Multi-Family — Twelve (12) Units Per Acre
  - ORD 4523 Exhibit
- Long-Range Planning Memo
- Staff Exhibit
- Request Letter
- Applicant Exhibit
- Public Comment

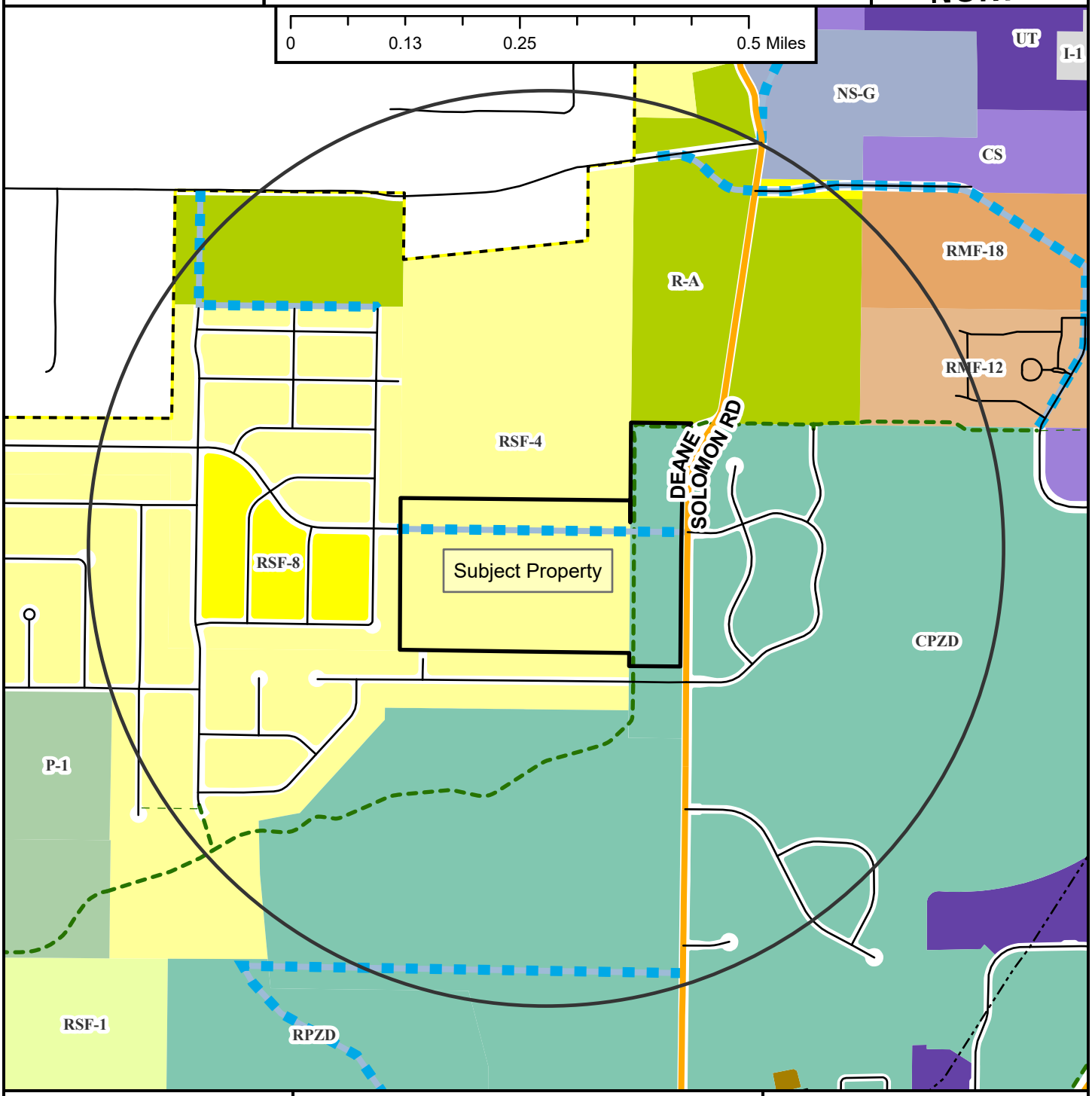
  Additional public comment added 5/26/2026

RZN-2026-0015

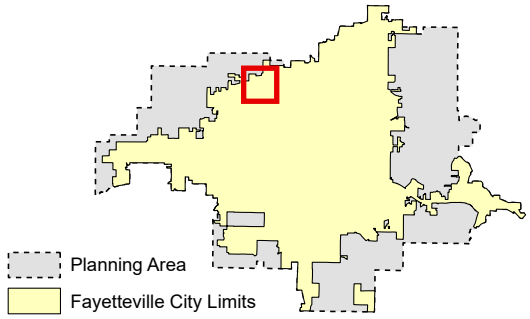
One Mile View

NORTH OF W VANIKE DR

NORTH



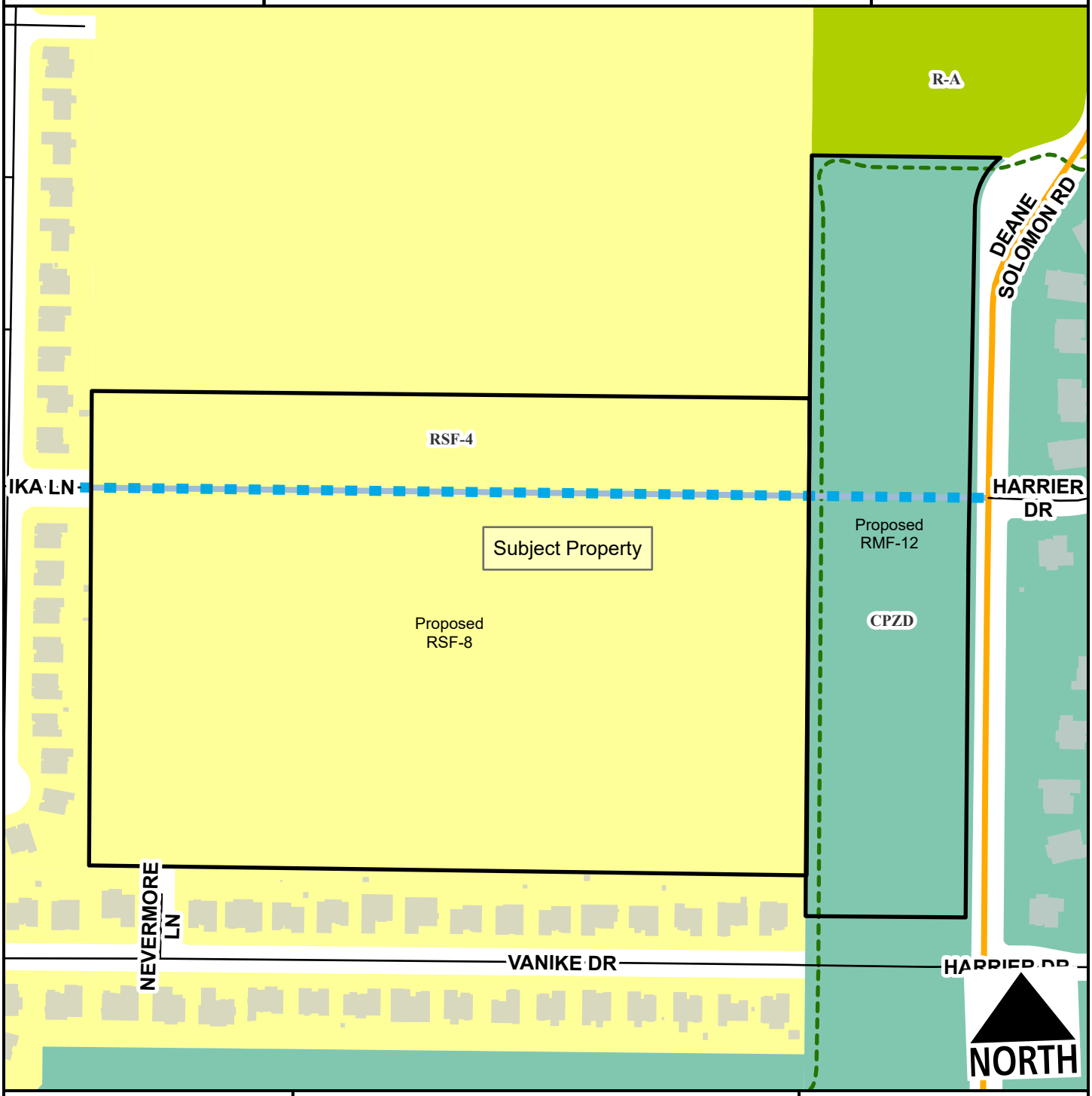
- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



RZN-2026-0015

Close Up View

NORTH OF W VANIKE DR



- Neighborhood Link
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits

Feet

0 100 200 400 600 800

1:3,200

Zone	Current	Proposed
CPZD	9.6	0.0
RMF-12	0.0	9.6
RSF-4	26.6	0.0
RSF-8	0.0	26.7
Total	**36.3 ac**	

RZN-2026-0015

Current Land Use

NORTH OF W VANIKE DR

NORTH



Neighborhood Link

Residential Link

Planned Residential Link

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

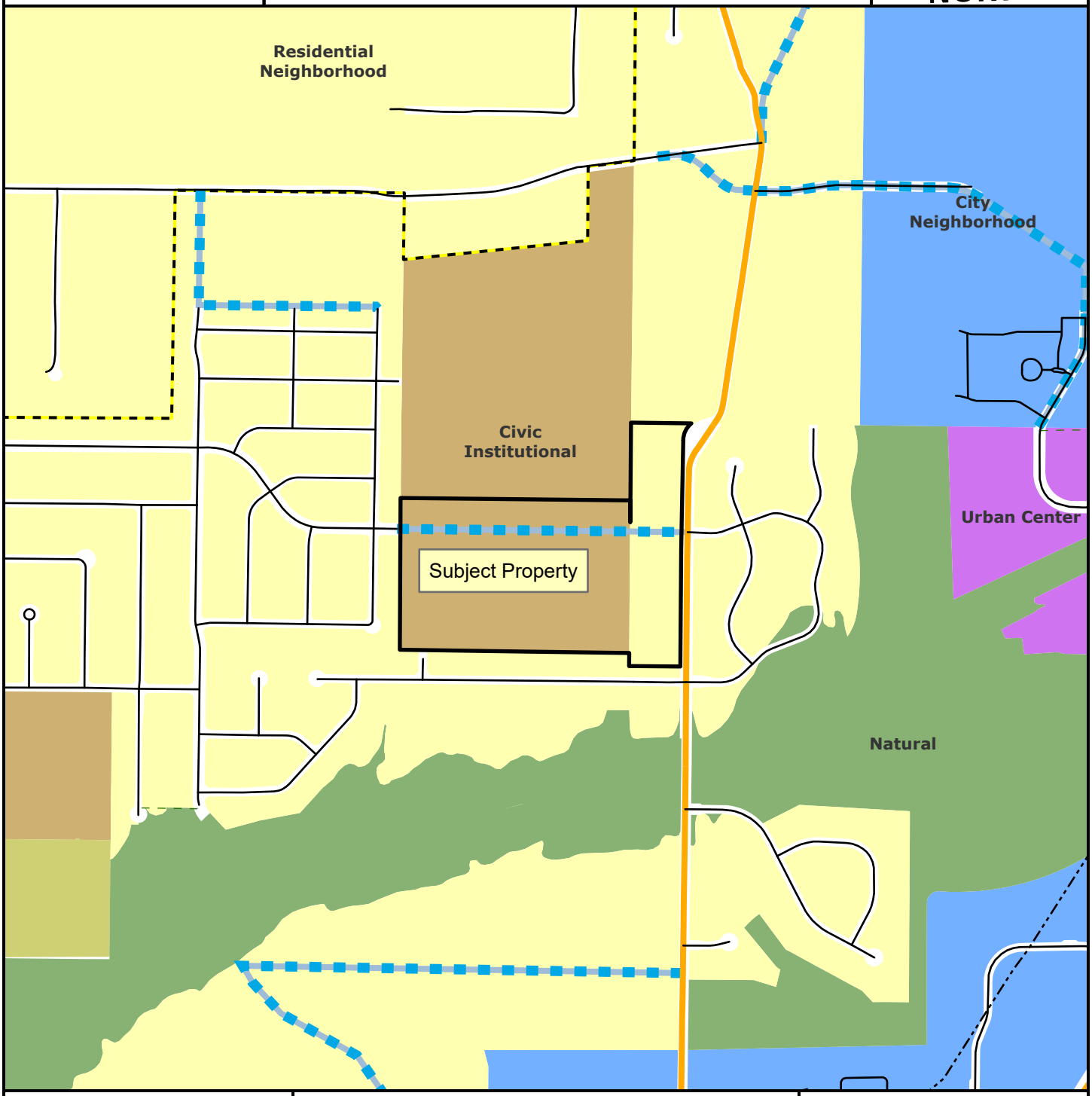
Floodway

RZN-2026-0015

Future Land Use

NORTH OF W VANIKE DR

NORTH



- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District

Feet

0 305 610 1,220 1,830 2,440

1:10,000

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

161.07 District RSF-4, Residential Single-Family — Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Ord. No. 6945, §5(Exh. D), 12-16-25)

161.09 District RSF-8, Residential Single-Family — Eight (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
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster 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 feet
Two-family	50 feet
Townhouse, no more than two (2) attached	25 feet

(2) *Lot Area Minimum.*

Single-family	5,000 square feet
Two-family	5,000 square feet

(3) *Land Area Per Dwelling Unit.*

Single-family	5,000 square feet
Two-family	5,000 square feet
Townhouse, no more than two (2) attached	2,500 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

Building Height Maximum	3 stories

(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. Accessory ground mounted solar energy systems shall not be considered buildings.

(Ord. No. 6945, §5(Exh. D), 12-16-25)

161.14 District RMF-12, Residential Multi-Family — Twelve (12) Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three- and four-family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities
Unit 48	Private dormitories

(C) *Density.*

Units per acre	12 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	45 feet
Two-family	45 feet
Three-family or more	80 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	4,500 square feet
Two-family	6,000 square feet

Three-family or more	9,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two-family	Rear Other Uses	Rear Single-family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building setback greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

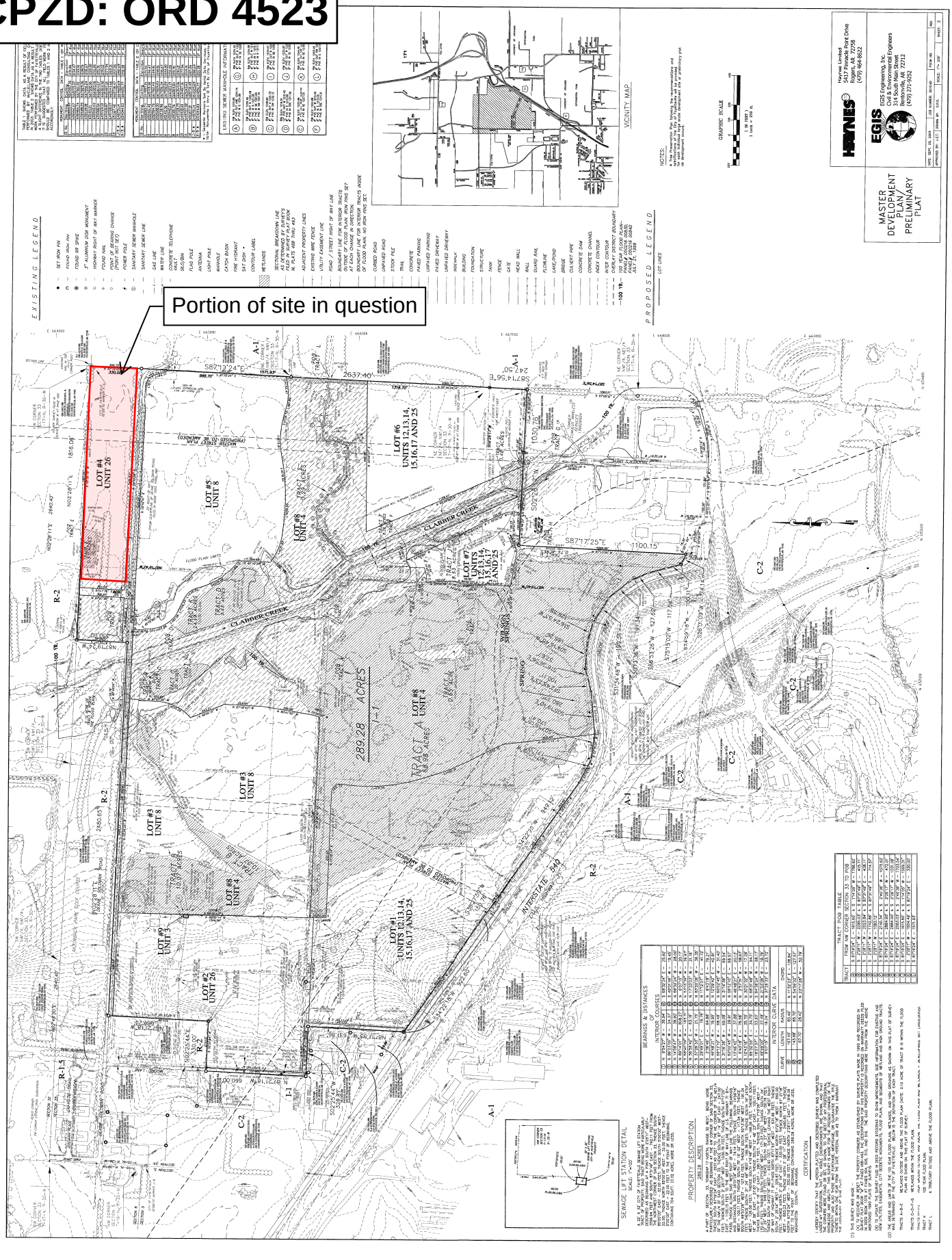
If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single-family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 6945, §5(Exh. D), 12-16-25)

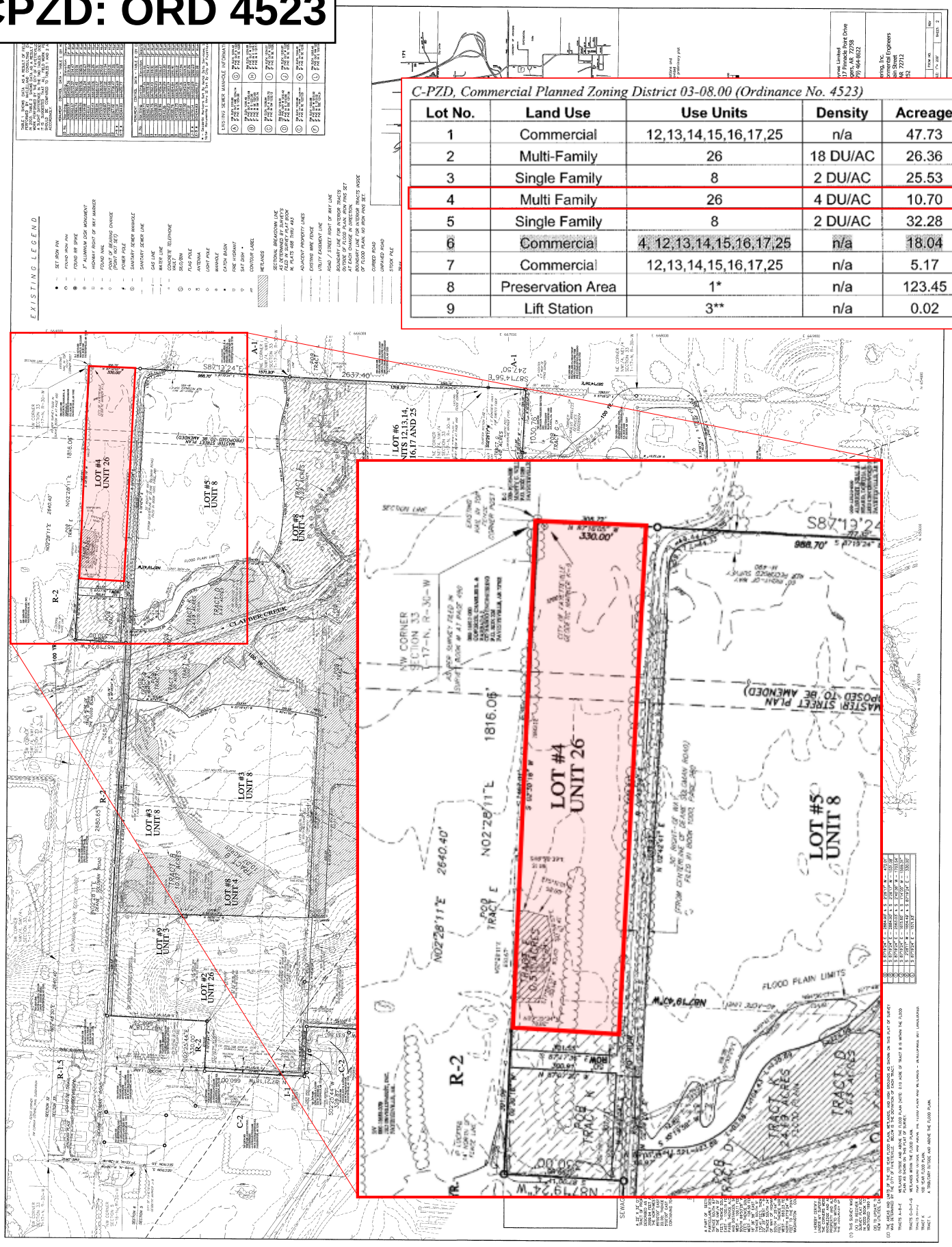
CPZD: ORD 4523



CPZD: ORD 4523

C-PZD, Commercial Planned Zoning District 03-08.00 (Ordinance No. 4523)

Lot No.	Land Use	Use Units	Density	Acreage
1	Commercial	12,13,14,15,16,17,25	n/a	47.73
2	Multi-Family	26	18 DU/AC	26.36
3	Single Family	8	2 DU/AC	25.53
4	Multi Family	26	4 DU/AC	10.70
5	Single Family	8	2 DU/AC	32.28
6	Commercial	4, 12,13,14,15,16,17,25	n/a	18.04
7	Commercial	12,13,14,15,16,17,25	n/a	5.17
8	Preservation Area	1*	n/a	123.45
9	Lift Station	3**	n/a	0.02



CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Jessie Masters, Planning Director

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: May 26, 2026

SUBJECT: **Long Range Planning Comments Regarding RZN-2026-0015**

BACKGROUND:
The applicant requests to rezone approximately 36.2 acres from RSF-4, Residential Single-Family, Four Units Per Acre and CPZD, Commercial Planned Zoning District to RSF-8, Residential Single-Family, Eight Units Per Acre and RMF-12, Residential Multi-Family, Twelve Units Per Acre. One long range planning document is relevant when evaluating this request: *City Plan 2040.*

City Plan 2040 (2020):
City Plan 2040 includes several relevant plan goals and objectives:

- Goal 1 – We will make appropriate infill and revitalization our highest priority.
- Goal 2 – We will discourage suburban sprawl.
- Goal 3 – We will make compact, complete, and connected development the standard.
- Goal 6 – We will create opportunities for attainable housing.
    - 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.45)

On its adoption in early 2020, *City Plan 2040* carried forward goals from prior comprehensive plans and organized them into six primary goals. The goals were meant to focus the City's efforts on appropriate infill that furthers a variety of transportation options, supports the creation of attainable housing, and limits the amount of land consumed by development on the City's periphery, often termed "suburban sprawl".

DISCUSSION:
Zoning History:
The subject property was annexed into the City through two petitions. The first, for the portion immediately adjacent to N. Deane Solomon Rd., was approved on August 7, 1967. Ordinance 1747 approved on June 29, 1970 enacted a new zoning map and set of districts and zoning requirements for the city. This map shows the subject property as zoned into the low-density "R-1" zoning district, which was subsequently translated to "RSF-4" with the adoption of the city's Unified Development Code. This area was rezoned in 2003 to CPZD with the approval of the Springwoods CPZD which proposed multi-family dwellings at a density of "4 residential units per acre" over a total of 10.70 acres on Lot #4.

Proposed Use Units:

(D) *C-PZD, Commercial Planned Zoning District*

Lot No.	Land Use	Use Units	Density	Acreage
1	Commercial	12,13,14,15,16,17,25	n/a	47.73
2	Multi-Family	26	18 DU/AC	26.36
3	Single Family	8	2 DU/AC	25.53
4	Multi Family	26	4 DU/AC	10.70

Figure 1. Excerpt from Ord. 4523 pg. 4 identifying use units within the Springwoods CPZD.

The second area subject to this request, located further west and adjacent to Cobblestone phases two and three, was annexed in 2004 and subsequently zoned RSF-4, Residential Single-Family, Four Units Per Acre.

City Plan 2040 and Future Land Use Plan:

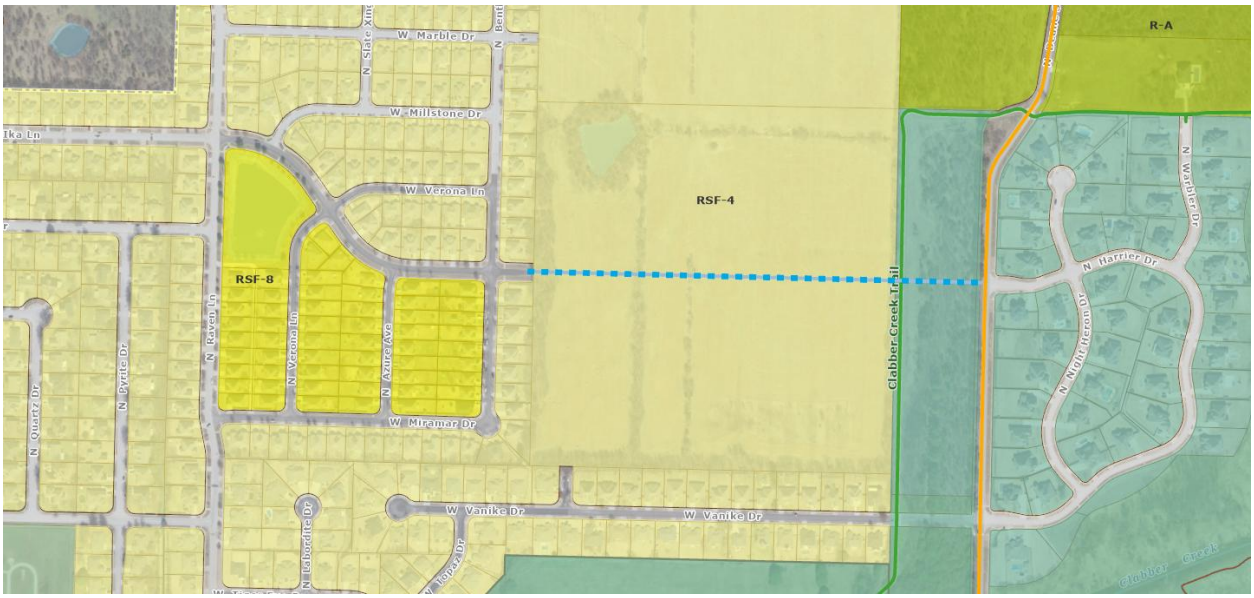
Much of this area is designated as "Civic Institutional" on the Future Land Use Map. This designation is a result of the Fayetteville School District's ownership of this property at the time of development of the FLUM. Since it is apparent that the school district no longer has plans to develop the property with an institutional use, alternative future land uses should be explored, including "Residential Neighborhood" which is immediately adjacent to the property. Residential Neighborhood areas are "primarily residential in nature and support a wide variety of housing types of appropriate scale and context." The request aligns with this designation by increasing the potential density slightly, from four to eight units per acre while retaining the single-family development pattern along most of the site.

The portion proposed as RMF-12 is similarly appropriate as it is designated as a "Residential Neighborhood" on the FLUM. This request would increase density of units slightly and add additional housing types by right, including multi-family, in an area that is already designated for such development via the CPZD. Rezoning from a PZD to standard zoning districts would clarify zoning in the area, easing the administration and interpretation of the zoning requirements for property owners/developers and for city staff.

The development has access to existing utilities and is well serviced by existing streets and a planned street as outlined on the Master Street Plan. This request supports goals 1, 2, & 6 of City Plan 2040 by providing opportunities for various housing types in an area where infrastructure already exists.

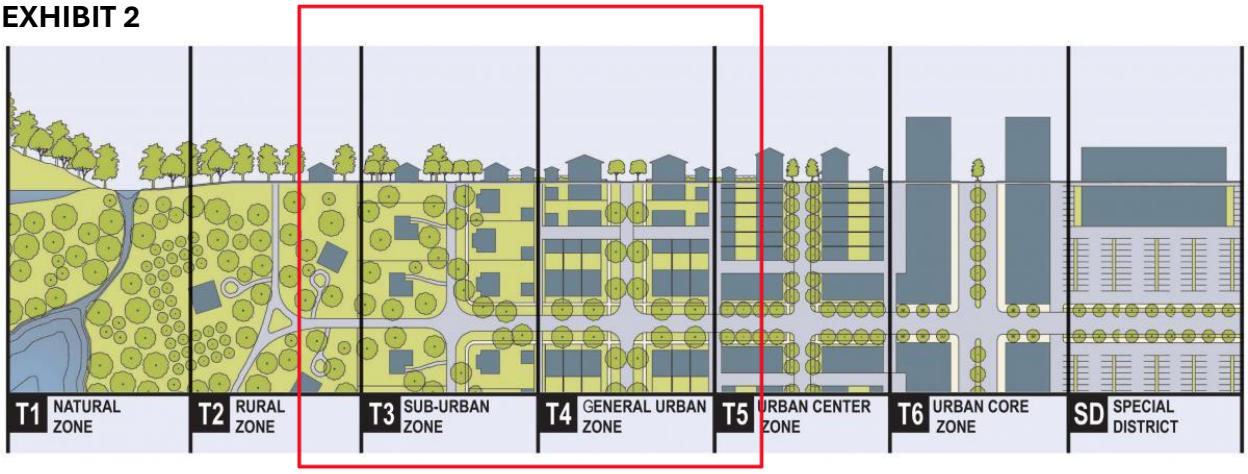
STAFF EXHIBIT

EXHIBIT 1



Source: Screenshot from City of Fayetteville Zoning Map (City of Fayetteville GIS)

EXHIBIT 2



Source: Transect Diagram, DPZ

Crafton Tull

300 North College - Suite 317
Fayetteville, AR 72701

479.455.2207
craftontull.com

March 15, 2026

City of Fayetteville Planning Department
125 W Mountain St
Fayetteville, AR 72701

RE: Meadows at Clabber Creek Rezoning
CT Job No. 25304500

To Whom it May Concern,

On behalf of DRP Holdings, LLC, Crafton Tull is requesting consideration for a rezoning of approximately 36.2 acres of land located west of N Deane Solomon Road and north of W Vanike Drive. The request applies to two tracts, as outlined below:

- 26.59 acres- Tract 2 split from Parcel # 765-16658-100
  - Current zoning: RSF-4
  - Requested zoning: RSF-8
- 9.59 acres- All of Parcel 765-23602-000
  - Current zoning: CPZD
  - Requested zoning: RMF-12

Tract 2 was recently split from Parcel # 765-16658-100 by document 2026SP-184, which is included in this submission as well as a recent Warrant Deed showing proof of ownership by DRP Holdings, LLC.

We believe the requested increase in zoning intensity is appropriate based on the following considerations:

Surrounding Land Use and Zoning

The property proposed for RSF-8 zoning is adjacent to existing residential neighborhoods to the west and south. The neighborhood to the west contains a mix of RSF-4 and RSF-8 zoning, and the proposed zoning would serve as a natural extension of that development pattern.

The property proposed for RMF-12 zoning directly abuts N Deane Solomon Road to the east and the Clabber Creek Trail to the west. This orientation presents an opportunity for multi-family development to front Deane Solomon Road and/or the Clabber Creek Trail, which would provide a clear buffer between the higher-density use and adjacent single-family neighborhoods.

Additionally, Underwood Park is located directly south of the property and will be accessible via the Clabber Creek Trail. This proximity to park amenities supports the proposed increase in residential density.

Crafton Tull

300 North College - Suite 317
Fayetteville, AR 72701

479.455.2207
craftontull.com

Utilities

The site has direct access to three (3) existing 8-inch PVC sanitary sewer main stubs—two located to the south and one to the west. The southern stubs connect to a 12-inch PVC main along W Vanike Drive, which ultimately drains to the Clabber Creek 48-inch sewer interceptor. A sewer capacity study prepared by RJN indicates no downstream capacity constraints that would limit development of the site.
Water service is similarly available, with three (3) existing water mains accessible to the property, including a 12-inch PVC main to the west, an 8-inch PVC main to the south, and a 12-inch PVC main to the east. City staff have indicated no known water pressure concerns that would impact development feasibility.

Traffic and Connectivity

The property benefits from strong connectivity to the surrounding transportation network. It directly abuts N Deane Solomon Road, classified as a Neighborhood Link Street. Additional access is available via an existing north–south street stub from W Vanike Drive. An east–west Residential Link Street is also shown through the property, connecting W Ika Lane to N Deane Solomon Road.

The site further provides direct access to the Clabber Creek Trail, which connects Trucker Drive (near Sam's Club) to the Clabber Creek Subdivision. The Trucker Drive connection is anticipated to ultimately link to the Razorback Greenway via the Shiloh Trail and the existing sidepath along W Van Asche Drive.

These transportation and trail connections provide circulation and multimodal access that support the requested increase in density. Any required traffic study or trip generation analysis would be submitted with future development plans.

Conclusion

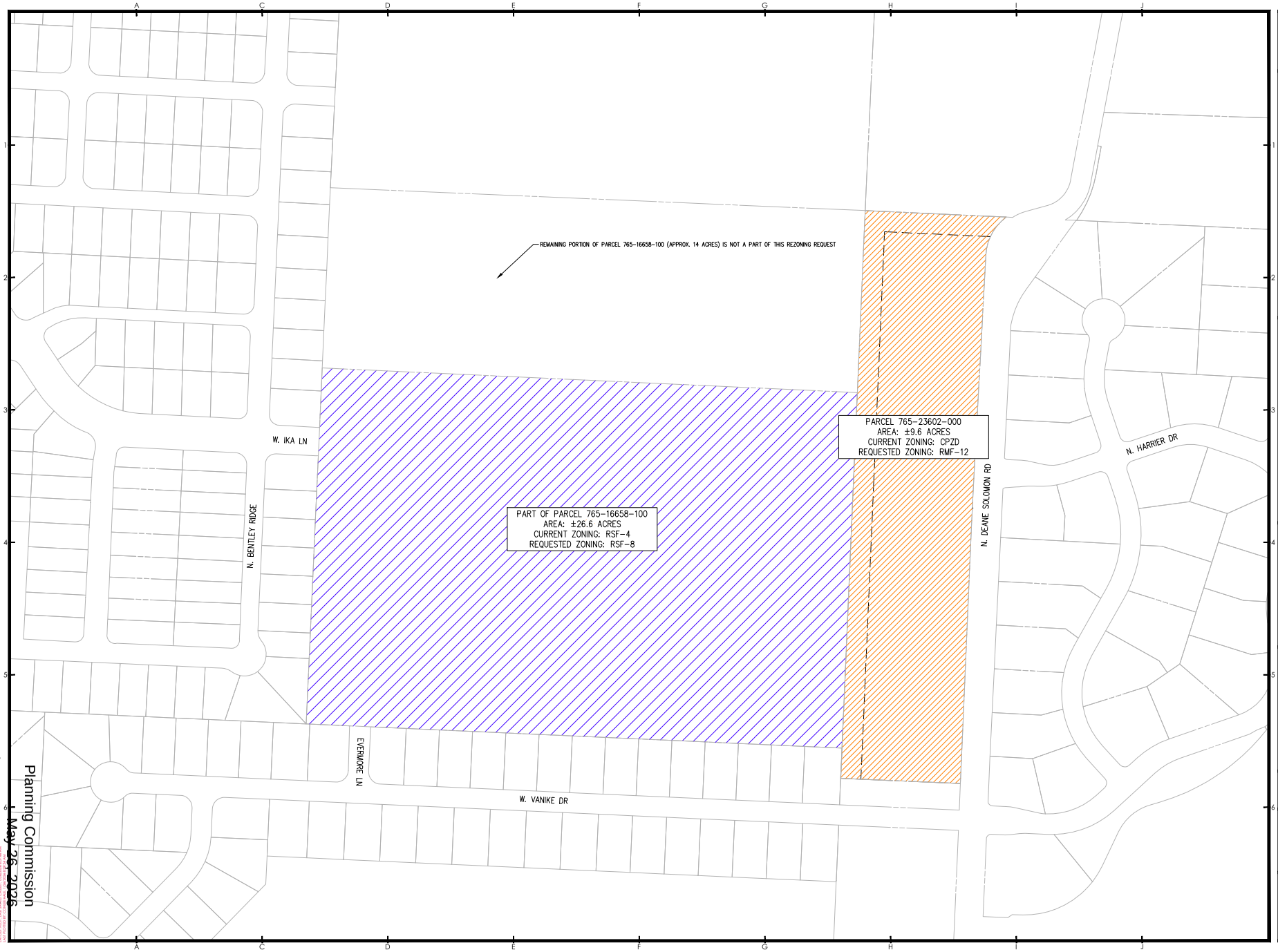
Overall, we believe the requested higher-intensity rezoning is appropriate given the site's frontage on a Neighborhood Link Street, direct access to a multi-use trail system connecting to Underwood Park and the Razorback Greenway, compatibility with surrounding neighborhoods, and the availability of adequate utility infrastructure.

Should you have any questions or require additional information, please do not hesitate to contact us.

Sincerely,



Conlee Hale, P.E.
Crafton Tull



300 N College Ave., Suite 317
Fayetteville, Arkansas 72701
Crafton Tull
479.634.4838.1
www.craftontull.com

GRAPHIC SCALE IN FEET
100' 0 100'

VISION CUSTOM HOMES
FAYETTEVILLE, ARKANSAS

Key Plan

No.	Description	Date

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

PROJECT NO:
ISSUE DATE: 11/13/25
CONTACT: B.MURRAY
QC by:
QC Date:

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CONCEPT 1

C-001

Planning Commission
May 26, 2026
RZN-2026-0015 (DRP HOLDINGS LLC)
Page 22 of 56

Public Comment
RZN-2026-0015

From: Lisa Davis <ldevine64@yahoo.com>
Sent: Monday, May 4, 2026 2:14 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015"

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

I am writing to express my opposition to this new proposed development for the reason listed below:

Road & Safety Concerns

Deane Solomon Rd is already limited in capacity. Increased density means more congestion and safety risks.

Traffic Hazards

Existing visibility and highway access are already challenging. Added traffic will make this worse.

Neighborhood Compatibility.

This type of high-density development may not be legally compatible with established single-family homes due to zoning "non-compatibility."

Potential Impact

Increased noise, light pollution, and traffic strain could negatively affect quality of life and property values.

Lisa Davis

3201 N Raven Ln

Fayetteville, AR

From: Tara Muck <taramuck@gmail.com>
Sent: Monday, May 4, 2026 2:20 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Members of the Fayetteville Planning Commission:
I am writing to formally express my opposition to the rezoning request for the property located at north of w Vanike Dr, west of N Deane Solomon Rd, as detailed in planning case RZN-2026-0015.

My primary concerns regarding this proposal involve the impact of high-density housing on our existing community. Specifically, I am concerned that this development will significantly increase traffic congestion in an area that is already heavily burdened with housing growth. Furthermore, I believe that the transition to high-density housing in this specific location will negatively impact the property values of the surrounding neighborhood. With ongoing development of rental units south of Underwood Park, this once strong single-family community could could easily become overran with rental units.

I respectfully request that the Planning Commission take these concerns into account and deny the request for rezoning.

Thank you for your time and for your service to our community.

Sincerely,

Tara Muck

Property Owner

3110 W Ika Ln

Fayetteville, AR
(c) 479.420.8989

From: marc davis <live4u63@yahoo.com>
Sent: Tuesday, May 5, 2026 9:04 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015"

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

I am writing to express my opposition to this new proposed development for the reason listed below:

Road & Safety Concerns

Deane Solomon Rd is already limited in capacity. Increased density means more congestion and safety risks.

Traffic Hazards

Existing visibility and highway access are already challenging. Added traffic will make this worse.

Neighborhood Compatibility.

This type of high-density development may not be legally compatible with established single-family homes due to zoning "non-compatibility."

Potential Impact

Increased noise, light pollution, and traffic strain could negatively affect quality of life and property values.

Marc Davis

3201 N Raven Ln

Fayetteville, AR 72704

From: Lindsey Steiger <lsteiger@ymail.com>
Sent: Tuesday, May 5, 2026 3:27 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I writing to express my opposition to this new proposed development for the reasons listed below:

Road & Safety Concerns

Deane Solomon Rd is already limited in capacity. Increased density means more congestion and safety risks.

Traffic Hazards

Existing visibility and highway access are already challenging.

Added traffic will make this worse.

Neighborhood Compatibility

This type of high-density development may not be legally compatible with established single-family homes due to zoning

"non-compatibility."

Potential Impact

Increased noise, light pollution, and traffic strain could negatively affect quality of life and property values.

This would be disastrous for our neighborhood, and a poor choice impacting all neighbors in the area negatively. If I can elaborate on any of these points further, please don't hesitate to reach out.

Thank you,

Lindsey Steiger-Muck

3110 W Ika Lane

Fayetteville, AR 72704

From: Matt Lewis <mlewy9er@hotmail.com>
Sent: Tuesday, May 5, 2026 6:41 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm emailing to oppose the rezone above.

Mostly due to Neighborhood compatibility amonst established single family homes.

Potential impact with noise, light pollution, and traffic strain on an already tight and narrow road.

All of these could negatively effect quality of life and property values.

Matt.

Get Outlook for iOS

From: Masters, Jessica
Sent: Friday, May 15, 2026 5:06 PM
To: 'gregthomas615@gmail.com' <gregthomas615@gmail.com>
Subject: RE: RZN-2026-0015

Good afternoon, Greg,

Thank you for your comments and questions regarding the subject rezoning. Staff have received your comments and they will be included in the packet that staff will prepare for the Planning Commission. In the interim time, I have responded to your questions below in RED to the best of my ability.

This meeting will be held on Tuesday, May 26 at 5:30 PM in City Hall at 113 W. Mountain Street, and members of the public are invited to attend either in-person or virtually through zoom.

The agenda will be published on Thursday, May 21 by 4:30 PM, and you can find that information here: https://fayettevillear.portal.civicclerk.com/

If you would like to attend virtually, you can find that information here: https://www.fayetteville-ar.gov/3949/Zoom-Meeting-Instructions.

Please let me know if there is anything else I can help you with in the meantime.

Jessie Masters, AICP

Planning Director

Development Services

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

Website | Facebook | Twitter | Instagram | YouTube

From: Greg Thomas <gregthomas615@gmail.com>
Sent: Tuesday, May 5, 2026 9:07 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I live at 3037 N Night Heron Dr and have a few questions about the proposed Rezoning.

Thank you for the information! -Greg Thomas

- what type of development would this allow? The developer is requesting to rezone a portion of the property to RSF-8 which allows single-family homes, and a portion of the lot's frontage along Deane Solomon could allow for higher density housing at 12-units per acre.

- why doesn't the developer just build houses to match the rest of the neighborhood on all sides? This is likely a question for the developer to answer, and perhaps they can shed light on this at the public hearing. Single-family homes would be similar to the homes that are currently there.

- there is an area between deane Solomon and the greenway with dense mature trees. Truly the last ones of anywhere in the area. Are those going to be torn down during construction? Staff has not yet reviewed or seen a development proposal. Tree removal is considered at the time of development.

- how does the process work? How can I get more information about the project and talk with decision makers? Is there an open forum to ask questions? I recommend attending the Planning Commission meeting. Information above.

- Deane Solomon already has storm water overtop the road near underwood park 3-4 times a year. Do you think this development would increase that occurrence? Developments are not permitted in the City of Fayetteville to increase any existing stormwater issues that may already exist on a property. This would all be evaluated at the time of development.

- there are several apartment complexes being built within a half mile of this site, is there really a need for more apartments? Or does higher density single family homes just make more sense? The developer would have a good sense of market need for housing. The City of Fayetteville also releases a housing assessment each year. A presentation was given at a recent City Council meeting, and the final assessment should be ready soon. I recommend reaching out to Marlee Stark (mstark@fayetteville-ar.gov) if you have any additional questions about housing needs in Fayetteville.

- does the planning department put out some sort of report? How can I get access to the report? The report will be published by 4:30 PM on Thursday, May 21. Link and information above.

- if this Rezoning passes, does the city have any requirements on the build quality of the apartments? Such as building materials etc. The City has a robust set of development standards that apartments are required to meet. You can view development requirements in our municipal code. https://library.municode.com/ar/fayetteville/codes/code_of_ordinances

- I've heard in previous meetings that it's important to maintain the character and density of nearby developments. Would that be a concern here with RSF-4 zoning on all sides? It depends. Housing types of all kinds to address the housing needs of multiple types of users, ages, and abilities can often contribute to neighborhood character, rather than detract from. Single-family homes, which is what the developer is primarily trying to zone for, are typically considered to be compatible with other single-family homes.

- what is this area zoned for on the future land use plan? The Future Land Use Map currently identifies some of the area as "Civic/Institutional," likely as a reflection that this property was recently sold by the Fayetteville Public School district. The other portion classifies this area as "Residential Neighborhood."



Colleen,

Thank you for submitting your questions regarding the subject rezoning, and thank you for your patience in my response.

The developer is requesting to rezone the area to allow for additional single-family homes, and potentially some additional density and housing types along Deane Solomon. Tree removal has not been evaluated since we do not currently have any development plans to review, but is taken into consideration at the time of development. You can read about the City's Tree Preservation ordinance here: https://library.municode.com/ar/fayetteville/codes/code_of_ordinances?nodeId=CD_ORD_TITXVUNDECO_CH167TRPRPR. If you have additional questions about trees and landscaping requirements, I recommend that you reach out to either Willa Thomason or Bethany Douglas, the City's Urban Foresters, who work daily with this portion of code.

Further, the Planning Commission meeting will be held on Tuesday, May 26 at 5:30 PM in City Hall at 113 W. Mountain Street, and members of the public are invited to attend either in-person or virtually through zoom.

The agenda will be published on Thursday, May 21 by 4:30 PM, and you can find that information here: https://fayettevillear.portal.civicclerk.com/

If you would like to attend virtually, you can find that information here: https://www.fayetteville-ar.gov/3949/Zoom-Meeting-Instructions.

Thank you,

Jessie

Jessie Masters, AICP

Public Comment
RZN-2026-0015

Planning Director

Development Services

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

Website | Facebook | Twitter | Instagram | YouTube

From: Colleen Boyle <colleen.boyle2020@gmail.com>
Sent: Tuesday, May 12, 2026 8:43 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: Opposition to RZN-20-26-0015 & Questions

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening,

I just wanted to follow up on the below email to see if any input could be provided?

Thank you!

On Thu, May 7, 2026 at 3:00 PM Colleen Boyle <colleen.boyle2020@gmail.com> wrote:

Hello,
I am writing regarding RZN 20-26-0015. Generally speaking, I understand and support development as a necessary part of a growing city like Fayetteville. That said, I also deeply value the sense of community and access to green space that makes Fayetteville unique.
This particular request proposes rezoning and potential development of land located between Deanne Solomon Road and the Greenway. As I understand it, this area represents one of the last remaining urban forests in Fayetteville. Because of that, I have several questions regarding the development potential of this specific tract.

Can you speak to what level of development is anticipated for this area? Will the existing mature trees be removed? What impact will the project have on the current wildlife habitat, including birds, bats, owls, eagles, and deer? Additionally, are there any requirements or expectations for the developer to preserve green space or existing trees within the development area?

I appreciate the work you are doing on this project and look forward to your response.

Thank you,

Colleen Boyle

Public Comment
RZN-2026-0015

From: a.braun@aol.com <a.braun@aol.com>
Sent: Thursday, May 7, 2026 6:14 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: RZN-2026-0015

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Opposition to RZN-2026-0015

My property backs up to what I was told was future school development many years down the road. None of the neightbors were advised thatthere was an under the table land swap of ownership. That in itself is a pretty shady deal and and should have had advance notification to the adjoining neighbors. There was NO NOTIFICATION.

Nor was their a notification of the new owners planning to rezone and bring down our property values.

I am 100% against multifamily housing in an area that is predominately single family homes.

It will decrease our property values.

It will greatly increase traffic.

It will increase the noise level of a neighborhood that is currently very peaceful.

The new park will also greatly increase traffic and noise and litter.

Clabber Creek trail is POORLY maintained by the city - They only mowed twice last year, and even today it is quite an eye sore. The city does not maintain the water overflow channel from the lake in the park area. This runs along side my property line. This channel is full of pests, litter, and foul smelling water - the city services should be ashamed of they way they manage public areas.

Please keep me advised of any and all meetings on the rezoning. I do not wish this to move forward. If they are insistent on developing the land they should retain the zoning currently in place - 4 lots max per acre.

My email is a.braun@aol.com

My cell is 714-300-3186

My address is 2508 Vanike Drive West, Fayetteville, AR 72704

Anna Braun

-----Original Message-----

From: julie wray <jules_13_2000@yahoo.com>

Public Comment
RZN-2026-0015

Sent: Friday, May 8, 2026 8:34 AM

To: Planning Shared <planning@fayetteville-ar.gov>

Subject: Opposition to RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm writing in opposition to the high density development being proposed near my home on Raven Lane. My concerns include road and safety issues, traffic hazards, neighborhood compatibility and property value impacts. I want to protect the quality of life we enjoy in our neighborhood.

Sincerely concerned,

Julia Billings

2927 N Raven

Fayetteville AR

Sent from my iPhone

From: John Zumbro <jezumbro@gmail.com>
Sent: Friday, May 8, 2026 12:05 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Fayetteville Planning Commission and City Council Members,

I am writing as a resident of the neighborhood adjacent to the proposed rezoning under case RZN-2026-0015 to formally express my opposition to this high-density development. My concerns are grounded not only in the immediate impacts to our neighborhood, but in documented research and local precedent.

Traffic and Road Safety

Deane Solomon Road is a narrow two-lane collector with open drainage ditches and well-documented visibility problems at the Highway 112 intersection — concerns raised formally before this Commission as recently as 2021 during the Lewis Automotive rezoning (ultimately denied 8-1 by the Planning Commission). High-density multifamily developments generate 4–7 vehicle trips per unit per day per Institute of Transportation Engineers standards — substantially more than adjacent single-family uses. Without dedicated infrastructure improvements, this traffic will spill onto neighborhood streets including Ika, Vanike, and Evermore, converting them into cut-through corridors. ARDOT is currently widening Highway 112 from two to four lanes between Truckers Drive

and Howard Nickell Road (project 25-190) — evidence of recognized traffic growth pressure in this exact corridor. Adding density before that work is complete and before Deane Solomon Road is upgraded compounds the risk.

I ask that a full traffic impact study with level-of-service analysis for Deane Solomon Road and all adjacent neighborhood streets be required before any approval.

Zoning Compatibility

Under UDC §154.03(A)(3), every private rezoning application must include "a statement explaining the compatibility of this proposed rezoning with neighboring property and explaining why the proposed rezoning will not unreasonably adversely affect or conflict with surrounding land uses." This is a legal review criterion — not a formality. The Commission is required to evaluate that statement on its merits.

A stark density jump abutting established single-family homes, with no transition buffer and inadequate road infrastructure, does not meet this standard. The Planning Commission's own language from the February 2026 rezoning at 900 E. Ash Street is instructive: Commissioner Brad Payne noted that "a risk is fine as long as you are not a member of the neighborhood being impacted by an incompatible development" — and that rezoning passed only 5-4.

I ask that the Commission make written findings on compatibility before any vote.

Property Values and Quality of Life

Increased traffic volume, artificial light spillover, noise from a dense multifamily complex, and pressure on stormwater systems (Clabber Creek flooding has been a documented concern in this watershed) collectively degrade quality of life and can suppress property values for adjacent single-family owners. These effects are difficult to mitigate retroactively once development is built.

Request

I ask that the Commission:

1. Require a full traffic impact study with level-of-service analysis for Deane Solomon Road and all adjacent neighborhood streets before any approval.

2. Make written findings of fact on UDC §154.03(A)(3) compatibility — not just accept the applicant's statement at face value.

3. Deny or significantly condition RZN-2026-0015 until infrastructure capacity and neighborhood compatibility can be demonstrated.

This community has been vocal and engaged before — and that engagement has made a difference. I respectfully ask that you give this proposal the full scrutiny it deserves.

Thank you for your service to Fayetteville.

Sincerely,

John Zumbro

2885 W Vanike Dr

jezumbro@gmail.com

From: William BIllings <willbill1995@gmail.com>
Sent: Friday, May 8, 2026 2:53 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm writing in opposition to the high density development being proposed near my home on Raven Lane. My concerns include road and safety issues, traffic hazards, neighborhood compatibility and property value impacts. I want to protect the quality of life we enjoy in our neighborhood. Not to mention the effect on local wildlife and the natural feel of the area. More housing wouldnt offset the cons to this situation and put us furth behind from transportation infastructure point view.

Thanks,

William Seth Billings

From: Masters, Jessica
Sent: Monday, May 18, 2026 9:39 AM
To: Steve Barthol <swb729@gmail.com>
Subject: RE: RZN 2026-0015

Good morning, Steve,

Thank you for the follow-up question. The Master Street Plan is a planning document that identifies what the City would like to see for streets in the future. If and when development occurs along Deane Solomon, it would be likely that the developer would be on the hook for building out their portion of the street. The City may not have any plans to improve Deane Solomon at this time, but analyzes needs as developments occur.

Hopefully this is helpful. Let me know if you have any additional questions.

Jessie

Jessie Masters, AICP

Planning Director

Development Services

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

Website | Facebook | Twitter | Instagram | YouTube

Please note that Planning is currently short-staffed and that communications and review times may increase as a result. Please bear with us in the interim.

From: Steve Barthol <swb729@gmail.com>
Sent: Monday, May 11, 2026 11:17 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: RZN 2026-0015

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I looked at the master street plan and Deane Solomon is classified as a collector street but doesn't seem to meet the criteria based on the definition. Are there plans to improve it? It is so narrow with no shoulder and horrible for any type of cycling or foot traffic already. The increased traffic from the approved development on the golf course plus Underwood Park will overwhelm it making it extremely unsafe for all.

On May 11, 2026, at 9:00 AM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Steve,

Thank you for the follow up email. The best way to get your voices heard by the Commission is exactly this – emailing City staff, and we will include written comment in the report. Further, the meeting will be open to the public, and individuals will each have 3 minutes to provide the Commission comment at that meeting as well.

I have been queueing up a number of emails I have received on the item and plan to provide additional follow up information shortly. Please don't hesitate to reach out if you have questions, and please feel free to forward my information along to those you have spoken with as well.

Thank you,

Jessie

Jessie Masters, AICP

Planning Director

From: Steve Barthol <swb729@gmail.com>
Sent: Saturday, May 9, 2026 8:28 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: RZN 2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jessie,

I have been talking with neighbors and actually now have the answers to those questions that I sent you.

One of the neighbors told me that you are leading this project and that you are extremely busy. I appreciate you helping all of us concern neighbors.

I, like all of the other neighbors, am adamantly opposed to re-zoning this land for multi-family, higher density dwellings. What would you recommend as the best way for us to voice our concerns and does the person making the request for the rezoning have to present a convincing case to the planning commission in order for the planning commission to change the existing zoning?

Thank you,

Steve Barthol

3017 N Raven Ln

On May 7, 2026, at 8:10 AM, Steve Barthol <swb729@gmail.com> wrote:

Jessie,

Has anything been clarified on ownership or consent of owner for the rezoning request?

Also, do you know if the public notice signs for the rezoning request have been posted?

Thanks,

Steve

On Mon, May 4, 2026 at 8:23 AM Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Steve,

Thank you for asking. I am actually already in communication with this applicant regarding the correct consent of owner. I am hoping to hear back from them this week to clarify whether the property has already transferred to DRP. The school district was working to sell a portion of the property to that entity.

Feel free to reach back out within the next couple days and I should have a final answer by then. Thank you,

Jessie

Jessie Masters, AICP

Planning Director

Development Services

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

Website | Facebook | Twitter | Instagram | YouTube

From: Steve Barthol <swb729@gmail.com>
Sent: Friday, May 1, 2026 4:16 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: RZN 2026-0015

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How is DRP holdings able to request rezoning when the Fayetteville school district owns most of this land? The two northern parcels are owned by the Fayetteville school District.

> On May 1, 2026, at 1:17 PM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:
>
> Steve,
>
> Thank you for following up via email. The subject item is currently queuing up for the May 26 Planning Commission hearing. Neighbors can feel free to email or call me and I will make sure comments get incorporated into staff's final report to the Planning Commission. Further, members of the public may plan to attend the Planning Commission on that day, beginning at 5:30 PM. Please note that it will be on a Tuesday that week, in City Hall room 101, rather than a Monday, due to the Memorial Day holiday.
>
> More information closer to the meeting can be found here: https://www.fayetteville-ar.gov/3947/Public-Meetings-Agendas-Minutes-and-Vide
>
> Let me know if you have any questions.

> Jessie
>
> Jessie Masters, AICP
> Planning Director
> Development Services
> City of Fayetteville, Arkansas
> (479) 575-8239
> www.fayetteville-ar.gov
> Website | Facebook | Twitter | Instagram | YouTube
>
> -----Original Message-----
> From: Steve Barthol <swb729@gmail.com>
> Sent: Friday, May 1, 2026 1:05 PM
> To: Masters, Jessica <jmasters@fayetteville-ar.gov>
> Subject: RZN 2026-0015
>
> CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>
> Jessie,
>
> I left a voicemail earlier today, but email may be more convenient. I was wanting to know if you can tell me what stage of the planning process this item is currently in? Also, what are the steps in the process going forward and what is the best way for neighbors to voice their concerns and have their questions answered?
>
> Thanks
>
> Steve Barthol

From: Jammie Ackerman <jammanne@gmail.com>
Sent: Friday, May 8, 2026 5:25 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing in opposition to this proposed high density development affecting my neighborhood. I have owned my home 11 years on Verona Ln. and highly oppose his development.

Public Comment
RZN-2026-0015

From: Gene Bennett <bennettgene360@gmail.com>
Sent: Sunday, May 10, 2026 2:06 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning
I am writing to express several concerns regarding the recent rezoning request. While I support affordable housing for Fayetteville, I believe our neighborhood has already contributed significantly, especially following the approval of 274 rental units just south of our location.

My specific concerns are as follows:

1. Flooding Risks: Over the past ten years, water has reached within 15 feet of my back door. I am worried that increasing the amount of developed ground cover will lead to serious flooding issues.
2. Traffic Congestion: Traffic on Vanike Drive is currently at capacity, as it serves as a major thoroughfare for other neighborhoods.
3. Property Values: The introduction of structures that are not comparable to the existing neighborhood will likely reduce our property values.
4. Road Infrastructure: Deane Solomon is already too narrow to support current traffic, even before considering the impact of the 274 units that have already been approved.

Thank you for your time and for considering these points.
Sincerely,
Billy (Gene) Bennett
bennettgene360@gmail.com
479-466-9725

2652 W Vanike Drive

From: Jamie Gardiner <jamiekayg@gmail.com>
Sent: Monday, May 11, 2026 3:31 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>; Planning Shared <planning@fayetteville-ar.gov>
Subject: RZN-2026-0015 (North of Vanike Dr)- Formal Opposition to Rezoning RMF-12 and RSF-8

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am writing to voice my opposition to the proposed rezoning of the Fayetteville property located North of Vanike Drive.

As a homeowner on West Ika Lane, located only three houses away from the proposed rezoning property, I am very concerned about the impact this increased density will have on the character and safety of our immediate neighborhood, as well as the wildlife.

I recently relocated to Fayetteville from Portland, Oregon, specifically seeking the peaceful quality of life the city offers. Having experienced firsthand the negative impacts of rapid, unchecked overpopulation and the resulting increase in crime and infrastructure strain in Portland, I am not only very sad, but also very wary of seeing those same patterns emerge here. Fayetteville's appeal lies in its balance of growth and livability; moving toward high- density RMF-12 or even RSF-8 in this specific area threatens that balance. The amount of high-density areas popping up in this specific area alone is already highly concerning.

My primary concerns regarding this rezoning include:

- Lack of infrastructure: Our current roads are already overloaded.
- Property Character: This neighborhood consists of established single-family homes. Adding higher-density residential units is inconsistent with the existing land use.
- Safety and Traffic: Increased density inevitably leads to higher traffic volume on our residential streets, which highly impacts the safety of our quiet community.

I am hopeful that the Planning Commission will consider the long-term integrity of our neighborhood and deny this rezoning request. I would like my opposition to be included in the official public record for this case

Thank you for taking the time to read my email. I hope that we can all keep Fayetteville a quality place to live and a town where we can all be proud to say "I live in Fayetteville".

Sincerely,

Jamie Gardiner

FROM THE DESK OF
Debra Stendel

May 10, 2026
To all Concerned
Fayetteville, Ar

Dear Mayor, City Planning Commission, City Council Members,

I moved to this beautiful city 15 years ago because of its small town feel and its proposed dedication to preserving a natural environment as it grew. I have been sorely disappointed!

As the city continues to grow, priority seems to be given to any developer who wants to rezone for his own benefits, irregardless to how it affects, natural lands, existing neighborhoods , traffic and homeowners.

The planning commission has recently proposed rezoning land near me. I am writing to formally oppose Plan #2026-0015.

I do not believe that the applicant can conclusively demonstrate compliance with Fayetteville's Unified Development Code, infrastructure capacity requirements, traffic safety standards, **drainage obligations** and neighborhood compatibility principles.

Part of the proposed rezoning area includes 9 1/2 acres which are currently "Protected Wetlands." The developers plan to build 12 units/acre on this pristine, "protected" land. How can this even be considered? The rest of the area, (26 + acres) is currently zoned R4 which is comparable to the adjacent neighborhood. The developer has requested rezoning to R 8. This does not fit the compatibility requirements of the development code, it will negatively affect the property values of all the neighboring residents and put severe stress on roads that are already over taxed.

This land has several ponds and a stream which is fed by run off from the field and likely natural springs. Currently the water feeds the ponds in the wetlands area. If that land is built on the stream will not be able to flow naturally and neighboring yards will flood unless diligent planning is applied with details to preventing this problem.

We currently have water issues in our yards because proper drainage was not considered much less enforced when this area was developed. High density housing will further add to this existing problem and I have little confidence that the city will regulate this with the new proposed development.

Neighbors on Vanike Dr. have repeatedly complained to the police department about speeding traffic. DRC Holdings, current plan shows that the only 2 outlets in the proposed development will go through current neighborhoods creating even more dangerous streets due to heavy traffic.

The two "main roads" that run parallel to this proposed development, (Dean Solomon and Salem) are both 2 lane roads with no space for widening. This city needs to work on infrastructure and consider existing roads before it expands residential areas!

There are large parcels of land in the vicinity where this type of housing would not adversely affect existing neighborhoods. I urge you to reinforce existing codes and to implement well thought out planning guides as this city continues to grow.

Under Arkansas zoning law and Fayetteville's planning framework, rezoning decisions must "serve the public welfare and remain consistent with the city's adopted planning principles." I do not see any evidence that the applicant's rezoning request will benefit the city without imposing disproportionate impacts on surrounding neighborhoods.

* I also request that this and all communications, studies, traffic analyses, drainage reports etc, related to this rezoning proposal be fully disclosed to the public prior to any rezoning decision.

*The city needs to require traffic reviews during peak hours, not mid day.

* Drainage and infrastructure reviews be made by independent parties, not just the proposed developer and presented to the public.

* Full transparency of all communications between the developer, financing entities, public officials, and any related parties concerning this proposal and any future rezoning proposals.

Please include this and all residential input in the official record for this application.

Thank you,

Debra Stendel

2600 W Vanike Dr

Fayetteville Ar

From: Jeff Johnson <razorbackjeff@gmail.com>
Sent: Wednesday, May 13, 2026 11:47 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to Rezoning Petition RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Fayetteville Planning Department, Commissioners, and Staff,

My name is Jeff Johnson, and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon and Vanike Dr in Northwest Fayetteville. I am writing to formally voice my opposition to the requested rezoning and development associated with Plan Number: RZN-2026-0015. I respectfully urge the Planning Commission to recommend denial of this petition. A rezoning of this magnitude (moving from low-density RSF4 to high-intensity residential) must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood and other surrounding neighborhoods. Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (e.g., REZONING PETITION RZN 15-5240). Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare. In this case, the proposed density presents an abrupt and harsh transition that is inconsistent with the surrounding character. Furthermore, the city must account for the cumulative traffic load of this

project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

My primary concerns include but are not limited to the following:

- Spot-zoning and incompatibility with the established character of the surrounding neighborhoods
- Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112, Ika)
- Storm water, runoff, grading, and downstream drainage impacts affecting neighboring properties especially the storm water flooding that develops behind the north side of Vanike properties during heavy rains due to improper drainage. Also, along the creek and wetlands in and adjacent to Underwood park affecting the South Side of the Creek Meadow Neighborhood.
    - I'm not sure if you recall but the floods in 2011 and also 2008 caused widespread issues in this area of Fayetteville. Improper infrastructure improvements and adequate drainage could lead to increased flooding concerns in the surrounding neighborhoods and in the under construction park as well
- Potential reduction in neighboring property values and quality of life
- Insufficient transition buffering between existing residential uses and the proposed intensity
- The wetland preserve owned by the Northwest Arkansas Land Trust that directly abuts the proposed RMF12 zoning to the south
    - Parts of the entire stretch of proposed RMF12 zoning between the current trail and Deane Solomon stay saturated almost year round
- Precedent-setting impacts for future rezonings inconsistent with the area's historic development pattern.
- Whether existing utilities, emergency services, and transportation infrastructure can adequately support the proposed density/intensity.

Before any vote is taken on this matter, I request that the City:

- Disclose all communications, studies, and staff recommendations related to this application to the public immediately.
- Require independent third-party reviews or studies of all traffic, drainage, and infrastructure assumptions rather than relying solely on data provided by the applicant.
    - This should include the "Next Chapter" community of 270 units/642 Bedrooms that was recently approved for construction South of Underwood Park but not yet built

- Ensure full transparency regarding all communications between the developer, financing entities, and public officials prior to this request.
- Required Infrastructure Analysis
- I further request that the City require the following as a condition of any further consideration:
    - A comprehensive pedestrian connectivity and sidewalk impact analysis to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.
    - A developer-funded mitigation plan for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your consideration and your service to the City and Community.

Sincerely,

Jeff Johnson
razorbackjeff@gmail.com
3131 N Night Heron dr, Fayetteville, AR 72704

From: Agatha Kulesza <ackulesza@gmail.com>
Sent: Friday, May 15, 2026 9:01 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Planning Commission,

I am writing to oppose the rezoning request RZN-2026-0015. I live in a development near that zone.

That undeveloped area is a protected wetland. I worry that rezoning to higher density will majorly affect drainage and cause flooding in developments nearby (like mine). It seems risky to build high density housing in a wetland that is prone to flooding.

Please consider declining the rezone request and keep the land zoned as it currently is, which allows for fewer homes to be built that will not encroach on the wetland.

Thank you,

Agatha Kulesza

A Concerned Fayetteville Resident

Agatha Kulesza

ackulesza@gmail.com

From: Angie Scheidweiler <ascheidweiler@gmail.com>
Sent: Tuesday, May 19, 2026 2:42 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>; Planning Shared <planning@fayetteville-ar.gov>
Subject: RZN-2026-0015 Comments

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I've seen the sign about rezoning the land behind my house to a higher density development, and I'd like to voice my opposition to the rezone request.

I'm concerned about more traffic coming through the area. Deane Solomon already has a lot of traffic from the existing neighborhoods, and the church down the road also causes issues. The continuing improvements of Underwood Park will also bring more traffic to the area. It's already difficult to turn out onto 112, and even more housing development will make that much worse. Deane Solomon is also narrow, and doesn't have sidewalks for much of it. I see pedestrians walking on it often. I'm also concerned that the development will connect the roads near my home to Deane Solomon, and new traffic will then zip through my neighborhood.

In addition, I'm concerned about runoff from a new development causing more issues. My backyard already floods with heavy rain. The soil gets waterlogged, and the drainage area behind my fence overflows. It's frequently swampy there, and if it were any worse, it would be pushing water close to my foundation.

I also don't want to lose the greenspace in the area. There's a game trail that runs behind my fence. I see deer, rabbits, and coyotes often. I hear great horned owls, and various other birds. The other side of the field is a very marshy habitat, and I'd like to have the biodiversity preserved.

Beyond that, I am concerned about changing the character of the neighborhood, and the effect on my property value. It's one thing to have similar houses developed, as was intended by the current zoning, but it's another to have twice as many placed in my back yard. With more dense housing, the houses tend to be built taller, and that causes much less privacy, with more people peering into your back yard. Setbacks are smaller, so the neighboring houses are closer, as well.

I do understand the need for Fayetteville to have affordable housing, but there should be a cohesive plan for developing an area. I'm firmly against companies coming in, creating patchwork developments wherever they can squeeze them, to extract as much profit for themselves as they can, at the expense of the existing neighborhoods. I think if there is going to be a change in the

character of a neighborhood, maybe put a decent amount of transitory greenspace in between to alleviate some of the aforementioned problems, and improve the roads and sidewalks to handle the increase in traffic before the development takes place. Have an intentional plan for the entire area that would bring amenities with the increased population, not problems.

Thank You,

Angelin Scheidweiler
3084 N Bentley Rdg

From: Matthew Tomiello <matthewtomiello@icloud.com>

Sent: Monday, May 18, 2026 10:53 PM

To: Planning Shared <planning@fayetteville-ar.gov>

Subject: Opposition to RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

I live one-half mile from the proposed rezone in a nearby neighborhood. I feel sorry for the single family home property owners adjacent to the proposed rezone. It will devalue their property and make their peaceful Fayetteville neighborhood chaotic. People do not buy homes in neighborhoods like that to find themselves backed up to a multi-story housing complex and it's much too expensive to relocate.

We already feel traffic becoming less safe on Dean Solomon as people regularly speed through it, the increased traffic from Underwood Park construction, and vehicle congestion is increasing causing near impossible left turns onto Hwy 112 at certain times of day.

Lastly, at this very moment we already have multiple (at least 3) high-density developments going up in Fayetteville within about a 2 mile radius of this proposed site (off of Gregg Ave, Van Asche Dr, and Mount Comfort Rd). The Dean Solomon area neighborhoods are much more well suited for single family homes which is what people actually want anyway (not a 4th brand new apartment complex in a small radius just this year!).

Thank you,

Matthew Tomiello

Fayetteville Arkansas Resident/Citizen

-----Original Message-----
From: Janan Lane <jlane58@att.net>
Sent: Tuesday, May 19, 2026 5:42 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-2015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Fayetteville Planning Commissioners, Planning Staff, City Officials,

My name is Dr Janan R Lane. I am a resident of Creek Meadows, an affected neighborhood near the proposed development area on Deane Solomon Road. I am writing to formally voice my opposition to the requested rezoning and development associated with Plan Number: RZN-2026-0015.

I respectfully urge the Planning Commission to recommend denial of this petition. A rezoning of this magnitude, moving from low-density greenfield to high-intensity residential must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

My primary concerns include:

• Spot-zoning and incompatibility with the established character of the surrounding neighborhood.

• Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112) with frequent wildlife crossings throughout.

• Increased pedestrian foot traffic on Dean Solomon which has incomplete sidewalk access going both north and south of Vanike with significant current bike and foot traffic as well.

• Stormwater, runoff, grading, and downstream drainage impacts affecting neighboring properties. Due to improper current drainage, stormwater flooding develops at the low flow point for the entire area along Clabber Creek, the north side of Vanike and N Harrier Dr during heavy rains. Clabber Creek flooded in April 2017 with Dean Solomon at and around the Clabber Creek crossing and Creek Meadows streets water filled, flowing like rivers.

• Potential reduction in neighboring property values and quality of life in yards and outdoor spaces including public lands during construction and after.

• Insufficient transition buffering between existing residential uses and the proposed intensity.

• The wetland preserves and natural habitat of numerous animal species.

• Precedent-setting impacts for future rezoning inconsistent with the area's historic development pattern.

• Whether existing utilities, emergency services, and transportation infrastructure can adequately support the proposed density and intensity during and after construction.

• Significant increase in noise, air, water and light pollution on properties including the preserve and trail during and after construction.

Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (e.g., REZONING PETITION RZN 15-5240). Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare. In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the cumulative traffic load of this project combined with other pending developments in the immediate corridor threatening the local Level of Service (LOS) to a failing grade.

In an effort to have full transparency and allow possible mitigation prior to any vote on this matter, I request that the City:

● Disclose all communications, studies, and staff recommendations related to this application to the public immediately.

● Require independent third-party reviews of all traffic, drainage, and infrastructure assumptions rather than relying solely on the data provided by the applicant. This should include the uphill community of 270 units that was recently approved for construction but not yet built.

● Ensure full transparency regarding all communications between the developer, financing entities, and public officials prior to this request.

I further request that the City require the following as a condition of any further consideration:

● A comprehensive pedestrian connectivity and sidewalk impact analysis to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.

● A developer-funded mitigation plan for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,

Janan R Lane

Public Comment
RZN-2026-0015

jlane58@att.net

3021 N Night Heron Drive

Fayetteville, AR 72704

From: Zack Hulett <zhulett@gmail.com>
Sent: Tuesday, May 19, 2026 6:26 PM
To: Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Holeyfield, Ashlyn <ashlyn.holeyfield@fayetteville-ar.gov>; Brewer, H. Rice <hrice.brewer@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Formal Opposition to Rezoning Petition RZN-2026-0015 - Zachary Hulett

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Zachary Hulett, and I am a resident of the Crystal Springs subdivision near the proposed development area on Deane Solomon. I am writing to formally voice my opposition to the requested rezoning associated with Plan Number: RZN-2026-0015.

I respectfully urge the Planning Commission to recommend denial of this petition. A rezoning of this magnitude—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

My primary concerns include:

*Incompatibility of Custom CPZD Zoning: The ~9.6-acre parcel (Parcel 765-23602-000) is currently a Commercial Planned Zoning District (CPZD). Moving to a generic RMF-12 designation ignores the "Bill of Assurance" and specific community benefits promised when this PZD was originally enacted.

*Infrastructure Friction & Cumulative Traffic: The city must account for the cumulative traffic load of this project combined with the 270-unit "Next Chapter" development. Together, these projects represent nearly 4,800 daily vehicle trips on roads like Deane Solomon and Vanike Dr that lack the capacity for such intensity.

*Low Infill Priority: According to the City's own Infill Matrix Score, this area lacks the proximity to transit, paved trails, and urban infrastructure required to justify a high-density RMF-12 designation.

*Stormwater & Environmental Risk: This greenfield site contains potential wetland habitats and already suffers from drainage issues where heavy rains cause flooding behind Vanike properties.

*Safety & Pedestrian Gaps: There are dangerous sidewalk gaps on Deane Solomon between Mt. Comfort and Hwy-112 that cannot support the increased pedestrian foot traffic of ~530 new residential units.

*The Case for Incompatibility

Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts (e.g., RZN 15-5240). Under Arkansas law and Fayetteville's planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare. This proposal fails that test by creating an abrupt transition that is physically and visually inconsistent with the surrounding character.

Formal Requests for Transparency and Mitigation

Before any vote is taken, I request that the City:

Require independent third-party reviews of traffic, drainage, and infrastructure assumptions rather than relying on applicant-provided data.

Disclose the original PZD Master Plan and Ordinance for the CPZD parcel to determine what green space and quality-of-life protections were previously guaranteed to the city.

Perform a pedestrian connectivity analysis and require a developer-funded mitigation plan for sidewalk installation and traffic calming on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to Fayetteville residents.

Sincerely,

Zachary Hulett

2570 W Vanike, Fayetteville, AR 72704

zhulett@gmail.com

From: Carly Grace <carly.grace@gmail.com>
Sent: Tuesday, May 19, 2026 6:27 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>; Planning Shared <planning@fayetteville-ar.gov>; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Holeyfield, Ashlyn <ashlyn.holeyfield@fayetteville-ar.gov>; Brewer, H. Rice <hrice.brewer@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick

<nick.werner@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>
Subject: Opposition to Rezoning Petition RZN-2026-0015 - Carly Grace

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council reps, Planning Commissioners, and Planning Staff,

I am a Fayetteville resident living near the proposed development area on Vanike, and I am writing to formally oppose the rezoning request associated with Plan Number RZN-2026-0015.

While I support the need for affordable and attainable housing in Fayetteville, I am deeply concerned that these developments continue to be concentrated disproportionately in West Fayetteville rather than distributed equitably throughout the city. Affordable housing should be integrated across all areas of Fayetteville, including East Fayetteville, instead of repeatedly placing higher-density projects along the city's western edge.

Although this property technically falls within the city's infill footprint, it sits on the far western boundary of Fayetteville and does not function as true centralized infill development. Rezoning this property from commercial to RMF-12 moves the area further away from balanced mixed-use planning and undermines the City's stated New Urbanism goals.

A core principle of New Urbanism is reducing dependency on automobiles by creating walkable environments where housing, services, retail, and daily needs are interconnected. This proposal does the opposite. **Residents of this development would have virtually no walkable destinations beyond a gas station and would be forced to drive over a mile for groceries, restaurants, or services.** Increasing residential density without corresponding commercial infrastructure will intensify traffic congestion rather than reduce it.

Traffic and pedestrian safety are already major concerns along Dean Solomon, Vanike, W. Salem, and Highway 112. Dean Solomon in particular lacks continuous sidewalk connectivity both north and south of Vanike, creating unsafe conditions for pedestrians today. Adding substantial residential density before these deficiencies are corrected would place additional strain on roads that are already struggling with capacity and safety. **Furthermore, changes are underway which will increase traffic-- the project south of underwood park, the opening of underwood park, and the reconfiguration of 112 will all 3 add traffic that cannot yet be studied. It would be impossible to have an accurate traffic study in place until these changes are made,so a rezone would be unwise at this point with a moot traffic study. It would be reckless.**

I strongly urge the City to deny this rezone at present until present changes to the area can be completed, and impact felt. then The city should then conduct its own independent traffic and infrastructure analyses rather than relying solely on developer-provided studies. This is especially

important given the significant ongoing and future changes in the corridor. Traffic patterns in this area are actively changing, making any current traffic study inherently limited and potentially unreliable as a basis for long-term rezoning decisions.

Approving a rezoning of this scale before those regional transportation impacts are fully realized would be premature and irresponsible.

Additional concerns include:

• Stormwater runoff, grading, and downstream drainage impacts affecting neighboring properties, including recurring flooding issues behind homes on the north side of Vanike during heavy rains

-RMF 12 being too dense and out of touch with the neighboring zones.

• Incompatibility with the established character and development pattern of the surrounding neighborhood;

• Increased pedestrian safety risks due to incomplete sidewalk infrastructure;

• Insufficient transition buffering between existing residential uses and the proposed density;

• Impacts on wetlands, wildlife habitat, and natural open space;

• Questions regarding whether existing utilities, emergency services, and transportation infrastructure can adequately support the proposed intensity.

I respectfully request that the Planning Commission and City Council deny this rezoning request.

I also request that:

• All communications, studies, traffic analyses, drainage reports, and staff recommendations related to this application be fully disclosed to the public;

• The City require independent review of traffic, drainage, and infrastructure assumptions rather than relying solely on applicant-provided analyses;

• Public comments from adjacent residents receive substantial consideration prior to any vote;

• Full transparency be provided regarding communications between the developer, financing entities, public officials, and related parties concerning future land use associated with this rezoning request.

Before any approval is considered, the City should also require:

• A comprehensive pedestrian connectivity and sidewalk impact analysis;

• Identification of all sidewalk gaps and unsafe pedestrian corridors along Dean Solomon from Mount Comfort to Highway 112;

• A developer-funded plan for sidewalk installation and connectivity improvements;

• Evaluation of traffic calming measures and pedestrian safety mitigation along Dean Solomon Road, W. Salem, and Vanike Drive.

Please include this email in the official public record for this application.

Thank you for your consideration and your service to Fayetteville residents.

Sincerely,

Carly Grace

Night Heron Drive

From: Greg Thomas <gregthomas615@gmail.com>
Sent: Wednesday, May 20, 2026 3:15 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessie,

Thank you for taking the time to respond to my email. I am writing to formally oppose this rezoning request based on the concerns outlined below.

First, in 2016 a rezoning request was considered in the nearby area for the Underwood Park development. At that time, the rezoning was rejected for several reasons, many of which remain directly applicable today.

A primary factor cited by commission members in 2016 was traffic. At that time, no traffic study had been conducted for Deane Solomon Road, and the commission determined it could not reasonably conclude that the roadway could support the additional homes proposed. Since then, no improvements have been made to Deane Solomon Road, no traffic study has been conducted on the existing roadway, and—most critically—the City has approved multiple housing developments along Deane Solomon that have significantly increased traffic volume.

Since 2016, Deane Solomon Road has seen the construction of 289 homes, with an additional 274 homes recently approved as part of the Underwood Park development. Allowing further development along this corridor without meaningful safety improvements or a comprehensive traffic study would be irresponsible. To put this in perspective, since the 2016 rezoning request was denied due to publicly stated traffic concerns, the daily volume of vehicles on Deane Solomon Road has effectively tripled.

Second, the 2016 rezoning request was also denied due to incompatibility with surrounding neighborhoods. That proposal, similar to the current RMF request, involved placing multifamily zoning deep within an established RSF neighborhood. Since that time, all approved RMF rezonings

within this area of the city have occurred along larger roadways with existing infrastructure, most notably Mount Comfort Road and Garland Avenue. Approving an RMF-12 development this far into an established RSF area has no precedent within this area of the city and is inconsistent with the City's 2030 Strategic Plan. A PZD classification would be far more appropriate and consistent with surrounding neighborhood development patterns.

Finally, city officials in 2016 identified significant concerns related to the creek watershed running through Underwood Park and the associated flooding issues. While it has been stated that the City's development code is sufficient to protect properties along this watershed, ongoing development has demonstrated otherwise. Continued construction along this corridor has resulted in increased floodplain elevations and greater volumes of stormwater being directed into the creek.

While I understand that individual developments may control the ***rate*** of stormwater discharge, the City's development code does not adequately address the cumulative ***volume*** of stormwater being introduced into the watershed. Additional development on this parcel would increase impervious surface area, further increasing stormwater volume routed directly to the creek rather than allowing for natural infiltration. This poses increased risks, including longer durations of inundation affecting nearby properties and vital facilities.

Importantly, in 2016 city officials explicitly acknowledged these concerns and stated that any development in this area would need to meet Low Impact Development (LID) requirements to have a chance of avoiding negative impacts. Due to the absence of such commitments, the rezoning request at that time was ultimately denied. The current rezoning proposal makes no commitment to LID standards and therefore should not be approved based on the precedent previously established by the City. Once again, pleas recall that and additional 563 homes have been developed within this watershed since these statements were made, making this Rezoning far more impactful

Thank you for your consideration of these concerns.

Respectfully,

Greg Thomas

Adrianna Carter

2992 W Marble Dr

Fayetteville, AR 72704

May 19, 2026

Planning Commission

113 W Mountain Street, Suite 219

Fayetteville, AR 72701

RE: RZN-2026-0015

Dear Planning Commissioners:

As a resident of the neighboring community just west of the proposed rezoning for nearly six years, I would like to offer my comments regarding RZN-2026-0015.

I support responsible and appropriately scaled growth in Fayetteville; however, I believe this proposal raises significant compatibility and infrastructure concerns that have not been adequately resolved. The proposed rezoning substantially increases residential intensity despite acknowledged sewer capacity issues, partially improved roadway infrastructure, unresolved drainage considerations, and insufficiently defined mitigation measures.

Beginning with sewer capacity, the City's own engineering review identifies that "there are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear directly in front of the property in the system." (Source: RZN-2026-0015-ENG Comments.docx) Given that known infrastructure concerns already exist, approving a substantial increase in residential density raises legitimate questions regarding whether the existing system can reliably support RMF-12 intensity without placing additional strain on public infrastructure and services.

Road infrastructure is another major concern. North Deane Solomon Road, from North Shiloh Drive to Highway 112, spans approximately 1.65 miles as a two-way road without a single traffic light, roadway lighting system, or consistently connected sidewalks. The City's engineering review further notes that "North Deane Solomon Road is a Partially improved Residential Link Street with asphalt paving and open ditches." (Source: RZN-2026-0015-ENG Comments.docx) The roadway network serving the site is not fully built to urban standards despite the proposed increase in residential intensity.

The proposed intensity may also negatively affect neighboring residential desirability and long-term neighborhood stability. The cumulative impacts of the nearby Underwood Park development, increased residential density, parking areas, lighting, and associated activity levels raise additional concerns regarding neighborhood compatibility, nighttime light spillover, noise, and loss of privacy for adjacent single-family residents. Existing residents purchased homes in an area historically characterized by low-density single-family development patterns and reasonable expectations of compatibility with surrounding land uses.

Additionally, the proposed RMF-12 zoning raises compatibility concerns related to potential multi-story development near the established single-family neighborhoods, including overlooking backyard privacy, increased lighting spillover, and greater overall activity intensity. While landscape buffering may eventually help some impacts, newly planted vegetation often requires many years before providing meaningful screening between higher-intensity multifamily development and neighboring homes.

Another concern is that many details remain undefined at the rezoning stage. City documents repeatedly state that improvements or drainage considerations will be "determined at time of development." Critical infrastructure mitigation measures should be clearly understood before granting substantially increased development rights.

Hydric soils and potential wetlands are another important consideration in this area. The City's engineering comments acknowledge the presence of hydric soils on the property, which suggests additional environmental and stormwater management considerations that warrant careful evaluation before substantial density increases are approved.

For these reasons, I respectfully urge the Planning Commission to deny the proposed rezoning request as currently submitted or alternatively require a substantially lower-intensity transition that is more compatible with the surrounding neighborhood and existing infrastructure.

Thank you for providing residents the opportunity to express their concerns regarding this proposal.

Sincerely,

Adrianna Carter

Public Comment
Post Agenda Session

From: Nicole <kieryalise@gmail.com>
Sent: Tuesday, May 12, 2026 11:43 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Proposed rezone of parcels 765-16658-101 and 765-23602-000

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am writing to you regarding a rezoning notice for the parcels 765-16658-101 and 765-23602-000. My understanding is that these areas are currently listed as protected wetland areas. Even if they are not, they do regularly flood, act as a water-sink for the nearby areas, and are home to a herd of deer and many other types of riparian wildlife.

Yes, we need dense housing in order to promote Fayetteville to grow in good ways. However, backfilling a floodplain in an area that already has drainage problems to add more housing is NOT the answer. Beyond the wildlife use, this area is along a popular walking trail, the Clabber Creek Trail, and will impact people's ability to enjoy the trail and experience nature.

Please do not allow the rezoning as requested. There are plenty of other places that houses can be placed that will not interfere in the same way.

Thank you!

From: ASHLEE STEWMAN <stew7014@yahoo.com>
Sent: Thursday, May 21, 2026 9:54 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fw: Formal Opposition to Rezoning Petition RZN-2026-0015 - Ashlee Smith

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My email that was sent in opposition to Rezoning Petition RZN-2026-0015 - was not included in the agenda. My email was sent May 11. It looks like many of our emails were not included. Many of us are opposed to this rezoning and would like to be heard. Thank you

----- Forwarded Message -----

From: "ASHLEE STEWMAN" <stew7014@yahoo.com>

To: "planning@fayetteville-ar.gov" <planning@fayetteville-ar.gov>

Cc:

Sent: Thu, May 21, 2026 at 9:47 PM

Public Comment
Post Agenda Session

From: Nicole <kieryalise@gmail.com>
Sent: Tuesday, May 12, 2026 11:43 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Proposed rezone of parcels 765-16658-101 and 765-23602-000

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Yes, we need dense housing in order to promote Fayetteville to grow in good ways. However, backfilling a floodplain in an area that already has drainage problems to add more housing is NOT the answer. Beyond the wildlife use, this area is along a popular walking trail, the Clabber Creek Trail, and will impact people's ability to enjoy the trail and experience nature.

Please do not allow the rezoning as requested. There are plenty of other places that houses can be placed that will not interfere in the same way.

Thank you!

From: ASHLEE STEWMAN <stew7014@yahoo.com>
Sent: Thursday, May 21, 2026 9:54 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fw: Formal Opposition to Rezoning Petition RZN-2026-0015 - Ashlee Smith

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----- Forwarded Message -----

From: "ASHLEE STEWMAN" <stew7014@yahoo.com>

To: "planning@fayetteville-ar.gov" <planning@fayetteville-ar.gov>

Cc:

Sent: Thu, May 21, 2026 at 9:47 PM

Public Comment
Post Agenda Session

Subject: Fw: Formal Opposition to Rezoning Petition RZN-2026-0015 - Ashlee Smith

My email was not included on the agenda. It was sent May 11!

Yahoo Mail: Search, Organize, Conquer

----- Forwarded Message -----

From: "ASHLEE STEWMAN" <stew7014@yahoo.com>

To:

Cc:

Sent: Mon, May 11, 2026 at 3:48 PM

Subject: Formal Opposition to Rezoning Petition RZN-2026-0015 - Ashlee Smith

Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Ashlee Smith, and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon. I am writing to formally voice my opposition to the requested rezoning and development associated with **Plan Number: RZN-2026-0015.**

I respectfully urge the Planning Commission to recommend denial of this petition. A rezoning of this magnitude—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

My primary concerns include:

- Spot-zoning and incompatibility with the established character of the surrounding neighborhood.
- Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112).
- Stormwater, runoff, grading, and downstream drainage impacts affecting neighboring properties (especially the stormwater flooding that develops behind the north side of Vanike properties during heavy rains due to improper drainage).
- Potential reduction in neighboring property values and quality of life.
- The wetland preserve and natural habitat of numerous animal life.
- Precedent-setting impacts for future rezonings inconsistent with the area's historic development pattern. • Whether existing utilities, emergency services, and transportation infrastructure can adequately support the proposed density/intensity.

The Case for Incompatibility and Infrastructure Friction

Public Comment
Post Agenda Session

Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (e.g., **REZONING PETITION RZN 15-5240**). Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare.

In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the **cumulative traffic load** of this project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Formal Requests for Transparency and Mitigation

Before any vote is taken on this matter, I request that the City:

- **Disclose all communications,** studies, and staff recommendations related to this application to the public immediately.
- **Require independent third-party reviews** of all traffic, drainage, and infrastructure assumptions rather than relying solely on data provided by the applicant. This should include the "Next Chapter" community of 170 units that was recently approved for construction but not yet built.
- **Ensure full transparency** regarding all communications between the developer, financing entities, and public officials prior to this request.

Required Infrastructure Analysis

I further request that the City require the following as a condition of any further consideration:

- A comprehensive **pedestrian connectivity and sidewalk impact analysis** to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.
- A developer-funded **mitigation plan** for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,

Ashlee Smith

stew7014@yahoo.com

2555 W Vanike dr.

Public Comment
Post Agenda Session

From: Masters, Jessica
Sent: Friday, May 22, 2026 8:34 AM
To: Greg Thomas <gregthomas615@gmail.com>
Subject: RE: LID on Rezoning request. RZN- 2026-0015

Good morning,

The overall PZD Ordinance and related information can be found attached. This was part of a multi-acre effort to preserve Wilson Springs.

Between zoning regulations and the City's typical development requirements, the City already has quite a bit of control over what developments can look like. That said, a PZD might be able to offer a development more custom approach, or add prescriptive design elements, or other requirements to ensure a specific outcome. A PZD is never required for a development.

The development process is the same whether a property is developed under a PZD or not; developments still have to meet the minimum standards, including tree preservation requirements, that are established by the Unified Development Code.

Tree preservation requirements can be found here: https://library.municode.com/ar/fayetteville/codes/code_of_ordinances?nodeId=CD_ORD_TITXVUNDECO_CH167TRPRPR

If you have questions about how these work, I recommend reaching out to Willa Thomason (wthomason@fayetteville-ar.gov) or Bethany Douglas (bdouglas@fayetteville-ar.gov) who can walk you through specific questions.

I will do my best to continue answering your questions, but I am in court today for a jury trial so will be largely unavailable. Please be assured that we are working on getting all public comment to the Planning Commission.

Jessie

Jessie Masters, AICP

From: Greg Thomas <gregthomas615@gmail.com>
Sent: Friday, May 22, 2026 3:41 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>; Planning Shared <planning@fayetteville-ar.gov>
Subject: Re: LID on Rezoning request. RZN- 2026-0015

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Public Comment
Post Agenda Session

Jessie,

Also, are you able to provide additional information on the original Rezoning in 2003, or shed light on the CPZD restrictions that are on the site today? It seems like this area would be a great candidate for one of the clever PZD projects that have been developed across town. I've been impressed with these projects as they have maintained the character of neighborhoods and really added value to the surrounding communities by providing increased density along with smart gathering spots that can build a community bond. But I'm curious if the 2003 rezone put too many restrictions on allowing this type of development to happen. What would the proposed 2003 RMF-4 zoning look like if developed?

Secondly, the city is investing quite a bit of time and money in this area near underwood park. It could potentially turn into the area surround gulley park if controlled properly. It seems like RMF-12 zoning relinquishes some of the city's control over the development. With all the investment and opportunity specific to this site, wouldn't a PZD be fitting to ensure this gets developed with the right intention? In a similar thought, isn't the rest of the underwood park development along deane solomon going to follow the PZD process?

Lastly, is the 20-25% tree preservation requirement a "per tree" requirement or does it account for the square feet of canopy provided. While this site has thousands of trees, I feel that the code could allow the developer to remove ALL of the larger mature trees in favor of keeping 25% of the smaller diameter trees at more convenient for development locations. I feel like this does not meet the intent of the code, especially for a site with as many mature trees as this.

I look forward to hearing back from you!

Thanks! -Greg

On Thu, May 21, 2026 at 11:05 PM Greg Thomas <gregthomas615@gmail.com> wrote:

Hi Jessie,

Does the planning commission or city council have the authority to require a project to utilize the City's LID guidelines? Additionally, does the new underwood park residential development utilize LID guidelines?

Thank you!

Greg

From: Christina and Jon Felker <felkercj@gmail.com>
Sent: Friday, May 22, 2026 8:21 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Formal Opposition to Rezoning Petition RZN-2026-0015 - Christina Felker

Public Comment
Post Agenda Session

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Fayetteville Planning Commissioners and Planning Staff,
My name is Christina Felker, and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon. I am writing to formally voice my opposition to the requested rezoning and development associated with Plan Number: RZN-2026-0015.
I respectfully urge the Planning Commission to recommend denial of this petition. A rezoning of this magnitude—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.
My primary concerns include:
• Spot-zoning and incompatibility with the established character of the surrounding neighborhood.
• Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112).
• Stormwater, runoff, grading, and downstream drainage impacts affecting neighboring properties (especially the stormwater flooding that develops behind the north side of Vanike properties during heavy rains due to improper drainage).
• Potential reduction in neighboring property values and quality of life.
• Insufficient transition buffering between existing residential uses and the proposed intensity.
• The wetland preserve and natural habitat of numerous animal life.
• Precedent-setting impacts for future rezonings inconsistent with the area's historic development pattern.
• Whether existing utilities, emergency services, and transportation infrastructure can adequately support the proposed density/intensity.
The Case for Incompatibility and Infrastructure Friction
Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (e.g., REZONING PETITION RZN 15-5240).
Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare.
In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the cumulative traffic load of this project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.
Formal Requests for Transparency and Mitigation
Before any vote is taken on this matter, I request that the City:

● Disclose all communications, studies, and staff recommendations related to this

application to the public immediately.

● Require independent third-party reviews of all traffic, drainage, and infrastructure assumptions rather than relying solely on data provided by the applicant. This should include the “Next Chapter” community of 170 units that was recently approved for construction but not yet built.

● Ensure full transparency regarding all communications between the developer, financing entities, and public officials prior to this request.

Required Infrastructure Analysis

I further request that the City require the following as a condition of any further consideration:

● A comprehensive pedestrian connectivity and sidewalk impact analysis to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.

● A developer-funded mitigation plan for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,
Christina Felker
felkercj@gmail.com
2722 Vanike Dr. Fayetteville Arkansas 72704

Christina Felker

From: Lori Sherman <lorisherman17@gmail.com>
Sent: Tuesday, May 19, 2026 10:19 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015

We firmly oppose the rezoning of the property off of Dean Solomon Road. The rezoning of this property does not make sense. The residential areas on this street will be taken over by too many apartment buildings and therefore will increase traffic along this road and will keep our neighborhoods from being a neighborhood community. There are already too many apartment buildings taking over the west side of Fayetteville. Safety on the streets will decline. Rezoning will create noise and decrease the value of homes in which many home owners have invested with their hard earned money not ever thinking that apartment buildings would be right next door to their homes. Let’s be fair and understanding of the requests you are hearing from many home owners.

Creek Meadow resident

Lori Sherman

Public Comment
Post Agenda Session

From: Hunter Smith <hdsmith24@yahoo.com>
Sent: Wednesday, May 20, 2026 11:18 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Request to Preserve Existing Wetland from Residential Rezoning: Parcels 765-16658-10 and 765-23602-000

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I am a resident of Fayetteville whose neighborhood directly borders the natural wetland currently proposed for residential rezoning. I respectfully urge the City to preserve this land in its current state, as its environmental and community value far exceeds the short-term benefits of residential development.

This wetland provides critical, well-documented benefits to Fayetteville residents and municipal infrastructure, including:

- **Flood mitigation:** Absorbs and slows stormwater, reducing downstream flooding and damage to public infrastructure.
- **Water quality protection:** Naturally filters pollutants, sediments, and nutrients before they enter local waterways and drinking-water sources.
- **Erosion control:** Stabilizes soils and streambanks, protecting adjacent properties and city assets.
- **Wildlife habitat:** Supports birds, pollinators, amphibians, and native species essential to local biodiversity.
- **Climate resilience:** Stores carbon, moderates local temperatures, and buffers the impacts of extreme weather.
- **Groundwater recharge:** Allows water to infiltrate and replenish aquifers, supporting long-term water supply.
- **Public health and quality of life:** Provides open space, scenic value, noise buffering, and proven mental-health benefits for nearby residents.
- **Economic value:** Reduces long-term municipal costs for stormwater management, flood control, and water treatment, while supporting nearby property values.
- **Regulatory alignment:** Supports state and federal environmental objectives and reduces future mitigation and compliance risks.

Public Comment
Post Agenda Session

Once a natural wetland is developed, its functions cannot be fully restored. I respectfully ask the City to reconsider rezoning this land and to prioritize long-term environmental resilience and community well-being.

Thank you for your time and consideration.

Sincerely,
Hunter Smith

From: Alyssa Lindau <alyssa.r.lindau@gmail.com>
Sent: Wednesday, May 20, 2026 7:06 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Formal Opposition to Rezoning Petition RZN-2026-0015 - Alyssa Dimitrov

Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Alyssa Dimitrov, and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon. I am writing to formally voice my opposition to the requested rezoning and development associated with **Plan Number: RZN-2026-0015**.

I respectfully urge the Planning Commission to recommend **denial** of this petition. A rezoning of this magnitude—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

My primary concerns include:

• Spot-zoning and incompatibility with the established character of the surrounding neighborhood.

• Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112).

• Potential reduction in neighboring property values and quality of life.

• Insufficient transition buffering between existing residential uses and the proposed intensity. • The wetland preserve and natural habitat of numerous animal life.

• Precedent-setting impacts for future rezonings inconsistent with the area's historic development pattern.

• Whether existing utilities, emergency services, and transportation infrastructure can adequately support the proposed density/intensity.

The Case for Incompatibility and Infrastructure Friction

Public Comment
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Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (e.g., **REZONING PETITION RZN 15-5240**). Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare.

In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the **cumulative traffic load** of this project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Formal Requests for Transparency and Mitigation

Before any vote is taken on this matter, I request that the City:

● **Disclose all communications**, studies, and staff recommendations related to this application to the public immediately.

● **Require independent third-party reviews** of all traffic, drainage, and infrastructure assumptions rather than relying solely on data provided by the applicant. This should include the "Next Chapter" community of 270 units that was recently approved for construction but not yet built.

● **Ensure full transparency** regarding all communications between the developer, financing entities, and public officials prior to this request.

Required Infrastructure Analysis

I further request that the City require the following as a condition of any further consideration:

● A comprehensive **pedestrian connectivity and sidewalk impact analysis** to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.

● A developer-funded **mitigation plan** for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,

Alyssa Dimitrov (A resident tired of cash-grabbing developers)

3186 N Bentley Rdg, Fayetteville AR 72704

(303) 408-1529

Public Comment
Post Agenda Session

From: Grayson Barber <gmbarber91@gmail.com>
Sent: Friday, May 22, 2026 8:22 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fwd: Formal Opposition to Rezoning Petition RZN-2026-0015 - Grayson Barber

Hello, I tried to send this May 19 but it didn't make it into the rezoning packet. Thanks.

---------- Forwarded message ---------
From: **Grayson Barber** <gmbarber91@gmail.com>
Date: Tue, May 19, 2026 at 9:47 PM
Subject: Formal Opposition to Rezoning Petition RZN-2026-0015 - Grayson Barber
To:

Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Grayson Barber, and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon. I am writing to formally voice my opposition to the requested rezoning and development associated with Plan Number: RZN-2026-0015.

I respectfully urge the Planning Commission to recommend denial of this rezoning. Are we to become a city of hastily built, multi-family construction that in 20 years will look 50? Perhaps I'm just sensitive to it because I live here, but everywhere I look in West Fayetteville (Mt Comfort, Van Asche, more Mt Comfort, Wedington, etc.) there are new apartments being built. I would really like to see less multi-family, high density constructions and more single-family homes being built (so long as proper infrastructure is in place in terms of wastewater, runoff, traffic mitigation, etc .)

My primary concerns include:

• Spot-zoning and incompatibility with the established character of the surrounding neighborhood.• Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112).

• Stormwater, runoff, grading, and downstream drainage impacts affecting neighboring properties (especially the stormwater flooding that develops behind the north side of Vanike properties during heavy rains due to improper drainage).

• Potential reduction in neighboring property values and quality of life.

• The wetland preserve and natural habitat of numerous animal life.

• Precedent-setting impacts for future rezonings inconsistent with the area's historic development pattern.

• Whether existing utilities, emergency services, and transportation infrastructure can adequately support the proposed density/intensity.

Public Comment
Post Agenda Session

The Case for Incompatibility and Infrastructure Friction

Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (e.g., REZONING PETITION RZN 15-5240).

Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare.

In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the cumulative traffic load of this project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Formal Requests for Transparency and Mitigation

Before any vote is taken on this matter, I request that the City:

Disclose all communications, studies, and staff recommendations related to this application to the public immediately.

Require independent third-party reviews of all traffic, drainage, and infrastructure assumptions rather than relying solely on data provided by the applicant. This should include the "Next Chapter" community of 270 units that was recently approved for construction but not yet built.

Ensure full transparency regarding all communications between the developer, financing entities, and public officials prior to this request.

Required Infrastructure Analysis

I further request that the City require the following as a condition of any further consideration:

A comprehensive pedestrian connectivity and sidewalk impact analysis to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.

A developer-funded mitigation plan for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,

Grayson Barber

gmbarber91@gmail.com

Public Comment
Post Agenda Session

From: Emily Barber <eabarber08@gmail.com>
Sent: Friday, May 22, 2026 8:27 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Formal Opposition to Rezoning Petition RZN-2026-0015 - E, Barber

Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Emily Barber, and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon. I am writing to formally voice my opposition to the requested rezoning and development associated with Plan Number: RZN-2026-0015.

I respectfully urge the Planning Commission to recommend denial of this petition. A rezoning of this magnitude—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

My primary concerns include:

- Spot-zoning and incompatibility with the established character of the surrounding neighborhood.
- Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112).
- Increased pedestrian foot traffic on Dean Solomon which has incomplete sidewalk access going both north and south of Vanike.
- Stormwater, runoff, grading, and downstream drainage impacts affecting neighboring properties (especially the stormwater flooding that develops behind the north side of Vanike properties during heavy rains due to improper drainage).
- Potential reduction in neighboring property values and quality of life.
- Insufficient transition buffering between existing residential uses and the proposed intensity.
- The wetland preserves and natural habitat of numerous animal life.

The Case for Incompatibility and Infrastructure Friction Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (e.g., REZONING PETITION RZN 15-5240). Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare. In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the cumulative traffic load of this project combined with other pending

developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Before any vote is taken on this matter, I request that the City:

- Disclose all communications, studies, and staff recommendations related to this application to the public immediately.
- Require independent third-party reviews of all traffic, drainage, and infrastructure assumptions rather than relying solely on data provided by the applicant. This should include the "Next Chapter" community of 270 units that was recently approved for construction but not yet built.
- Ensure full transparency regarding all communications between the developer, financing entities, and public officials prior to this request.

I further request that the City require the following as a condition of any further consideration:

- A comprehensive pedestrian connectivity and sidewalk impact analysis to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.
- A developer-funded mitigation plan for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,

Emily Barber

eabarber08@gmail.com

2740 W Vanike Dr. Fayetteville, AR 7

---------- Forwarded message ---------
From: **Shane Kinniell** <skinniell@gmail.com>
Date: Wed, May 13, 2026 at 1:57 PM
Subject: Formal Opposition to Rezoning Petition RZN-2026-0015 - Dustin Shane Kinniell
To: <andrew.brink@fayetteville-ar.gov>

Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Dustin Shane Kinniell, and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon. I am writing to formally voice my opposition to the requested rezoning and development associated with Plan Number: RZN-2026-0015.

Public Comment
Post Agenda Session

I respectfully urge the Planning Commission to recommend denial of this petition. A rezoning of this magnitude—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

My primary concerns include:

• Spot-zoning and incompatibility with the established character of the surrounding neighborhood.

• Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112).

• Increased pedestrian foot traffic on Dean Solomon which has incomplete sidewalk access going both north and south of Vanike.

• Stormwater, runoff, grading, and downstream drainage impacts affect neighboring properties (especially the stormwater flooding that develops behind the north side of Vanike properties during heavy rains due to improper drainage).

• Potential reduction in neighboring property values and quality of life.

• The wetland preserve and natural habitat of numerous animal life.

• Precedent-setting impacts for future rezonings inconsistent with the area's historic development pattern.

• Whether existing utilities, emergency services, and transportation infrastructure can adequately support the proposed density/intensity.

The Case for Incompatibility and Infrastructure Friction

Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (e.g., REZONING PETITION RZN 15-5240). Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare.

In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the cumulative traffic load of this project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Formal Requests for Transparency and Mitigation

Before any vote is taken on this matter, I request that the City:

• Disclose all communications, studies, and staff recommendations related to this application to the public immediately.

Public Comment
Post Agenda Session

• Require independent third-party reviews of all traffic, drainage, and infrastructure assumptions rather than relying solely on data provided by the applicant. This should include the "Next Chapter" community of 270 units that was recently approved for construction but not yet built.

• Ensure full transparency regarding all communications between the developer, financing entities, and public officials prior to this request.

Required Infrastructure Analysis

I further request that the City require the following as a condition of any further consideration:

• A comprehensive pedestrian connectivity and sidewalk impact analysis to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.

• A developer-funded mitigation plan for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,

Dustin Shane Kinniell

skinniell@gmail.com

3165 N Night Heron Dr

From: Jessica House <jhouse5782@yahoo.com>
Sent: Friday, May 22, 2026 8:31 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: Formal Opposition to Rezoning Petition RZN-2026-0015 - Jessica Johnson

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

· Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Jessica Johnson, and I am a resident of an affected neighborhood near the

Public Comment
Post Agenda Session

proposed development area on Deane Solomon.

I am writing to formally voice my **opposition to the requested rezoning and development associated with Plan Number:RZN-2026-0015.**

I respectfully urge the Planning Commission to recommend denial of this petition. A rezoning of this magnitude—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

My primary concerns include:

• Spot-zoning and incompatibility with the established character of the surrounding neighborhood.

• Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112).

• Increased pedestrian foot traffic on Dean Solomon which has incomplete sidewalk access going both north and south of Vanike.

• Stormwater, runoff, grading, and downstream drainage impacts affecting neighboring properties (especially the stormwater flooding that develops behind the north side of Vanike properties during heavy rains due to improper drainage).

• Potential reduction in neighboring property values and quality of life.

• Insufficient transition buffering between existing residential uses and the proposed intensity.

• The wetland preserve and natural habitat of numerous animal life.

• Precedent-setting impacts for future rezonings inconsistent with the area's historic development pattern.

• Whether existing utilities, emergency services, and transportation infrastructure can adequately support the proposed density/intensity.

Public Comment
Post Agenda Session

The Case for Incompatibility and Infrastructure Friction:

Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (**e.g., REZONING PETITION RZN 15-5240).** Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare.

In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the cumulative traffic load of this project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Formal Requests for Transparency and Mitigation:

Before any vote is taken on this matter, I request that the City:

● Disclose all communications, studies, and staff recommendations related to this application to the public immediately.

● Require independent third-party reviews of all traffic, drainage, and infrastructure assumptions rather than relying solely on data provided by the applicant. This should include the "Next Chapter" community of 270 units that was recently approved for construction but not yet built.

● Ensure full transparency regarding all communications between the developer, financing entities, and public officials prior to this request.

Required Infrastructure Analysis:

I further request that the City require the following as a condition of any further consideration:

● A comprehensive pedestrian connectivity and sidewalk impact analysis to address

Public Comment
Post Agenda Session

the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.

● A developer-funded mitigation plan for sidewalk installation and traffic calming

measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your

commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,

Jessica Johnson

jhouse5782@yahoo.com

3131 N Night Heron Dr, Fayetteville, AR, 72704

· On Friday, May 22, 2026 at 08:05:14 AM CDT, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Good morning,

Thank you for re-sending. Unfortunately, I do not appear to have your original message, and the information below is cut off. Can you please re-forward to me your original email so I can add it to the record?

Thank you,

Jessie

Jessie Masters, AICP

Planning Director

Development Services

City of Fayetteville, Arkansas

Public Comment
Post Agenda Session

(479) 575-8239

www.fayetteville-ar.gov

Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

Please note that Planning is currently short-staffed and that communications and review times may increase as a result. Please bear with us in the interim.

From: Jessica Johnson <jhouse5782@yahoo.com>
Sent: Thursday, May 21, 2026 7:34 PM
To: Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Holeyfield, Ashlyn <ashlyn.holeyfield@fayetteville-ar.gov>; Brewer, H. Rice <hrice.brewer@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: Formal Opposition to Rezoning Petition RZN-2026-0015 - Jessica Johnson

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Resending. Sent on 5/18.

Please ensure this is attached to the meeting refrences on 5/26. I did not receive notification that it was received or will be included.

Thanks!

Jessica Johnson

On May 18, 2026, at 9:52 AM, Jessica House <jhouse5782@yahoo.com> wrote:

Public Comment
Post Agenda Session

Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Jessica Johnson, and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon.

I am writing to formally voice my opposition to the requested rezoning and development associated with **Plan Number: RZN-2026-0015**.

I respectfully urge the Planning Commission to recommend **denial** of this petition. A rezoning of this magnitude—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

My primary concerns include:

• Spot-zoning and incompatibility with the established character of the surrounding neighborhood.

• Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112).

• Increased pedestrian foot traffic on Dean Solomon which has incomplete sidewalk access going both north and south of Vanike.

• Stormwater, runoff, grading, and downstream drainage impacts affecting neighboring properties (especially the stormwater flooding that develops behind the north side of Vanike properties during heavy rains due to improper drainage).

• Potential reduction in neighboring property values and quality of life.

• Insufficient transition buffering between existing residential uses and the proposed intensity.

• The wetland preserve and natural habitat of numerous animal life.

• Precedent-setting impacts for future rezonings inconsistent with the area's historic development pattern.

• Whether existing utilities, emergency services, and transportation infrastructure can

adequately support the proposed density/intensity.

The Case for Incompatibility and Infrastructure Friction:

Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (**e.g., REZONING PETITION RZN 15-5240).** Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare.

In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the **cumulative traffic load** of this project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Formal Requests for Transparency and Mitigation:

Before any vote is taken on this matter, I request that the City:

- **Disclose all communications,** studies, and staff recommendations related to this application to the public immediately.
- **Require independent third-party reviews** of all traffic, drainage, and infrastructure assumptions rather than relying solely on data provided by the applicant. This should include the "Next Chapter" community of 270 units that was recently approved for construction but not yet built.
- **Ensure full transparency** regarding all communications between the developer, financing entities, and public officials prior to this request.

Required Infrastructure Analysis:

I further request that the City require the following as a condition of any further consideration:

- A comprehensive **pedestrian connectivity and sidewalk impact analysis** to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.
- A developer-funded **mitigation plan** for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Public Comment
Post Agenda Session

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,

Jessica Johnson

jhouse5782@yahoo.com

3131 N Night Heron Dr, Fayetteville, AR, 72704

From: Leta Darling <letadarling@icloud.com>
Sent: Friday, May 22, 2026 8:50 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fwd: Rezoning Petition RZN-2026-0015 – Opposition Letter

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, Jessie,

My opposition letter (see below) was not included in the agenda packet.

Are you able to add please? Thank you for your help.

Respectfully,

Leta

Begin forwarded message:

From: Leta Darling <letadarling@icloud.com>
Date: May 19, 2026 at 11:13:45 PM CDT
To: hrice.brewer@fayetteville-ar.gov, fred.gulley@fayetteville-ar.gov, mary.madden@fayetteville-ar.gov, mary.mcgetrick@fayetteville-ar.gov, matthew.cabe@fayetteville-ar.gov, nick.castin@fayetteville-ar.gov, nick.werner@fayetteville-ar.gov
Cc: andrew.brink@fayetteville-ar.gov, ashlyn.holeyfield@fayetteville-ar.gov
Subject: Rezoning Petition RZN-2026-0015 – Opposition Letter

Hey you guys.

Public Comment
Post Agenda Session

I know you are going to get a lot of these because the residents in the area are resoundingly opposed to the rezone and development under consideration. My hope is that you thoughtfully consider the content as well as the number of communications you receive.

Please deny this rezoning request. There are many reasons to do so. I'll try to be succinct and only address four.

1) Drainage. The existing residential area was built on a swamp. The clay content is high, and so is the water table. The existing residents currently employ methods ranging from sump pumps to paving sections of their backyards to enable year-round use. Otherwise, there can be standing water for months of the year (this includes the backyards of the houses on Vanike, which would border the proposed development). While East and Central Fayetteville have sewer and drainage issues due to growth and aging infrastructure, the west side is relatively new and already experiences comparable issues. Clabber Creek floods to the point that it runs over Dean Solomon and/or Salem at times. Adding runoff by decreasing the surrounding fields and trees will intensify the problem. This development could definitely impact the floodplain.

Should the rezoning not be denied immediately, I would ask you to please consider a delay to allow a third-party study of the area's ability to accommodate the necessary drainage and sewage systems tied to the project. The city might require the applicant to present a sewer system plan for review by a third-party expert and approval by the city PRIOR to the rezone, with the cost of the study and plan implementation to be borne by the applicant. Understanding that some basic infrastructure or connections are already in place, the study could examine whether these could support such a concentrated population without substantial additional cost to the city.

2) The additional traffic flow would be untenable with the current infrastructure, and making the necessary modifications would be costly.

Dean Solomon is a two-lane road with no shoulders. It cannot support the thoroughfare. If expanded, the huge drainage ditch on the west side would be lost. This will exacerbate existing drainage issues tied to Clabber Creek and the area's overall physiography and topography. An additional stoplight at the corner of Dean Solomon and Shiloh Dr. would be required at the very least, but the additional traffic burden would still cause significant congestion and delays.

Mount Comfort is already overburdened—even now, before the HUGE apartment complex under construction at the Salem Dr. junction is occupied.

3) Fayetteville's rental market is saturated. We don't need more rentals—particularly not apartments. We need homes. Homes of the type compatible with the current zoning.

4) This project is directly opposed to the City of Fayetteville's long-term plan.

There are no commercial services on Mount Comfort, other than two gas stations. This development would not be a step towards a walkable community. The proposed is not infill. It is greenfield development. This development would DESTROY the aesthetic of the surrounding neighborhood, congest the area, and operate in direct contrast to the city's stated goals. This is

urban sprawl. (If apartments were to be allowed there, limiting them to those built over businesses in support of the city's long-term plan to promote walkable, sustainable communities would be a better approach.) Please consider the costs to the city in developing this area, with an eye toward achieving long-term goals.

I don't want an apartment complex in my backyard for the same reasons you wouldn't. Transient populations, higher incidence of crime, diminished property values, environmental concerns, you name it.

But this particular project isn't just objectionable for personal reasons of the neighboring residents. It will be extremely costly in many ways, both immediately and long-term. It is contrary to the city's long-term plan. It is against the city's overall best interest.

Please vote with the residents and the city you protect. Please deny this rezone.

Thank you for your time, your thoughtful consideration, and your commitment to public service.

Respectfully,

Leta Darling

Neighboring Resident

Fayetteville, AR 72704

-----Original Message-----
From: Lex Broyles <LBroyles@knwa.com>
Sent: Friday, May 22, 2026 9:16 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Rezoning on Vanike & Deane Solomon

Hello,

I am writing to protest the rezoning plan in this area. I live off of Deane Solomon and so I see the traffic issues and the water runoff and flooding issues.

Placing multi family in a purely residential single family neighborhood area with zero commercial services is not aligned with city guidelines. Everyone that is added to this area will have to drive long distances for anything other than a gas station.

Also planning commission lists Deane Solomon as a neighborhood link street that can handle more traffic yet it has none of the characteristics listed in the city's own guidelines for what constitutes a link street: "these streets may have on street parking, center turn lanes, or wider lanes accommodating truck or transit vehicles where appropriate."

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Deane Solomon has none of these features and in fact is the exact opposite of what the city code describes. It is so narrow that several times a year a car ends up in the ditch on the west side of the road.

Multi family is not appropriate, nor can the street handle the additional traffic it would bring.

None of the traffic discussion incorporates the number of autos that will be added with the Underwood development as well as park visitors once that is finally completed.

Please keep this development single family.

Thank you for your service to the city.

Lex Broyles

Sent from my iPhone

From: Jon F <jon.felker@gmail.com>
Sent: Friday, May 22, 2026 9:56 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fwd: Formal Opposition to Rezoning Petition RZN-2026-0015 - Jonathan Felker

---------- Forwarded message ---------
From: **Jon F** <jon.felker@gmail.com>
Date: Sat, May 16, 2026 at 10:14 AM
Subject: Formal Opposition to Rezoning Petition RZN-2026-0015 - Jonathan Felker
To: <andrew.brink@fayetteville-ar.gov>, <ashlyn.holeyfield@fayetteville-ar.gov>, <hrice.brewer@fayetteville-ar.gov>, <fred.gulley@fayetteville-ar.gov>, <mary.madden@fayetteville-ar.gov>, <mary.mcgetrick@fayetteville-ar.gov>, <matthew.cabe@fayetteville-ar.gov>, <nick.castin@fayetteville-ar.gov>, <nick.werner@fayetteville-ar.gov>

Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Jonathan Felker, and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon. I am writing to formally voice my opposition to the requested rezoning and development associated with Plan Number: RZN-2026-0015.

I respectfully urge the Planning Commission to recommend denial of this petition. A rezoning of this magnitude—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

My primary concerns include:

• Spot-zoning and incompatibility with the established character of the surrounding neighborhood.

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• Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112).

• Increased pedestrian foot traffic on Dean Solomon which has incomplete sidewalk access going both north and south of Vanike.

• Stormwater, runoff, grading, and downstream drainage impacts affecting neighboring properties (especially the stormwater flooding that develops behind the north side of Vanike properties during heavy rains due to improper drainage).

• Potential reduction in neighboring property values and quality of life.

• Insufficient transition buffering between existing residential uses and the proposed intensity.

• The wetland preserve and natural habitat of numerous animal life.

• Precedent-setting impacts for future rezonings inconsistent with the area's historic development pattern.

• Whether existing utilities, emergency services, and transportation infrastructure can adequately support the proposed density/intensity.

• The area is a wet prairie with subterranean prairie crawfish. This means there is constantly ground water, so retention ponds for any proposed developments will remain full and not capture storm water. Increased impermeable surfaces without retention will only stress the new Underwood park drainage, and potentially raise the flood zone of Clabber Creek.

• The vacancy rate of multifamily apartments has skyrocketed. If this development is a speculative investment, there is potential that the development is never finished. This could become abandoned unfinished structures if the market cannot support more luxury multifamily units. Fayetteville needs more options for first time home buyers, not apartments.

The Case for Incompatibility and Infrastructure Friction Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (e.g., REZONING PETITION RZN 15-5240).

Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare.

In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the cumulative traffic load of this project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Formal Requests for Transparency and Mitigation

Before any vote is taken on this matter, I request that the City:

Public Comment
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Disclose all communications, studies, and staff recommendations related to this application to the public immediately.

Require independent third-party reviews of all traffic, drainage, and infrastructure assumptions rather than relying solely on data provided by the applicant. This should include the “Next Chapter” community of 270 units that was recently approved for construction but not yet built.

Ensure full transparency regarding all communications between the developer, financing entities, and public officials prior to this request.

Required Infrastructure Analysis

I further request that the City require the following as a condition of any further consideration:

A comprehensive pedestrian connectivity and sidewalk impact analysis to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.

A developer-funded mitigation plan for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,

Jonathan Felker

479-841-9048

2722 W Vanike Dr

jon.felker@gmail.com

From: Debbie Medlock <medlockd8350@gmail.com>
Sent: Friday, May 22, 2026 10:54 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fwd: Opposition to RZN-2026-0015

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Public Comment
Post Agenda Session

---------- Forwarded message ---------
From: **Debbie Medlock** <medlockd8350@gmail.com>
Date: Fri, May 8, 2026 at 12:35 PM
Subject: Opposition to RZN-2026-0015
To: <planning@fayetteville-ar.gov>

Dear Fayetteville Planning Commission,

I am writing to formally express my opposition to RZN-2026-0015 resulting increase in traffic that will affect my street.

As a resident of the Cobblestone subdivision living on Marble Drive, I am deeply concerned about the impact that additional vehicle volume will have on the safety, noise levels, and overall quality of life in our neighborhood. I request that my opposition be noted for the record during the planning and review process.

Thank you for your time and for considering the concerns of the residents.

Best regards,

Deborah Medlock

From: Lisa Leclerc <lisaleclercmn@gmail.com>
Sent: Friday, May 22, 2026 10:57 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fwd: Formal Opposition to Rezoning Petition RZN-2026-0015 - Lisa B Leclerc

Begin forwarded message:

From: Lisa Leclerc <lisaleclercmn@gmail.com>
Date: May 19, 2026 at 3:18:24 PM CDT
Subject: Formal Opposition to Rezoning Petition RZN-2026-0015 - Lisa B Leclerc

Public Comment
Post Agenda Session

Sent from my iPhone

Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Lisa B Leclerc , and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon. I am writing to formally voice my opposition to the requested rezoning and development associated with **Plan Number: RZN-2026-0015**.

I respectfully urge the Planning Commission to recommend **denial** of this petition. A rezoning of this magnitude—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

My primary concerns include:

• Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112).• Increased pedestrian foot traffic on Dean Solomon which has incomplete sidewalk access going both north and south of Vanike.

• Stormwater, runoff, grading, and downstream drainage impacts affecting neighboring properties (especially the stormwater flooding that develops behind the north side of Vanike properties during heavy rains due to improper drainage).

• Potential reduction in neighboring property values and quality of life.

• Insufficient transition buffering between existing residential uses and the proposed intensity.

• The wetland preserve and natural habitat of numerous animal life.

• Precedent-setting impacts for future rezonings inconsistent with the area's historic development pattern.

The Case for Incompatibility and Infrastructure Friction

Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (e.g., **REZONING PETITION RZN 15-5240**).

Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests

entirely on the applicant to demonstrate that this change serves the public welfare.

In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the **cumulative traffic load** of this project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Formal Requests for Transparency and Mitigation

Before any vote is taken on this matter, I request that the City:

Disclose all communications, studies, and staff recommendations related to this application to the public immediately.

Require independent third-party reviews of all traffic, drainage, and infrastructure assumptions rather than relying solely on data provided by the applicant. This should include the "Next Chapter" community of 270 units that was recently approved for construction but not yet built.

Ensure full transparency regarding all communications between the developer, financing entities, and public officials prior to this request.

Required Infrastructure Analysis

I further request that the City require the following as a condition of any further consideration:

A comprehensive **pedestrian connectivity and sidewalk impact analysis** to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.

A developer-funded **mitigation plan** for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,

Lisa B Leclerc

4373 W Sandingham St

Fayetteville, AR 72704

Public Comment
Post Agenda Session

---------- Forwarded message ---------
From: **Eric Schuldt** <gohawgsgo@gmail.com>
Date: Tue, May 19, 2026 at 7:45 PM
Subject: Formal Opposition to Rezoning Petition RZN-2026-0015 - Eric and Angie Schuldt
To: <andrew.brink@fayetteville-ar.gov>, <ashlyn.holeyfield@fayetteville-ar.gov>, <hrice.brewer@fayetteville-ar.gov>, <fred.gulley@fayetteville-ar.gov>, <mary.madden@fayetteville-ar.gov>, <mary.mcgetrick@fayetteville-ar.gov>, <matthew.cabe@fayetteville-ar.gov>, <nick.castin@fayetteville-ar.gov>, <nick.werner@fayetteville-ar.gov>

Dear Planning Committee:

Our names are Eric and Angie Schuldt, and we are residents of a neighborhood near a proposed development area on Deane Solomon. We are writing to formally voice our opposition to the requested rezoning and development associated with Plan Number: RZN-2026-0015.

We respectfully urge the Planning Commission to recommend denial of this petition. A rezoning of this magnitude moving from low-density greenfield to high-intensity residential must be held to the highest standard of scrutiny. We do not believe that the proposal aligns with the existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

Our primary concerns include:

• Spot-zoning and incompatibility with the established character of the surrounding neighborhood.

• Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112).

• Stormwater, runoff, grading, and downstream drainage impacts affecting neighboring properties (especially the stormwater flooding that develops behind the north side of Vanike properties during heavy rains due to improper drainage).

• Potential reduction in neighboring property values and quality of life.

• Insufficient transition buffering between existing residential uses and the proposed intensity.

• The wetland preserves and natural habitat of numerous animal life.

The Case for Incompatibility and Infrastructure Friction

The proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the

cumulative traffic load of this project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Required Infrastructure Analysis

We further request that the City require the following as a condition of any further consideration:

● A comprehensive pedestrian connectivity and sidewalk impact analysis to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.

● A developer-funded mitigation plan for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,

Eric and Angie Schuldt

gohawgsgo@gmail.com

2756 W. Vanike Drive

From: Sarah Martin <smrtn64@gmail.com>
Sent: Friday, May 22, 2026 3:27 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fwd: Formal Opposition to Rezoning Petition RZN-2026-0015

From: smrtn64@gmail.com>
Date: May 18, 2026 at 14:37:44 CDT
To: andrew.brink@fayetteville-ar.gov, ashlyn.holeyfield@fayetteville-ar.gov, hrice.brewer@fayetteville-ar.gov, fred.gulley@fayetteville-ar.gov, mary.madden@fayetteville-ar.gov, mary.mcgetrick@fayetteville-ar.gov, matthew.cabe@fayetteville-ar.gov, nick.castin@fayetteville-ar.gov, nick.werner@fayetteville-ar.gov
Cc: teresa.turk@fayetteville-ar.gov
Subject: Formal Opposition to Rezoning Petition RZN-2026-0015

Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Sarah Martin, and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon. I am writing to formally voice my opposition to the requested rezoning and development associated with **Plan Number: RZN-2026-0015**.

Public Comment
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I respectfully urge the Planning Commission to recommend **denial** of this petition. A rezoning of this magnitude—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

My primary concerns include:

• Spot-zoning and incompatibility with the established character of the surrounding neighborhood.• Increased traffic burden and safety concerns on already constrained road infrastructure

(especially Dean Solomon, Vanike, W Salem, Hwy-112).

• The wetland preserve and natural habitat of numerous animal life.

• Precedent-setting impacts for future rezonings inconsistent with the area's historic development pattern.

The Case for Incompatibility and Infrastructure Friction

Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (e.g., **REZONING PETITION RZN 15-5240**). Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests entirely on the applicant to demonstrate that this change serves the public welfare.

In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the **cumulative traffic load** of this project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Formal Requests for Transparency and Mitigation

Before any vote is taken on this matter, I request that the City:

Disclose all communications, studies, and staff recommendations related to this application to the public immediately.

Require independent third-party reviews of all traffic, drainage, and infrastructure

assumptions rather than relying solely on data provided by the applicant. This should include the "Next Chapter" community of 270 units that was recently approved for construction but not yet built.

Ensure full transparency regarding all communications between the developer, financing entities, and public officials prior to this request.

Required Infrastructure Analysis

I further request that the City require the following as a condition of any further consideration:

A comprehensive **pedestrian connectivity and sidewalk impact analysis** to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.

A developer-funded **mitigation plan** for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Thank you,

Sarah Martin

2867 Vanike Dr Fayetteville

From: Jason Miller <jakaamiller@gmail.com>
Sent: Friday, May 22, 2026 4:38 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fwd: Formal Opposition to Rezoning Petition RZN-2026-0015 - Amanda Miller
Begin forwarded message:

From: Jason Miller <jakaamiller@gmail.com>
Date: May 19, 2026 at 9:27:38 PM CDT
To: andrew.brink@fayetteville-ar.gov, ashlyn.holeyfield@fayetteville-ar.gov, hrice.brewer@fayetteville-ar.gov, fred.gulley@fayetteville-ar.gov, mary.madden@fayetteville-ar.gov, mary.mcgetrick@fayetteville-ar.gov, matthew.cabe@fayetteville-ar.gov, nick.castin@fayetteville-ar.gov, nick.werner@fayetteville-ar.gov
Subject: Formal Opposition to Rezoning Petition RZN-2026-0015 - Amanda Miller

Public Comment
Post Agenda Session

Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Amanda Miller, and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon. I am writing to formally voice my opposition to the requested rezoning and development associated with **Plan Number: RZN-2026-0015**.

I respectfully urge the Planning Commission to recommend **denial** of this petition. A rezoning of this size—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal

aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the

long-term compatibility principles of our neighborhood.

My primary concerns include:

• Spot-zoning and incompatibility with the established character of the surrounding

neighborhood.• Increased traffic burden and safety concerns on already constrained road infrastructure

(especially Dean Solomon, Vanike, W Salem, Hwy-112).

• Stormwater, runoff, grading, and downstream drainage impacts affecting neighboring

properties (especially the stormwater flooding that develops behind the north side of Vanike

properties during heavy rains due to improper drainage).

• Potential reduction in neighboring property values and quality of life.

• Insufficient transition buffering between existing residential uses and the proposed intensity.

• The wetland preserve and natural habitat of numerous animal life.

The Case for Incompatibility and Infrastructure Friction

Fayetteville has an established precedent of protecting stable neighborhoods from

incompatible, high-intensity shifts in land use (e.g., **REZONING PETITION RZN 15-5240**).

Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests

entirely on the applicant to demonstrate that this change serves the public welfare.

In this case, the proposed density presents an abrupt and harsh transition that is physically and

visually inconsistent with the surrounding character. Furthermore, the city must account for the

cumulative traffic load of this project combined with other pending developments in the

immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Formal Requests for Transparency and Mitigation

Before any vote is taken on this matter, I request that the City:

Disclose all communications, studies, and staff recommendations related to this application to the public immediately.

Require independent third-party reviews of all traffic, drainage, and infrastructure assumptions rather than relying solely on data provided by the applicant. This should include the "Next Chapter" community of 170 units that was recently approved for construction but not yet built.

Ensure full transparency regarding all communications between the developer, financing entities, and public officials prior to this request.

Required Infrastructure Analysis

I further request that the City require the following as a condition of any further consideration:

A comprehensive **pedestrian connectivity and sidewalk impact analysis** to address the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.

A developer-funded **mitigation plan** for sidewalk installation and traffic calming measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville

Sincerely,

Amanda Miller

Jakaamiller@gmail.com

3086 N Night Heron Dr. Fayetteville, AR 72704

Sent from my iPhone

Public Comment
Post Agenda Session

From: Lauren Mrak <laurenmrak@gmail.com>
Sent: Sunday, May 24, 2026 7:04 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Formal Opposition to Rezoning Petition RZN-2026-0015 - Lauren Mrak

Dear Fayetteville Planning Commissioners and Planning Staff,

My name is Lauren Mrak , and I am a resident of an affected neighborhood near the proposed development area on Deane Solomon. I am writing to formally voice my opposition to the requested rezoning and development associated with Plan Number: RZN-2026-0015.

I respectfully urge the Planning Commission to recommend denial of this petition. A rezoning of this magnitude—moving from low-density greenfield to high-intensity residential—must be held to the highest standard of scrutiny. The applicant has not yet demonstrated that this proposal aligns with the Fayetteville Unified Development Code, existing infrastructure capacities, or the long-term compatibility principles of our neighborhood.

My primary concerns include:

• Spot-zoning and incompatibility with the established character of the surrounding

neighborhood.

• Increased traffic burden and safety concerns on already constrained road infrastructure (especially Dean Solomon, Vanike, W Salem, Hwy-112).

• Increased pedestrian foot traffic on Dean Solomon which has incomplete sidewalk access

going both north and south of Vanike.

• Stormwater, runoff, grading, and downstream drainage impacts affecting neighboring properties (especially the stormwater flooding that develops behind the north side of Vanike

properties during heavy rains due to improper drainage).

• Potential reduction in neighboring property values and quality of life.

• The wetland preserve and natural habitat of numerous animal life.

• Precedent-setting impacts for future rezonings inconsistent with the area's historic development pattern.

• Whether existing utilities, emergency services, and transportation infrastructure can adequately support the proposed density/intensity.

• Increased number of accidents at the crosswalks and the bike trail crossing.

Public Comment
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The Case for Incompatibility and Infrastructure Friction Fayetteville has an established precedent of protecting stable neighborhoods from incompatible, high-intensity shifts in land use (e.g., REZONING PETITION RZN 15-5240). Under Arkansas law and Fayetteville's own planning framework, the burden of proof rests

entirely on the applicant to demonstrate that this change serves the public welfare.

In this case, the proposed density presents an abrupt and harsh transition that is physically and visually inconsistent with the surrounding character. Furthermore, the city must account for the cumulative traffic load of this project combined with other pending developments in the immediate corridor, which threatens to degrade the local Level of Service (LOS) to a failing grade.

Formal Requests for Transparency and Mitigation

Before any vote is taken on this matter, I request that the City:

● Disclose all communications, studies, and staff recommendations related to this

application to the public immediately.

● Require independent third-party reviews of all traffic, drainage, and infrastructure

assumptions rather than relying solely on data provided by the applicant. This should

include the "Next Chapter" community of 270 units that was recently approved for

construction but not yet built.

● Ensure full transparency regarding all communications between the developer,

financing entities, and public officials prior to this request.

Required Infrastructure Analysis I further request that the City require the following as a condition of any further consideration:

● A comprehensive pedestrian connectivity and sidewalk impact analysis to address

the dangerous gaps on Deane Solomon between Mt. Comfort and Hwy-112.

● A developer-funded mitigation plan for sidewalk installation and traffic calming

measures on Deane Solomon, W. Salem, Ika Dr., and Vanike Dr.

Please include this letter in the official public record for this application. Thank you for your commitment to responsible growth and your service to the residents of Fayetteville.

Sincerely,

Lauren Mrak

laurenmrak@gmail.com

Public Comment
Post Agenda Session

2571 W Vanike Dr, Fayetteville, AR 72704

-----Original Message-----
From: Brittney <brexit@gmail.com>
Sent: Tuesday, May 26, 2026 11:31 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>; Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015

To whom it may concern,

My name is Brittney Robison and I live on Bentley Ridge, which is in the neighborhood including Van Ike. I am highly against this rezoning. It is not compatible with this neighborhood nor is it compatible with this part of Fayetteville .

You are destroying our city. Just take a look at what happened east of the Fayetteville high school football stadium... just one example out of hundreds. Every time I leave my house, there is a new monster apartment complex and several of the charming Fayetteville homes are gone. Enough is enough. I have lived in Fayetteville since 1989 ,after I graduated from high school .While much of the growth has been positive, in the last few years, it has completely gotten out of hand. Leave our peaceful neighborhood alone, please.

Sincerely,

Brittney Robison

479-366-8514

From: Leslie Stephens <lesliebstephens@gmail.com>
Sent: Tuesday, May 26, 2026 10:34 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN-2026-0015

Leslie Stephens, MS, CHES

From: Clark Eckels <clark.eckels@gmail.com>
Sent: Tuesday, May 26, 2026 1:22 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Please Support Dean Solomon Rezoning and Staff Code Amendments

Dear Planning Commissioners,

My name is Clark Eckels and I live at 95 E. Madrid Street. I am writing to ask you to support the following items at tonight's meeting and forward them to the City Council with a recommendation of approval.

Public Comment
Post Agenda Session

RZN-2026-0015: Rezoning (NORTHWEST OF N DEANE SOLOMON ROAD AND W VANIKE DR/DRP HOLDINGS LLC, 246 & 247)

- I urge you to support this rezoning as it aligns with our city's long term goals and is located in close proximity to major water infrastructure improvements, Clabber Creek Trail, Holcombe Elementary, and the new Underwood Park. I grew up on nearby Howard Nickell Rd and lived for more than 4 years just off of Hwy 112 and know the area well. I think some modest density would serve this area well!

ADM-2026-0006: Administrative Item (Unified Development Code Section 155.01)

- Please support this item as it will grant homebuilders more flexibility in addressing our current housing crisis.

ADM-2026-0007: Administrative Item (Unified Development Code Sections 161.12, 161.22, 161.24, 161.27, and 161.28)

- Please support this item as it will grant homebuilders more flexibility in addressing our current housing crisis.

ADM-2026-0009: Administrative Item (Unified Development Code Sections 172.05)

- I believe that the city council made a reactive and short sighted decision when it approved Ordinance 6864 last May. This ordinance has had a significant negative impact on the ability to build affordable housing and address the housing crisis in our city. Not only did it reduce the maximum allowed reductions to parking in most cases, it removed the ability to make reductions by right, thus adding delays and uncertainty to homebuilders. Fayetteville was a national leader in parking reform when it repealed commercial parking minimums and set the previous standards back in 2015 and it is frustrating to see us moving backward on this issue in the midst of a housing crisis. Across the country, more than 100 cities (including Rogers) have repealed their parking minimums entirely.
  I urge you to support this amendment from city staff. While it does not go as far as I might like, it does make incremental progress in the right reduction. While I wish that it would return by right reductions to homebuilders who provide bike parking or build in proximity to trail and transit, I really like that this ordinance is designed to best support local small scale by significantly increasing their maximum possible parking reductions. In addition to taking up a lot of space, parking is also expensive to build. I think giving homebuilders (especially local ones) more flexibility to decide how much parking the market demands for their specific site is a critical piece of the puzzle in making housing in our city more affordable.

Thank you so much for your consideration.

Clark Eckels

Public Comment
Post Agenda Session

From: Katie Garman <katgarman@gmail.com>
Sent: Tuesday, May 26, 2026 4:34 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>; Planning Shared <planning@fayetteville-ar.gov>; Agenda Item Comment <agendaitemcomment@fayetteville-ar.gov>
Subject: RZN-2026-0015 comment

Hi there!

I'd like to make comment that I am AGAINST the proposition of "RZN-2026-0015: Rezoning (NORTHWEST OF N DEANE SOLOMON ROAD AND W VANIKE DR/DRP HOLDINGS LLC, 246 & 247): Submitted by CRAFTON TULL for property located NORTHWEST OF N DEANE SOLOMON ROAD AND W VANIKE DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRES AND CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 36.2 acres. The request is to rezone the property to RMF- 12, RESIDENTIAL-MULTI FAMILY, 12 UNITS PER ACRE and RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE."

I live in this neighborhood, and I bike through this area no less than 5 times a week. I'm deeply connected to the wildlife and ecosystem that is budding and repairing itself from previous developments.I'd like to make it known that this area is a riparian area, wetlands, hydric soils, and we already have issues with flooding in the surrounding neighborhoods. We've fought hard to preserve what is still left of the surrounding wetland area, there are protected species that are trying to make a comeback on this entire side of town, and we continue to take 1 step forward and 2 steps back in being stewards to our Natural State motto. I believe we have done irreparable harm to the area already; with a constant oversight being all the areas that are also affected *downstream*.

I do support more housing in Fayetteville, but when we have areas like the NWA mall sitting and rotting away, it makes me think we should better think about the areas that have *already* been developed and could be better utilized for high-density housing rather than continuously mowing over our nature preserves, wetlands and other wildlife areas for the sake of new construction and putting a "housing fix" sticker/stamp of approval. Yes we need more housing but we can't continue to pave paradise for parking lots & cheap short-term housing fixes.

This area is home to so much wildlife, and it would be detrimental to continue to develop it into oblivion. We have so many native species, including plants that help with the absorption of water runoff to prevent flood neighboring areas and also downstream areas that are already maxed out... Putting high density housing means you have to also alotte for adequate parking, and we've seen time and time again that more parking is NOT the answer for preventing public sprawl or preserving nature/helping with runoff.

I'd like to argue IN FAVOR or upholding these ***Fayettville Vision 2050 Guiding Principles***:

Public Comment
Post Agenda Session

Ecosystem Preservation, **Naturally** beautiful city, & Well *maintained* infrastructure & facilities. This specific area does *not* need more irresponsible housing, it needs more preservation. And until it can be proven that developers actually consider the environmental impact their construction will have, it shouldn't be handled as flippantly and quietly called a "rezoning issue"

In conclusion, we already have areas in Fayetteville (huge empty parking lots, and buildings falling to disrepair, etc) that are developed and could/SHOULD be considered for high density housing. Please stop mowing over our NATURE without the foresight of how it will wash away Fayetteville in the future and cause more harm than good; when one doesn't consider the huge role that nature/wildlife/ecosystems actually hold in keeping our land in good working condition (ie thunderstorms, major flooding, tornados, snow/ice runoff, etc) you can't truly appreciate it's beauty when everything is sunshine and rainbows.

From: jeff glover <gloverjeff@hotmail.com>
Sent: Tuesday, May 26, 2026 6:03 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Rezoning at Vanike and Dean Soloman

Good afternoon,

This e-mail is in regards to Planning Commission review of rezoning request at Vanike Dr. and Dean Solomon. I read the staff findings. I disagree that this rezoning will not increase density and somehow aligns with the existing neighborhoods. It is curious to me why the proposal does not follow the existing neighborhood structure for the larger parcel and puts the burden on the commission to justify why not change it. I would rather the developer explain why it should be changed. A few extra dollars for their endeavor should not dictate our neighborhood's ongoing overcrowding and lower cost development encroachment.

I understand that the findings are focused on traffic, infrastructure, etc. I am more concerned about GREEN space in Fayetteville. Have any of you looked around? The changes in the last 6 months, 1 year, 3 years, 5 years is staggering. It almost feels that we won't have an open field or stand of trees left at this rate in this decade.

For someone who enjoys the neighborhood amenities, the trail system, the open space and the wildlife, I would say that this development would be an utter loss to our community. I understand that development will occur in the large parcel but seriously the full stand of trees that create a buffer for wildlife is outrageous. Tree City?

Jeff Glover

3295 W. Barite Dr

From: Sarah Geurtz <sdg@eda-pa.com>
Sent: Thursday, May 21, 2026 10:12 AM

Public Comment
Post Agenda Session

To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RE: Deane Solomon rezone question

I have contacted the NWA Land Trust to see if it applies to just their land strip there. This morning, the Corps told me that there's a wetland mitigation area there for a past development and that I would have to FOIA them to find out more.

Sarah Geurtz, PLA

Landscape Architect

EDA

From: Masters, Jessica <jmasters@fayetteville-ar.gov>
Sent: Thursday, May 21, 2026 10:09 AM
To: Sarah Geurtz <sdg@eda-pa.com>
Subject: RE: Deane Solomon rezone question

Got it. Thank you for pointing this out! This is definitely more of a development-level detail, but I will make sure it is noted in the Planning Commission report.

Jessie

Jessie Masters, AICP

Planning Director

Development Services

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Sarah Geurtz <sdg@eda-pa.com>
Sent: Thursday, May 21, 2026 9:32 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RE: Deane Solomon rezone question

I apologize! I hit some keyboard shortcut that sent my below email accidentally! I have no idea what key combo does that. Frustrating!

Anyway, this parcel holds water (and Wilson Wetland Prairie is adjacent).

Public Comment
Post Agenda Session

Sincerely,

Sarah Geurtz, PLA

Landscape Architect

EDA

From: Sarah Geurtz
Sent: Thursday, May 21, 2026 9:18 AM
To: 'Masters, Jessica' <jmasters@fayetteville-ar.gov>
Subject: RE: Deane Solomon rezone question

Thank you, Jessica. I took a photograph of the sign yesterday (pic is attached). I have also attached an image of where this sign is located.

Sarah Geurtz, PLA

Landscape Architect

EDA

From: Masters, Jessica <jmasters@fayetteville-ar.gov>
Sent: Wednesday, May 20, 2026 3:10 PM
To: Sarah Geurtz <sdg@eda-pa.com>
Subject: RE: Deane Solomon rezone question

Sarah,

Thank you for the question, and sorry for the delay in my response.

County records are showing me that this piece of property is currently owned by DRP Holdings, LLC, who is requesting the rezoning. While I don't doubt that there are likely areas that the Corps may have jurisdiction in places due to the presence of wetlands in the general area, I'm not immediately seeing where the Corps owns property? Please help point me to what you are seeing so I can work to get you the best answers.

As far as your question regarding the current CPZD that governs this property, this can be found in Ordinance 4523. The lot in question is referred to in several documents on record for that item as "Lot 4", which currently grants entitlement to building multi-family structures on that property. The applicant is requesting to remove this from the CPZD, and transition to a standard zoning district that would allow for more uses, by-right, with some additional density.

Hopefully this answers your questions. Happy to provide additional information where I can.

Jessie

Public Comment
Post Agenda Session

From: Sarah Geurtz <sdg@eda-pa.com>
Sent: Tuesday, May 12, 2026 1:44 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Deane Solomon rezone question

Hi, Jessie.

Can you provide information about the past CPZD approved off Deane Solomon (go to the intersection of W Vanike Dr and Deane Solomon to zoom to it)? The Corps has a strip of land between the trail and Deane Solomon posted but the land is now up for a rezone to potentially put apartments on it and I'm confused about this. I'm wondering if this Corps strip was given to the Corps to maintain as part of the overall CPZD agreement back in the day.

I have attached the neighbor notification packet here for your reference.

Thank you,

Sarah Geurtz

Additional Information Received

Date Received: MM/DD/YYYY	06/30/2026
Time: 00:00 (AM/PM)	4:23 PM
From: Name & Title	Jessie Masters, Planning Director
To: Name & Title	City Clerk's Office
Agenda Meeting Date: MM/DD/YYYY	07/07/2026
Civic Clerk Number: Ex. 2025-994	2026-1944
Forwarded to City Attorney's Office and Department Head	Received from department staff with City Attorneys copied.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of my request for a zoning reclassification to a combination of RSF-8, Residential Single Family, Eight (8) Units Per Acre and RMF-12, Residential Multi-Family, Twelve (12) Units Per Acre, for the following property: Washington County Parcel No. 765-16658-101 and 765-23602-000, as described with more particularity on Exhibit A, attached hereto ("the Property"), I, Craig Young, as the authorized agent for the owner or buyer of this property, **DRP Holdings, LLC** (hereinafter called "Petitioner") hereby voluntarily offer this Bill of Assurance and enter into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's requested rezoning is approved by the Fayetteville City Council:

1. Use Unit 26 – Multifamily Dwellings shall not be permitted on the Property.

Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office as part of the rezoning ordinance. After Petitioner's rezoning is effective, the Bill of Assurance shall be noted on any Final Plat, Large Scale Development, or other development approval which includes some or all of Petitioner's property affected by the rezoning.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Craig Young, as the authorized agent of Petitioner **voluntarily offer** all such assurances and sign my name below.

DRP HOLDINGS, LLC

Craig Young
CEO, Authorized Agent
6/10/26

NOTARY OATH

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

On this, the 10th day of June, 2026, before me, the undersigned notary, personally appeared Greg Owens, Authorized Agent of DRP Holdings, LLC, known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the above and, after being placed upon their oath, swore or affirmed that they were authorized to sign the above Bill of Assurance, agreed with the terms of the Bill of Assurance, and executed the Bill of Assurance in an attempt to have their property rezoned as requested.

Melinda Warmack
NOTARY PUBLIC

My Commission Expires:

3-7-2036

STATE OF ARKANSAS NOTARY PUBLIC
MELINDA WARMACK
MY COMMISSION # 12346410
EXPIRES: March 7, 2036
Washington County

EXHIBIT A
LEGAL DESCRIPTION

Tract 1:

Part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 32, Township 17 North, Range 30 West of the Fifth Principal Meridian, Fayetteville, Washington County, Arkansas, being more particularly described as follows: Commencing at a found cotton picker spindle in the Southeast face of a 10-inch wood fence corner post for the Northeast corner of said Section 32; thence along the East line of said Section 32, S02°30'12"W a distance of 447.57 feet to a set 5/8" rebar with cap "1944" for the point of beginning; thence continuing along said East line, S02°30'12"W a distance of 875.00 feet to a found 5/8" rebar with cap for the Southeast corner of said NE 1/4 NE 1/4; thence along the South line of said NE 1/4 NE 1/4, N87°25'13"W a distance of 1323.39 feet to a set 5/8" rebar with cap stamped "1944" for the Southwest corner of said NE 1/4 NE 1/4; thence along the West line of said NE 1/4 NE 1/4, N02°27'24"E a distance of 875.00 feet to a set 5/8" rebar with cap stamped "1944"; thence S87°25'13"E a distance of 1324.10 feet to the point of beginning, containing 26.59 acres, more or less, and being subject to any easements or rights-of-way of record or fact. Also shown as Proposed Tract 2 on a tract split filed in survey record 2026SP at page 184.

Tract 2:

Lot 4, Springwoods, to the City of Fayetteville, Washington County, Arkansas, as shown on plat record 23A at page 102.
Subject to recorded instruments, covenants, rights of way, and easements, if any.
Subject to all prior mineral reservations and oil and gas leases, if any.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2142

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Kit Williams, City Attorney

FROM: Sarah Moore, Ward 2, Position 1

SUBJECT: **An Ordinance to promote transparency**

RECOMMENDATION:
Council Member Sarah Moore recommends passing an Ordinance prohibiting the City of Fayetteville from entering into nondisclosure agreements that restrict disclosure of public records or public business beyond that authorized by law, and to declare an emergency.

BACKGROUND:
The Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 et seq., declares that public business should be conducted in an open and public manner.

DISCUSSION:
The Fayetteville City Council finds that transparency and public confidence are best served when city officials, employees, contractors, and representatives understand that no agreement may supersede the requirements of the Arkansas Freedom of Information Act. The use of nondisclosure agreements or confidentiality provisions involving public business may undermine the public's ability to evaluate governmental decisions and expenditures.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: 3. Sarah Moore Request and Approval, 4. City Attorney Kit Williams Memo, 5. Additional Information - Proposed Ordinance Amendment - Stafford

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2142

AN ORDINANCE PROHIBITING THE CITY OF FAYETTEVILLE FROM ENTERING INTO NONDISCLOSURE AGREEMENTS THAT RESTRICT DISCLOSURE OF PUBLIC RECORDS OR PUBLIC BUSINESS BEYOND THAT AUTHORIZED BY LAW, AND TO DECLARE AN EMERGENCY

WHEREAS, the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 et seq., declares that public business should be conducted in an open and public manner; and

WHEREAS, the Fayetteville City Council finds that transparency and public confidence are best served when city officials, employees, contractors, and representatives understand that no agreement may supersede the requirements of the Arkansas Freedom of Information Act; and

WHEREAS, the use of nondisclosure agreements or confidentiality provisions involving public business may undermine the public's ability to evaluate governmental decisions and expenditures.

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 determines that the City of Fayetteville shall not enter into, approve, or enforce any nondisclosure agreement or confidentiality agreement relating to the conduct of public business and that any provision in a contract, settlement agreement, memorandum of understanding, or other instrument that purports to restrict disclosure beyond that required by state or federal law shall be void as against public policy and unenforceable.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines if requested by City Staff for consideration of a needed nondisclosure agreement, such proposed agreement shall be submitted to the City Council for consideration at a public meeting following a public hearing. No confidentiality agreement shall become effective unless approved by Ordinance or resolution adopted by a majority vote of the City Council.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby determines that nothing in this ordinance shall prohibit the City from protecting records that are exempt from disclosure under:

a. The Arkansas Freedom of Information Act;
b. Any state or federal statute requiring confidentiality;
c. Court order; or
d. Any other protection recognized by Arkansas law.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby determines that the City Attorney shall provide guidance to City departments regarding compliance with this ordinance and the Arkansas Freedom of Information Act and shall review proposed confidentiality provisions in all City contracts for legal compliance prior to signing by any staff or elected city person.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby determines that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is declared unconstitutional or invalid, such declaration shall not affect the validity of the remaining portions of this ordinance.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby determines that both the city staff signing a nondisclosure agreement as well as the City Attorney's Office reviewing the document shall submit the final document to the City Clerk's Office for archive in the public record and be readily available for review by the public.

Section 7: Emergency Clause. That the City Council of the City of Fayetteville, Arkansas hereby determines that an emergency exists so that this Ordinance shall become effective immediately after its passage and approval.

CivicClerk No.: 2026-2142

AGENDA REQUEST FORM

FOR: Council Meeting of July 7, 2026

FROM: Sarah Moore

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE PROHIBITING THE CITY OF FAYETTEVILLE FROM ENTERING INTO NONDISCLOSURE AGREEMENTS THAT RESTRICT DISCLOSURE OF PUBLIC RECORDS OR PUBLIC BUSINESS BEYOND THAT AUTHORIZED BY LAW, AND TO DECLARE AN EMERGENCY

APPROVED FOR AGENDA:

Approved by email — 6-23-26

Council Member Sarah Moore — Date

Kit Williams — June 22, 2026 — Date

Approved as to form

Mayor Molly Rawn — Date

Acknowledgement

Outlook

Re: Attached Image

From Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Date Mon 6/22/2026 5:57 PM
To Williams, Kit <kwilliams@fayetteville-ar.gov>

This looks great Kit. Thanks for the help on all of the changes and for spending time with me on what I was trying to achieve given feedback from residents.

I appreciate it.

Sarah Moore
Fayetteville City Council, Ward 2
sarah.moore@fayetteville-ar.gov
479.263.6629

CITY OF FAYETTEVILLE ARKANSAS

Report a concern with SeeClickFix:
https://www.fayetteville-ar.gov/4233/Report-a-Concern-with-SeeClickFix
Speak up on City projects:
https://speakup.fayetteville-ar.gov/
Voice your feedback to the entire Council and Mayor by emailing:
agendaitemcomment@fayetteville-ar.gov

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Date: Monday, June 22, 2026 at 4:52 PM
To: Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Subject: Fw: Attached Image

Sarah,
Please review for your changes.

Kit Williams
City Attorney
City of Fayetteville AR
479-575-8313

From: City Hall 3rd Floor BW Copier Shared <3rdfloorbw@fayetteville-ar.gov>
Sent: Monday, June 22, 2026 4:58 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Attached Image

Outlook

Re: NDA ordinance

From Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Date Mon 6/22/2026 3:33 PM
To Williams, Kit <kwilliams@fayetteville-ar.gov>

Good Afternoon Kit.

Thanks for getting this back over to me. Here are the edits that I'd like to do.

Section 2- delete c attorney-client privilege

On Section 1- My goal is to make it clear that NDAs or agreements of any sort made that would not allow for the public to know about or to be able to know of their business is prohibited. Can you look at this as possible replacement language to what is the current section 1.

The City of Fayetteville shall not enter into, approve, or enforce any nondisclosure agreement or confidentiality agreement relating to the conduct of public business. Any provision in a contract, settlement agreement, memorandum of understanding, or other instrument that purports to restrict disclosure beyond that required by state or federal law shall be void as against public policy and unenforceable.

Council Approval Required. If city staff find that there is need for consideration of a nondisclosure agreement, any proposed confidentiality agreement shall be submitted to the City Council for consideration at a public meeting following a public hearing. No confidentiality agreement shall become effective unless approved by ordinance or resolution adopted by a majority vote of the City Council.

I also confirmed with Kara Paxton that code already in place will dictate on retention for the records that they would manage from this so current language is ok with her office.

Thanks!

Sarah Moore
Fayetteville City Council, Ward 2
sarah.moore@fayetteville-ar.gov
479.263.6629

CITY OF FAYETTEVILLE ARKANSAS

Report a concern with SeeClickFix:
https://www.fayetteville-ar.gov/4233/Report-a-Concern-with-SeeClickFix
Speak up on City projects:
https://speakup.fayetteville-ar.gov/
Voice your feedback to the entire Council and Mayor by emailing:
agendaitemcomment@fayetteville-ar.gov

Additional Information Received

Date Received: MM/DD/YYYY	07/02/2026
Time: 00:00 (AM/PM)	8:54 AM
From: Name & Title	City Attorney Kit Williams
To: Name & Title	City Council
Agenda Meeting Date: MM/DD/YYYY	07/07/2026
Civic Clerk Number: Ex. 2025-994	2026-2142
Forwarded to City Attorney's Office and Department Head	N/A

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor**
City Council
Kara Paxton, City Clerk/Treasurer

CC: **Keith Macedo**, Chief of Staff
Steven Dotson, Chief Financial Officer
Devin Howland, Director of Economic Development

FROM: **Kit Williams**, City Attorney

DATE: **July 2, 2026**

RE: **Non-disclosure Agreements and the Freedom of Information Act**

I was asked by members of the City Council at the Agenda Session to provide my opinion in writing about the legality of the proposed non-disclosure prohibition ordinance and whether an entity contacting the City concerning moving or relocating here would be entitled to non-disclosure of these possible plans pursuant to the FOI.

MAYORAL POWER OVER STAFF'S APPROVAL OF AN NDA

Mayor Rawn has recently established a City Policy concerning non-disclosure agreements (copy attached). Mayor Rawn's new City Policy on non-disclosure agreements is certainly legal and well within a Mayor's authority as Chief Executive Officer. An Arkansas Mayor is also required to "supervise the conduct of all officers of the city…" A.C.A. § 14-43-504 **Powers and duties of Mayor generally**. The Mayor's new non-disclosure agreements policy, AD-02, supervises and controls the conduct of Fayetteville City staff in relation to non-disclosure agreements.

CITY COUNCIL'S POWER TO PROHIBIT EMPLOYEES FROM SIGNING AN NDA

The City Council's primary statutory authority come from A.C.A. § 14-43-502 **Powers of council generally**: "The City Council shall possess all legislative powers…. The Council shall have the management and control of finance, and of all the real and

personal property belonging to the (municipal) corporation." Id. Generally speaking, the City Council has very little, if any, control over how City Staff operates or fulfills their duties. Still, it is potentially legal for the City Council to prohibit the City of Fayetteville Staff and officials (except the Mayor) from agreeing to any non-disclosure agreement.

Non-disclosure agreements are contracts, and the City Council usually has the power to approve most contracts prior to the Mayor's signature approving such contract. So this is a little bit of a gray area in the Separation of Powers Doctrine. I must admit that I am somewhat unsure how an Arkansas Court would interpret the Arkansas Constitution and Law when determining the extent of the City Council's legislative power to prohibit City staff from agreeing to sign a non-disclosure agreement.

A COMPANY'S RIGHT TO REQUIRE A CITY NOT TO DISCLOSE INFORMATION WHICH WOULD GIVE ADVANTAGE TO COMPETITORS

Even without any signed non-disclosure agreement, Fayetteville is prohibited by the Freedom of Information Act from disclosing written information which "if disclosed would give advantage to competitors..." A.C.A. § 25-19-105 (b)(9)(A). So what information "would give advantage to competitors"? The Arkansas Supreme Court has often discussed how the Freedom of Information Act should be interpreted.

> "We liberally construe the FOIA to accomplish its broad and laudable purpose that public business be performed in an open and public manner. In conjunction with this rule of construction, we narrowly construe exceptions to the FOIA to counterbalance the self-protective instincts of the government bureaucracy. A statutory provision for nondisclosure must be specific. Less than clear or ambiguous exemptions will be interpreted in a manner favoring disclosure. At the same time, we will balance the interests between disclosure and nondisclosure using a common sense approach." *Arkansas Department of Finance and Administration v. Pharmacy Associates, Inc.* 333 Ark. 451, 970 S.W.2d 217, 219 (1998)(citations omitted)

In that case, the Arkansas Supreme Court was analyzing an FOI request sent to the Department of Finance & Administration by an unsuccessful bidder seeking the winning bid's particulars (including what the winning bidder had deemed proprietary information which would be exempt from the FOI). The Arkansas Supreme Court held that A.C.A. § 25-19-105 (9) was not ambiguous and that the proprietary information could not be provided because it was exempt.

"In plain and unambiguous language, the General Assembly carved out a specific exception to the disclosure rule for those government records that would give advantage to competitors or bidders. This exception is clearly intended to prevent competitors from obtaining information about others seeking the same type of work or furnishing material to the state. In that regard, the issue is whether release of the information would result in competitive harm to the person who supplied it." 970 S.W. 2d at 220 (citations omitted).

It is important to note that in the second part of subsection (9) concerning exemption of files that "would give advantage competitors or bidders," the legislative expressly exempted records "related to any business entity's planning, site location, expansion, operations, or product development and marketing...." A.C.A. § 25-19-105(9)(B). Although this subsection was expressly directed to the Arkansas Economic Development Commission, if that part of government's records relating to planning, site location, expansion, etc. were exempt, then it is more than reasonable that all such similar information that Fayetteville might receive would also be exempt and could not be released or disclosed without approval by the business.

To help guide City staff when a business might provide staff information of its "planning, site location, expansion, operations, or products development and marketing," and asserts such information "if disclosed would give advantage to competitors," such information is likely exempt from disclosure just as were the "records maintained by the Arkansas Economic Development Commission." A.C.A. § 25-19-105 (9)(B). If the legislative believed and expressly exempted such site locations and expansion plans for the Arkansas Economic Development Commission because those records might give "advantage to competitors," the same should be true for our Economic Development Department and other City staff.

RECOMMENDATION

The safest legal course of action for City staff is to refrain from signing any non-disclosure agreement, but realize that the planning, site location, expansion, operations, or product development and marketing information are exempt from the FOI and may not be released by the City until authorized by the company.

City of Fayetteville, Arkansas
Policy and Procedure

Subject:	**Non-disclosure Agreements**
Policy Number:	AD – 02
Original Policy Date:	June 16, 2026
Effective Date:	June 16, 2026
Custodian (Division):	Administration, Mayor's Office
Mayor's Signature and Date:	Molly Rawn 6/16/26

MAYOR MOLLY RAWN
FAYETTEVILLE, ARKANSAS

Purpose

The purpose of this policy is to govern the practice of signing non-disclosure agreements (NDA's).

Policy

Non-disclosure agreements may only be signed after receiving written approval from both the Mayor and the City Attorney. This approval may be granted electronically.

Once signed, city staff must retain a copy of the dually signed NDA and the received written approval, until the project has been made public or for a period of five years, whichever is longer.

Procedure

Upon receiving a request to enter into a non-disclosure agreement, staff should schedule a meeting with both the Mayor and the City Attorney as soon as possible.

The City Attorney will review the proposed NDA and ensure it is in proper form and that it does not violate local or state laws. The Mayor will review the proposed NDA and ensure the related project is consistent with the goals of the city and in the best interest of the public. The Mayor and City Attorney will provide written documentation stating whether the NDA may be signed, and which employee may sign it. This documentation may be provided in hard or electronic copy.

Once the NDA has been executed by both parties, the signee is responsible for retaining a copy until the project covered by the NDA has been made public, or for a period of five years, whichever is longer.

If the NDA is not approved for signature, the retention policy does not apply.

Additional Information Received

Date Received: MM/DD/YYYY	07/07/2026
Time: 00:00 (AM/PM)	3:54 PM
From: Name & Title	Stacy Barnes, City Attorney Paralegal
To: Name & Title	City Council
Agenda Meeting Date: MM/DD/YYYY	07/07/2026
Civic Clerk Number: Ex. 2025-994	2026-2142
Forwarded to City Attorney's Office and Department Head	n/a

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor**
City Council
Kara Paxton, City Clerk/Treasurer

CC: **Keith Macedo**, Chief of Staff

FROM: **Kit Williams**, City Attorney

DATE: **July 7, 2026**

RE: **Proposed Revision of Council Member Moore's Proposed Ordinance to Ban Non-disclosure Agreements**

Council Member Stafford provided my office with a proposed revision of Council Member Moore's proposed ordinance to substantially limit or ban City Staff for signing a non-disclosure agreement. He based much of his proposed revision upon Mayor Rawn's newly adopted City Policy AD-02 Non-disclosure Agreements (which I have earlier provided to you).

Mayor Rawn's policy also substantially limits City Staff from agreeing to a non-disclosure agreement and is clearly within the Mayor's statutory power. Council Member Stafford's proposed revision simply makes such policy more permanent.

As I informed you earlier, City Staff does not need to have signed a non-disclosure agreement to be legally prevented from releasing documents which "if disclosed would give advantage to competitors…." A.C.A. § 25-19-105 (b)(9)(A). Releasing such exempt document would violate the Freedom of Information Act.

AN ORDINANCE PROVIDING TRANSPARENCY FOR NONDISCLOSURE AGREEMENTS AND TO DECLARE AN EMERGENCY

WHEREAS, the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 et seq., declares that public business should be conducted in an open and public manner; and

WHEREAS, the Fayetteville City Council finds that transparency and public confidence are best served when city officials, employees, contractors, and representatives understand that no agreement may supersede the requirements of the Arkansas Freedom of Information Act.

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

Section 1: The City Council of the City of Fayetteville, Arkansas herby determines that the City of Fayetteville may only enter into non-disclosure agreements (NDAs) after receiving written approval from both the Mayor and the City Attorney, which may be granted electronically.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that upon receipt of a request to enter into a non-disclosure agreement, staff will schedule a meeting with the Mayor and City Attorney to review the agreement. The City Attorney will review the proposed NDA and ensure it is in proper form and that it does not violate local or state laws. Pursuant to City Policy AD-02, the Mayor will review the proposed NDA and ensure the related project is consistent with the goals of the city and in the best interest of the public. The Mayor and City Attorney will provide written documentation stating whether the NDA may be signed, and which employee may sign it. This documentation may be provided in hard or electronic copy.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby determines that nothing in this ordinance shall prohibit the City from protecting records that are exempt from disclosure under:

a. The Arkansas Freedom of Information Act;
b. Any state or federal statute requiring confidentiality;
c. Court order; or
d. Any other protection recognized by Arkansas law.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby determines that the City Attorney shall provide guidance to City departments regarding compliance with this ordinance and the Arkansas Freedom of Information Act and shall review proposed confidentiality provisions in all City contracts for legal compliance prior to signing by any staff or elected city person.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby determines that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is declared unconstitutional or invalid, such declaration shall not affect the validity of the remaining portions of this ordinance.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby determines that both the city staff signing a nondisclosure agreement as well as the City Attorney's Office reviewing the document shall retain a copy of the agreement until the project has been made public or for a period of five years, whichever is longer, and be readily available for review by the public.

Section 7: Emergency Clause. That the City Council of the City of Fayetteville, Arkansas hereby determines that an emergency exists so that this Ordinance shall become effective immediately after its passage and approval.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2147

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

SUBJECT: **ADM-2026-0006: Administrative Item (Unified Development Code Section 155.01): Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to Unified Development Code Section 155.01. The proposed code change would modify the definition of a through lot such that lots with frontage on more than one street to meet utility requirements would not be considered a through lot.**

RECOMMENDATION:
City Planning Staff and the Planning Commission recommend approval of an ordinance to amend the definition of "Through Lot" in Chapter 151 of the Unified Development Code as described in Exhibit A.

BACKGROUND:
In tandem with the delivery of the 2026 Housing Assessment, staff is bringing forward a set of ordinances to continue to support housing production in response to current and anticipated demand. Fayetteville's population is currently expected to grow by up to 3,000 people or approximately 1,350 households per year over the next 25 years, meaning current housing production levels must be maintained for the next two decades or face the housing affordability challenges that resulted from limited supply from 2019-2024.

DISCUSSION:
To alleviate some burden on applicants, support housing production, and remove a barrier to some projects that are otherwise complying with development requirements, staff recommends an amendment to the definition of "through lot", which is a non-corner lot with frontage on more than one street. Concern about urban design outcomes with new through lots located along streets like Rupple Road led to the current standard, which is meant to address subdivision conditions where long stretches of privacy fence would face city streets. For infill lots however, through lots can present challenges to development as street frontage, access, and other standards must be applied to an atypical condition. There are times where access to existing or required utility service locations can only be achieved through the creation of a through lot. This amendment will remove the requirement for a Planning Commission variance when lots meet the technical definition of a through lots, but are only intended to make utility connections.

During an application process for subdivision such as a lot split, utility connections for the property or subdivided lot are reviewed for compliance with applicable standards. Notably, utility lines are not permitted to cross property lines and must be accessed directly from the City's right-of-way. "Flags" or narrow lot extensions may be necessary to convey utilities from a location along one public right-of-way to a lot that may already have frontage on another right-of-way. Under the current definition, those required utility connections can create a conflict. Section 166.08(E)(2) of the Unified Development Code (UDC) prohibits through lots, but

allows applicants to request a Planning Commission variance when site-specific issues merit consideration. These variances can add several weeks to the process of subdividing property. Adopting the proposed, revised definition of a through lot reduces development and zoning conflicts and can streamline the process to create additional housing.

The proposed amendment clarifies that lots with more than one frontage created due to *required* utility connections (also referred to as “flag lots”) shall not be considered through lots and would not require additional variance approvals from the Planning Commission. The proposed amendment reduces additional cost and time associated with a variance request for an otherwise straightforward lot subdivision, or the use of lots that were platted prior to these established requirements. It also supports the development of smaller scale infill housing, which often needs flexible lot configurations to meet a litany of other development requirements.

At the May 26, 2026 Planning Commission meeting, commissioners voted 8-0-0 to forward the amendment to City Council with a recommendation of approval. No public comment was received prior to the meeting or during the public hearing.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Strikethrough-Redline, 6. ADM-2026-0006 Planning Commission Staff Report

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2147

AN ORDINANCE TO AMEND THE DEFINITION OF A "THROUGH LOT" IN § 151.01 DEFINITIONS OF THE UNIFIED DEVELOPMENT CODE

WHEREAS, for infill projects, through lots can present challenges to development as street frontage, access, and other standards must be applied to an atypical condition and there are times in which access to existing or required utility service locations can only be achieved through the creation of a through lot; and

WHEREAS, an amendment to the definition of through lot will remove the requirement for a Planning Commission variance when lots meet the technical definition, but are only intended to make utility connections.

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 the definition of "through lot" in § 151.01 **Definitions** and enacts a new definition as follows:

"Lot, through (zoning). A lot, other than a corner lot, with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots. Lots with frontage on more than one street solely to meet utility connection requirements shall not be considered through lots and are exempt.

City of Fayetteville Staff Review Form

2026-2147

Item ID

7/21/2026

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

Britin Bostick	6/30/2026	LONG RANGE PLANNING (634)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

ADM-2026-0006: Administrative Item (Unified Development Code Section 155.01): Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to Unified Development Code Section 155.01. The proposed code change would modify the definition of a through lot such that lots with frontage on more than one street to meet utility requirements would not be considered a through lot.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Amendment attached?	No	Budget Amendment	$	-
		Remaining Budget	$	-

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

EXHIBIT 'A"

151.01 Definitions

L

Lot, through (zoning). A lot, other than a corner lot, with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots. Lots with frontage on more than one street solely to meet utility connection requirements shall not be considered through lots and are exempt.

151.01 Definitions

L

Lot, through (zoning). A lot, other than a corner lot, with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots. Lots with frontage on more than one street solely to meet utility connection requirements shall not be considered through lots and are exempt.

CITY OF
FAYETTEVILLE
ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Britin Bostick, Long Range Planning/Special Projects Manager
Kylee Cole, Long Range & Preservation Planner

MEETING DATE: May 26, 2026

SUBJECT: **ADM-2026-0006: Administrative Item (Unified Development Code Section 155.01):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to Unified Development Code Section 155.01. The proposed code change would modify the definition of a through lot such that lots with frontage on more than one street to meet utility requirements would not be considered a through lot.

MOTION TO FORWARD:
"I move to forward **ADM-2026-0006** with a recommendation of approval."

BACKGROUND:
In tandem with the delivery of the 2026 Housing Assessment staff is bringing forward a set of ordinances to continue to support housing production in response to current and anticipated demand. Fayetteville's population is currently expected to grow by up to 3,000 people or approximately 1,350 households per year over the next 25 years, meaning we will need to keep housing production levels at or above current volumes for the next two decades at least, or face deepening housing affordability challenges if supply is constrained below demand, as was the case from 2019-2024.

DISCUSSION:
To alleviate some burden on applicants, support housing production, and remove a barrier to some projects that are otherwise complying with development requirements, staff recommends an amendment to the definition of "through lot", which is a lot with frontage on more than one street. Concern about urban design outcomes with new through lots located along streets like Rupple Road led to the current standard, which is meant to address subdivision conditions where long stretches of privacy fence would face city streets. For infill lots, however, through lots can present challenges to development as street frontage, access, and other standards must be applied to an atypical condition. There are times when utility service locations may be required that create for the purposes of connection a "through lot". This amendment would remove the step of Planning Commission approval of a variance when lots are technically defined as "through lots" but are only meeting utility requirements.

During an application process for subdivision such as a lot split, utility connections for the property or subdivided lot are reviewed for compliance with applicable standards. Notably, utility lines are not permitted to cross property lines and must be accessed directly from the City's right-of-way. "Flags" or narrow lot extensions may be necessary to convey utilities from a location along one public right-of-way to a lot that may already have frontage on another right-of-way. Under the

current definition, those required utility connections can create a conflict. Section 166.08(E)(2) of the Unified Development Code (UDC) prohibits through lots, but allows applicants to request a Planning Commission variance when site-specific issues merit consideration. Reducing development and zoning conflicts is one way to streamline the process to create additional housing.

The proposed amendment clarifies that lots with more than one frontage created due to *required* utility connections (also referred to as "flag lots") shall not be considered through lots and would not require additional variance approvals from the Planning Commission. The proposed amendment reduces additional cost and time associated with a variance request for an otherwise straightforward lot subdivision, or the use of lots that were platted prior to these established requirements. It also supports the development of smaller scale infill housing, which often needs flexible lot configurations to meet a litany of other development requirements.

PLANNING COMMISSION ACTION: **Required** **YES**

Date: **May 26, 2026** ❒ **Tabled** ☒ **Forwarded** ❒ **Denied**

Motion: Cabe

Second: Castin

Vote: 8-0-0

BUDGET/STAFF IMPACT:
None

Attachments:

- Amended UDC 151.01 Definitions - Strikethrough
- Amended UDC 151.01 Definitions - Clean

151.01 Definitions

L

Lot, through (zoning). A lot, other than a corner lot, with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots. Lots with frontage on more than one street solely to meet utility connection shall not be considered through lots and are exempt.

151.01 Definitions

L

Lot, through (zoning). A lot, other than a corner lot, with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots. Lots with frontage on more than one street solely to meet utility connection requirements shall not be considered through lots and are exempt.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2148

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

SUBJECT: **ADM-2026-0007: Administrative Item (Unified Development Code Sections 161.12, 161.22, 161.24, 161.27, and 161.28): Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to Unified Development Code Sections 161.12, 161.22, 161.24, 161.27, and 161.28. The proposed code changes would modify the minimum lot width for dwellings from eighteen (18) feet to twelve (12) feet.**

RECOMMENDATION:
City Planning Staff and the Planning Commission recommend approval of an ordinance to amend the minimum lot width for residential dwellings from 18-foot to 12-foot in the Residential Intermediate – Urban (RI-U), Community Services (CS), Urban Thoroughfare (UT), Main Street/Center (MSC), and Downtown General (DG) zoning districts as described in Exhibit A.

BACKGROUND:
In tandem with the delivery of the 2026 Housing Assessment staff is bringing forward a set of ordinances to continue to support housing production in response to current and anticipated demand. Fayetteville's population is currently expected to grow by up to 3,000 people or approximately 1,350 households per year over the next 25 years, meaning current housing production levels must be maintained for the next two decades or face deepening housing affordability challenges that resulted from limited supply from 2019-2024.

DISCUSSION:
To increase flexibility for residential development, staff recommends a reduction of the minimum lot width for dwellings in urban residential and mixed use zoning districts including the Residential Intermediate – Urban (RI-U), Community Services (CS), Urban Thoroughfare (UT), Main Street/Center (MSC), and Downtown General (DG) districts.

This amendment reduces the minimum lot width in these districts from eighteen (18) feet to twelve (12) feet, providing greater flexibility for townhome and fee-simple lot development. The amendment also removes the limit on building area of 60% in the RI-U district, which is better managed by impervious area and stormwater requirements located elsewhere in the UDC. The Urban Neighborhood (UN) zoning district was introduced as a mixed use zoning district in 2025 and has since been the subject of a number of rezoning requests, with particular interest in the 12' lot width minimum. Staff has evaluated requests for the UN zoning district and considered ways to build upon its success. One way to do that is to allow 12' lot widths in residential-only zoning districts such as RI-U to limit commercial encroachment into residential neighborhoods. Another is to expand the more flexible lot width standard to mixed use zoning districts more typical of Fayetteville's denser urban center while retaining the width needed for utility connections. While staff did consider eliminating the lot

width minimum entirely, at this time the step is not considered prudent until broader changes to lot development standards can be coordinated with utility connection and access standards.

At the May 26, 2026 Planning Commission meeting, commissioners briefly discussed amending the minimum width proposed by staff from 12-foot to 10-foot, ultimately deciding to move forward with the 12-foot recommendation. Commissioners voted 8-0-0 to forward the amendment to City Council with a recommendation of approval. No public comment was received prior to the meeting or during the public hearing.

BUDGET/STAFF IMPACT:

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Strikethrough-Redlines, 6. ADM-2026-0007 Planning Commission Staff Report

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2148

AN ORDINANCE TO REDUCE THE MINIMUM LOT WIDTH FOR RESIDENTIAL DWELLINGS FROM 18 FEET TO 12 FEET IN THE RESIDENTIAL INTERMEDIATE-URBAN (RI-U), COMMUNITY SERVICES (CS), URBAN THOROUGHFARE (UT), MAIN STREET/CENTER (MSC), AND DOWNTOWN GENERAL (DG) ZONING DISTRICTS BY AMENDING §§ 161.12, 161.22, 161.24, 161.27, AND 161.28 OF THE UNIFIED DEVELOPMENT CODE

WHEREAS, to increase flexibility for residential development, staff recommends a reduction of the minimum lot width for dwellings in urban residential and mixed use zoning districts; and

WHEREAS, this amendment will reduce the minimum lot width in these districts from eighteen (18) feet to twelve (12) feet, providing greater flexibility for townhome and fee-simple lot development and removes the limit on building area of 60% in the RI-U district, which is better managed by impervious area and stormwater requirements located elsewhere in the UDC.

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 §§ 161.12(D), 161.22(D), 161.24(D), 161.27(D), and 161.28(D) of the Unified Development Code by reducing the minimum lot width for residential dwellings from 18 feet to 12 feet in the Residential Intermediate-Urban (RI-U), Community Services (CS), Urban Thoroughfare (UT), Main Street/Center (MSC), and Downtown General (DG) zoning districts as shown in Exhibit A attached hereto and made a part hereof.

City of Fayetteville Staff Review Form

2026-2148

Item ID

7/21/2026

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

Britin Bostick	6/30/2026	LONG RANGE PLANNING (634)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

ADM-2026-0007: Administrative Item (Unified Development Code Sections 161.12, 161.22, 161.24, 161.27, and 161.28): Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to Unified Development Code Sections 161.12, 161.22, 161.24, 161.27, and 161.28. The proposed code changes would modify the minimum lot width for dwellings from eighteen (18) feet to twelve (12) feet.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Amendment attached?	No	Budget Amendment	$	-
		Remaining Budget	$	-

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	12 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945, §5(Exh. A), 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling	12 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations*.

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

(G) *Minimum Buildable Street Frontage.*50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6497, §1, 10-19-21; Ord. No. 6879, §2, 5-20-25)

161.24 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses*.

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 40	Sidewalk cafes
Unit 41	Accessory Dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar

Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training
Unit 48	Private dormitories

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	12 feet
All other dwellings	None
Non-residential	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	5 stories/7 stories*

* A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7, 8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.27 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 42	Clean technologies

Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling (all unit types)	12 feet

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 75% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*

* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.28 Downtown General

(A) *Purpose.* Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling (all unit types)	12 feet

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 50% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	128 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

~~(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.~~

(G~~H~~) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945, §5(Exh. A), 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling	1<u>2</u>~~8~~ feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations*.

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

(G) *Minimum Buildable Street Frontage.*50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6497, §1, 10-19-21; Ord. No. 6879, §2, 5-20-25)

161.24 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses*.

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 40	Sidewalk cafes
Unit 41	Accessory Dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar

Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training
Unit 48	Private dormitories

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	1~~28~~ feet
All other dwellings	None
Non-residential	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	5 stories/7 stories*

* A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7, 8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.27 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 42	Clean technologies

Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling (all unit types)	12~~8~~ feet

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 75% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*

* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.28 Downtown General

(A) *Purpose.* Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling (all unit types)	1~~28~~ feet

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 50% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

CITY OF
FAYETTEVILLE
ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Britin Bostick, Long Range Planning/Special Projects Manager
Kylee Cole, Long Range & Preservation Planner

MEETING DATE: May 26, 2026

SUBJECT: **ADM-2026-0007: Administrative Item (Unified Development Code Sections 161.12, 161.22, 161.24, 161.27, and 161.28):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to Unified Development Code Sections 161.12, 161.22, 161.24, 161.27, and 161.28. The proposed code changes would modify the minimum lot width for dwellings from eighteen (18) feet to twelve (12) feet.

MOTION TO FORWARD:
"I move to forward **ADM-2026-0007** with a recommendation of approval."

BACKGROUND:
In tandem with the delivery of the 2026 Housing Assessment staff is bringing forward a set of ordinances to continue to support housing production in response to current and anticipated demand. Fayetteville's population is currently expected to grow by up to 3,000 people or approximately 1,350 households per year over the next 25 years, meaning we will need to keep housing production levels at or above current volumes for the next two decades at least, or face deepening housing affordability challenges if supply is constrained below demand, as was the case from 2019-2024.

DISCUSSION:
To increase flexibility for residential development, staff recommends a reduction of the minimum lot width for dwellings in urban residential and mixed use zoning districts including the Residential Intermediate – Urban (RI-U), Community Services (CS), Urban Thoroughfare (UT), Main Street/Center (MSC), and Downtown General (DG) districts.

This amendment reduces the minimum lot width in these districts from eighteen (18) feet to twelve (12) feet, providing greater flexibility for townhome and fee-simple lot development. The amendment also removes the limit on building area to 60% in the RI-U district, which is better managed by impervious area and stormwater requirements located elsewhere in the UDC. The Urban Neighborhood (UN) zoning district was introduced as a mixed use zoning district in 2025 and has since been the subject of a number of rezoning requests, with particular interest in the 12' lot width minimum. Staff has evaluated requests for the UN zoning district and considered ways to build upon its success. One way to do that is to allow 12' lot widths in residential-only zoning districts such as RI-U to limit commercial encroachment into residential neighborhoods. Another is to expand the more flexible lot width standard to mixed use zoning districts more typical of Fayetteville's denser urban center while retaining the width needed for utility connections. While staff did consider eliminating the lot width minimum entirely, at this time the step is not considered

prudent until broader changes to lot development standards can be coordinated with utility connection and access standards.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: May 26, 2026	❒ **Tabled**	☒ **Forwarded**	❒ **Denied**
Motion: Cabe			
Second: Gulley			
Vote: 8-0-0			

BUDGET/STAFF IMPACT:
None

Attachments:

- Amended UDC 161.12 – RI-U – Residential Intermediate – Urban – Strikethrough
- Amended UDC 161.22 – Community Services – Strikethrough
- Amended UDC 161.24 – Urban Thoroughfare – Strikethrough
- Amended UDC 161.27 – Main Street Center – Strikethrough
- Amended UDC 161.28 – Downtown General – Strikethrough
- Amended UDC 161.12 – RI-U – Residential Intermediate – Urban - Clean
- Amended UDC 161.22 – Community Services – Clean
- Amended UDC 161.24 – Urban Thoroughfare – Clean
- Amended UDC 161.27 – Main Street Center – Clean
- Amended UDC 161.28 – Downtown General – Clean

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	128 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

~~(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.~~

(G~~H~~) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945, §5(Exh. A), 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling	1<u>2</u>~~8~~ feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations*.

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

(G) *Minimum Buildable Street Frontage.*50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6497, §1, 10-19-21; Ord. No. 6879, §2, 5-20-25)

161.24 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses*.

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 40	Sidewalk cafes
Unit 41	Accessory Dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar

Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training
Unit 48	Private dormitories

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	1~~28~~ feet
All other dwellings	None
Non-residential	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	5 stories/7 stories*

* A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7, 8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.27 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 42	Clean technologies

Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling (all unit types)	12~~8~~ feet

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 75% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*

* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.28 Downtown General

(A) *Purpose.* Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling (all unit types)	1~~28~~ feet

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 50% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	12 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945, §5(Exh. A), 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling	12 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations*.

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

(G) *Minimum Buildable Street Frontage.*50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6497, §1, 10-19-21; Ord. No. 6879, §2, 5-20-25)

161.24 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses*.

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 40	Sidewalk cafes
Unit 41	Accessory Dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar

Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training
Unit 48	Private dormitories

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	12 feet
All other dwellings	None
Non-residential	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	5 stories/7 stories*

* A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7, 8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.27 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 42	Clean technologies

Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling (all unit types)	12 feet

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 75% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*

* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

161.28 Downtown General

(A) *Purpose.* Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling (all unit types)	12 feet

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 50% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2149

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

SUBJECT: **ADM-2026-0009: Administrative Item (Unified Development Code Sections 172.05): Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to Unified Development Code Sections 172.05. The proposed code change would remove the limitation on the Planning Commission's ability to grant additional parking reductions for residential uses.**

RECOMMENDATION:
City Planning Staff and the Planning Commission recommend approval of an ordinance to reinstate a portion of the Planning Commission's authority to grant variances to residential parking minimums as described in Exhibit A.

BACKGROUND:
In tandem with the delivery of the 2026 Housing Assessment staff is bringing forward a set of ordinances to continue to support housing production in response to current and anticipated demand. Fayetteville's population is currently expected to grow by up to 3,000 people or approximately 1,350 households per year over the next 25 years, current housing production levels must be maintained at or above current volumes for the next two decades or face the housing affordability challenges that resulted from limited supply from 2019-2024.

On May 6, 2025 the City Council approved Ordinance 6864 to amend parking lot design standards and the number of parking spaces required for residential uses. Discussions regarding parking standards originated with the Planning Commission's Long Range Planning Committee in fall 2024 with an independent, councilmember amendment being proposed in early 2026. This amendment was assigned to the City Council's Ordinance Review Committee where consultation with staff and the City Attorney ultimately saw a proposal presented to and approved by Council. One of the changes approved was a limitation placed on the discretion of the Planning Commission to approve variances for parking. At the time, large student housing projects, ultimately classified as private dormitories, were allowed by right in many zoning districts as multi-family housing. As a by right use, the Planning Commission had limited discretion over parking reductions despite private dormitories having unique characteristics. Just two weeks later, on May 20, 2025 the City Council approved Ordinance 6879 creating a classification for private dormitories and establishing use conditions that include parking. Since then, the Planning Commission has had much greater discretion over this housing type and its associated parking. Their discretion over general parking variances has remained limited, however, which is currently blocking any path forward for housing projects, especially affordable and low-cost housing projects that would seek an adjustment to or reduction in parking requirements tailored to that development's particular circumstances and goals.

DISCUSSION:
To increase flexibility for residential development, staff recommends an amendment to the parking reductions that would amend the limitation on Planning Commission's ability to grant additional parking reductions for residential uses. Currently, Unified Development Code (UDC) Sec. 172.05(B)(2) limits the Planning Commission to granting a maximum of 35% of the required total, or four spaces, whichever is greater. Staff finds that the Planning Commission's current review authority does not adequately cover the types of proposals that warrant public consideration, which the variance process is designed to address. Without a clear path for applicants seeking alternative parking approaches, particularly affordable and small infill residential projects that are often aligned with the City Council's Housing goals, face disproportionate barriers. A more flexible mechanism is needed to ensure these projects can be reasonably evaluated on a case-by-case basis on their merits or hardships. Staff is proposing that the Planning Commission may grant up to a 35% reduction in the required number of parking spaces in addition to the reductions available by development size. This would total up to 70% for developments with 1-50 units and 45% for developments with 251+ units.

This amendment partially restores the Commission's discretion to determine when parking reductions are appropriate and by how much parking requirements may be reduced. The anticipated outcome is greater flexibility for residential developments that may be advantageously positioned near trails and bus stops or offer other alternative transportation amenities and opportunities, or which may propose to meet currently unmet or minimally met housing needs in the community. Should the City Council determine they would wish to review a parking variance themselves, they have the ability to sponsor their own appeal under the provisions of UDC Chapter 155.

At the May 26, 2026 Planning Commission meeting, one public comment was made in favor. No comments were received prior to the meeting. Commissioners voted 8-0-0 to forward the amendment to City Council with a recommendation of approval.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Strikethrough-Redlines, 6. Planning Commission Staff Report

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2149

AN ORDINANCE TO ALLOW THE PLANNING COMMISSION TO GRANT ADDITIONAL PARKING REDUCTIONS FOR RESIDENTIAL USES BY AMENDING § 172.05 STANDARDS FOR THE NUMBER OF SPACES BY USE OF THE UNIFIED DEVELOPMENT CODE

WHEREAS, Fayetteville's population is currently expected to grow by up to 3,000 people or approximately 1,350 households per year over the next 25 years, therefore current housing production levels must be maintained at or above current volumes for the next two decades or face the housing affordability challenges that resulted from limited supply from 2019-2024; and

WHEREAS, on May 6, 2025, the City Council approved Ordinance 6864 to amend parking lot design standards and the number of parking spaces required for residential uses; and

WHEREAS, on May 20, 2025, the City Council approved Ordinance 6879 creating a classification for private dormitories and establishing use conditions that include parking; and

WHEREAS, currently, § 172.05(B)(2) of the UDC limits the Planning Commission to granting a maximum reduction of 35% of the required total, or four spaces, whichever is greater and the Planning Commission's current review authority does not adequately cover the types of proposals that warrant public consideration, which the variance process is designed to address; and

WHEREAS, to increase flexibility for residential development, staff recommends an amendment that would amend the limitation on Planning Commission's ability to grant additional parking reductions for residential uses.

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 repeals subsection (B)(2) of § 172.05 (B) Residential Parking Requirements and enacts a replacement § 172.05 (B)(2) as follows:

> "(2) *Criteria for Consideration of Additional Reductions for Residential Use by the Planning Commission*. Applicants may request parking space reductions for residential use in addition to those listed in § 172.05 (B)(1) subject to the requirements in § 156.03 (C)(5). In reviewing the requested parking variance, the Planning Commission shall utilize the criteria in § 172.05 (B)(1) to evaluate the request, and may consider factors such as proximity to transit stops, provision of covered and secured storage for bicycles, and other means of alternative transportation. The Planning Commission shall be limited to granting a maximum reduction of 35% total in addition to the reductions for developments described in § 172.05 (B)(1)."

City of Fayetteville Staff Review Form

2026-2149

Item ID

7/21/2026

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

Britin Bostick	6/30/2026	LONG RANGE PLANNING (634)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

ADM-2026-0009: Administrative Item (Unified Development Code Sections 172.05): Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to Unified Development Code Sections 172.05. The proposed code change would remove the limitation on the Planning Commission's ability to grant additional parking reductions for residential uses.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Amendment attached?	No	Budget Amendment	$	-
		Remaining Budget	$	-

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

172.05 Standards For The Number Of Spaces By Use

(A) *Non-Residential Parking Requirements.* There shall be no minimum number of spaces required for non-residential use. The maximum number of spaces provided shall be limited to the ratios in Table 3 and the allowable increases over the baseline ratio as described in §172.05(3). The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition.

(B) *Residential Parking Requirements.* The minimum and maximum number of spaces required for residential use shall conform to the parking ratios listed in Table 3. The minimum and maximum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards.

(1) *Reductions for Residential Use.* Residential uses may utilize the following reductions to the minimum number required off-street parking ratios listed in Table 3. If the applicant does not provide the number of parking spaces allowed by Table 3, the applicant shall provide for approval by the Zoning and Development Administrator relevant parking utilization data or a parking analysis demonstrating how they will provide adequate parking for the proposed residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition. The statement or analysis shall address factors such as abutting street widths, existing parking conditions, parking reductions already claimed by nearby residential and commercial developments, potential and compounding impacts on surrounding neighborhoods and commercial districts, existing use of on-street parking, capacity for additional on-street parking, density of existing buildings, emergency vehicle access, fire safety, and whether existing properties have off-street parking available.

(a) Developments with 1—50 bedrooms may be allowed a maximum reduction of 35% of the total required spaces without being required to apply for consideration and approval by the Planning Commission.

(b) Developments with 51—100 bedrooms may be allowed a maximum reduction of 20% of the total required spaces without being required to apply for consideration and approval by the Planning Commission.

(c) Developments with 101—250 bedrooms may be allowed a maximum reduction of 15% of the total required spaces without being required to apply for consideration and approval by the Planning Commission.

(d) Developments with two hundred fifty-one (251) or more bedrooms may be allowed a maximum reduction of 10% of the total required spaces without being required to apply for consideration and approval by the Planning Commission.

(e) Multi-family and mixed-use developments that include multi-family along N. College Ave. and S. School Ave. within the Urban Corridor (UC) zoning district may be allowed an additional reduction of 10% of the total spaces required without being required to apply for consideration and approval by the Planning Commission.

(2) *Criteria for Consideration of Additional Reductions for Residential Use by the Planning Commission.* Applicants may request parking space reductions for residential use in addition to those listed in §172.05(B)(1) subject to the requirements in §156.03(C)(5). In reviewing the requested parking variance, the Planning Commission shall utilize the criteria in §172.05(B)(1) to evaluate the request, and may consider factors such as proximity to transit stops, provision of covered and secured storage for bicycles, and other means of alternative transportation. The Planning Commission shall be limited to granting a maximum reduction of 35% total in addition to the reductions for developments described in §172.05(B)(1).

(C) *Review of Parking Plan.* If an application for a residential use was approved for a reduction in required parking and the project is being considered by the Planning Commission, a Planning Commissioner may move that the Planning Commission review the decision by the Zoning and Development Administrator concerning the adequacy and correctness of the applicant's proposed parking plan pursuant to the factors in §172.05(B)(1). If this motion passes, the Planning Commission may review and amend the Zoning and Development Administrator's decision. However, the Planning Commission may not reduce the mandatory minimum parking reductions granted by the Zoning and Development Administrator for a development of fifty (50) or fewer bedrooms.

(D) *Shared Parking.* Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements may be approved by the Zoning and Development Administrator if they meet the conditions below:

(1) *Shared Parking Between Developments.* Formal arrangements that share parking between intermittent uses with non-conflicting parking demands (e.g., a church and a bank) are allowed as a means to reduce the amount of parking required.

(2) *Shared Parking Agreements.* If a privately owned parking facility is to serve two (2) or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Zoning and Development Administrator.

(3) *Shared Spaces.* Individual spaces identified on a site plan for shared users shall not be shared by more than one (1) user at the same time.

(E) *Maximum Number of Parking Spaces Allowed for Residential and Non-Residential Uses.* Residential and non-residential developments may utilize the following increases to the maximum number of allowed spaces listed in Table 3 when the following standards are met:

(1) Developments may increase the number of off-street parking spaces by up to 15% above the parking ratios listed in Table 3.

(2) Developments may increase the number of off-street parking spaces by up to an additional 10% when alternative stormwater treatment techniques are utilized, such as:

(a) Bioswales;

(b) Constructed wetlands;

(c) Pervious pavement; and

(d) Other such techniques that aid in improving water quality and quantity as approved by the City Engineer.

(3) Developments may increase the number of off-street parking spaces by up to an additional 5% when one (1), 2-inch caliper tree for every ten (10) additional parking spaces is planted on-site in addition to all other landscaping requirements.

(F) *Parking Ratio Calculation.* The number of spaces required for a use not specifically included in Table 3 shall be as required for the most similar use listed or as otherwise determined by the City Planning Division utilizing industry standards. For all parking space requirements resulting in a fraction, the fraction shall be:

(1) Rounded to the next higher whole number when the fraction is 0.5 or higher.

(2) Rounded to the next lower whole number when the fraction is less than 0.5.

(G) *On-Street Parking.* Each on-street parking space adjacent to a project frontage that complies with adopted fire code may count toward the parking requirements for all development. The approval of on-street parking is subject to approval by the Zoning and Development Administrator.

(H) Increases or reductions in excess of those identified herein shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with Chapter 156.03.

TABLE 3 PARKING RATIOS
(Use and Required Minimum and Maximum Spaces)
Residential

Residential Use Type	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Single-family	2 per dwelling unit	None
Duplex, triplex, or quadplex	2 per dwelling unit	4 per dwelling unit
Townhouse	2 per dwelling unit or 1 per bedroom, whichever is greater	1 per bedroom
Multi-family	1 per bedroom	1 per bedroom

172.05 Standards For The Number Of Spaces By Use

(A) *Non-Residential Parking Requirements.* There shall be no minimum number of spaces required for non-residential use. The maximum number of spaces provided shall be limited to the ratios in Table 3 and the allowable increases over the baseline ratio as described in §172.05(3). The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition.

(B) *Residential Parking Requirements.* The minimum and maximum number of spaces required for residential use shall conform to the parking ratios listed in Table 3. The minimum and maximum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards.

(1) *Reductions for Residential Use.* Residential uses may utilize the following reductions to the minimum number required off-street parking ratios listed in Table 3. If the applicant does not provide the number of parking spaces allowed by Table 3, the applicant shall provide for approval by the Zoning and Development Administrator relevant parking utilization data or a parking analysis demonstrating how they will provide adequate parking for the proposed residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition. The statement or analysis shall address factors such as abutting street widths, existing parking conditions, parking reductions already claimed by nearby residential and commercial developments, potential and compounding impacts on surrounding neighborhoods and commercial districts, existing use of on-street parking, capacity for additional on-street parking, density of existing buildings, emergency vehicle access, fire safety, and whether existing properties have off-street parking available.

(a) Developments with 1—50 bedrooms may be allowed a maximum reduction of 35% of the total required spaces without being required to apply for consideration and approval by the Planning Commission.

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CITY OF
FAYETTEVILLE
ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Britin Bostick, Long Range Planning/Special Projects Manager
Kylee Cole, Long Range & Preservation Planner

MEETING DATE: May 26, 2026

SUBJECT: **ADM-2026-0009: Administrative Item (Unified Development Code Sections 172.05):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to Unified Development Code Sections 172.05. The proposed code change would remove the limitation on the Planning Commission's ability to grant additional parking reductions for residential uses.

MOTION TO FORWARD:
"I move to forward **ADM-2026-0009** with a recommendation of approval."

BACKGROUND:
In tandem with the delivery of the 2026 Housing Assessment staff is bringing forward a set of ordinances to continue to support housing production in response to current and anticipated demand. Fayetteville's population is currently expected to grow by up to 3,000 people or approximately 1,350 households per year over the next 25 years, meaning we will need to keep housing production levels at or above current volumes for the next two decades at least, or face deepening housing affordability challenges if supply is constrained below demand, as was the case from 2019-2024.

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DISCUSSION:
To increase flexibility for residential development, staff recommends an amendment to the parking reductions that would amend the limitation on Planning Commission's ability to grant additional parking reductions for residential uses. Currently, Unified Development Code (UDC) Sec. 172.05(B)(2) limits the Planning Commission to granting a maximum of 35% total or four spaces, whichever is greater. Staff finds that the Planning Commission's current review authority does not adequately cover the types of proposals that warrant public consideration, which the variance process is designed to address. Without a clear path for applicants seeking alternative parking approaches, small infill projects – often aligned with the City Council's Housing goals – face disproportionate barriers. A more flexible mechanism is needed to ensure these projects can be reasonably evaluated. Staff is proposing that the Planning Commission may grant up to a 35% reduction in the required number of parking spaces in addition to the reductions available by development size. This would total up to 70% for developments with 1-50 units and 45% for developments with 251+ units.

This amendment partially restores the Commission's discretion to determine when parking reductions are appropriate and by how much parking requirements may be reduced. The anticipated outcome is greater flexibility for residential developments that may be advantageously positioned near trails and bus stops or offer other alternative transportation amenities and opportunities, or which may proposed to meet currently unmet or minimally met housing needs in the community. Should the City Council determine they would wish to review a parking variance themselves, they have the ability to sponsor their own appeal under the provisions of UDC Chapter 155.

PLANNING COMMISSION ACTION: **Required** **YES**

Date: **May 26, 2026** ❒ **Tabled** ☒ **Forwarded** ❒ **Denied**

Motion: Holeyfield

Second: Cabe

Vote: 8-0-0

BUDGET/STAFF IMPACT:
None

Attachments:
- Amended UDC 172.05 – Standards for the Number of Spaces by Use – Strikethrough
- Amended UDC 172.05 – Standards for the Number of Spaces by Use - Clean

172.05 Standards For The Number Of Spaces By Use

(A) *Non-Residential Parking Requirements.* There shall be no minimum number of spaces required for non-residential use. The maximum number of spaces provided shall be limited to the ratios in Table 3 and the allowable increases over the baseline ratio as described in §172.05(3). The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition.

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(d) Other such techniques that aid in improving water quality and quantity as approved by the City Engineer.

(3) Developments may increase the number of off-street parking spaces by up to an additional 5% when one (1), 2-inch caliper tree for every ten (10) additional parking spaces is planted on-site in addition to all other landscaping requirements.

(F) *Parking Ratio Calculation.* The number of spaces required for a use not specifically included in Table 3 shall be as required for the most similar use listed or as otherwise determined by the City Planning Division utilizing industry standards. For all parking space requirements resulting in a fraction, the fraction shall be:

(1) Rounded to the next higher whole number when the fraction is 0.5 or higher.

(2) Rounded to the next lower whole number when the fraction is less than 0.5.

(G) *On-Street Parking.* Each on-street parking space adjacent to a project frontage that complies with adopted fire code may count toward the parking requirements for all development. The approval of on-street parking is subject to approval by the Zoning and Development Administrator.

(H) Increases or reductions in excess of those identified herein shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with Chapter 156.03.

TABLE 3 PARKING RATIOS
(Use and Required Minimum and Maximum Spaces)
Residential

Residential Use Type	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Single-family	2 per dwelling unit	None
Duplex, triplex, or quadplex	2 per dwelling unit	4 per dwelling unit
Townhouse	2 per dwelling unit or 1 per bedroom, whichever is greater	1 per bedroom
Multi-family	1 per bedroom	1 per bedroom

172.05 Standards For The Number Of Spaces By Use

(A) *Non-Residential Parking Requirements.* There shall be no minimum number of spaces required for non-residential use. The maximum number of spaces provided shall be limited to the ratios in Table 3 and the allowable increases over the baseline ratio as described in §172.05(3). The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition.

(B) *Residential Parking Requirements.* The minimum and maximum number of spaces required for residential use shall conform to the parking ratios listed in Table 3. The minimum and maximum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards.

(1) *Reductions for Residential Use.* Residential uses may utilize the following reductions to the minimum number required off-street parking ratios listed in Table 3. If the applicant does not provide the number of parking spaces allowed by Table 3, the applicant shall provide for approval by the Zoning and Development Administrator relevant parking utilization data or a parking analysis demonstrating how they will provide adequate parking for the proposed residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition. The statement or analysis shall address factors such as abutting street widths, existing parking conditions, parking reductions already claimed by nearby residential and commercial developments, potential and compounding impacts on surrounding neighborhoods and commercial districts, existing use of on-street parking, capacity for additional on-street parking, density of existing buildings, emergency vehicle access, fire safety, and whether existing properties have off-street parking available.

(a) Developments with 1—50 bedrooms may be allowed a maximum reduction of 35% of the total required spaces without being required to apply for consideration and approval by the Planning Commission.

(b) Developments with 51—100 bedrooms may be allowed a maximum reduction of 20% of the total required spaces without being required to apply for consideration and approval by the Planning Commission.

(c) Developments with 101—250 bedrooms may be allowed a maximum reduction of 15% of the total required spaces without being required to apply for consideration and approval by the Planning Commission.

(d) Developments with two hundred fifty-one (251) or more bedrooms may be allowed a maximum reduction of 10% of the total required spaces without being required to apply for consideration and approval by the Planning Commission.

(e) Multi-family and mixed-use developments that include multi-family along N. College Ave. and S. School Ave. within the Urban Corridor (UC) zoning district may be allowed an additional reduction of 10% of the total spaces required without being required to apply for consideration and approval by the Planning Commission.

(2) *Criteria for Consideration of Additional Reductions for Residential Use by the Planning Commission.* Applicants may request parking space reductions for residential use in addition to those listed in §172.05(B)(1) subject to the requirements in §156.03(C)(5). In reviewing the requested parking variance, the Planning Commission shall utilize the criteria in §172.05(B)(1) to evaluate the request, and may consider factors such as proximity to transit stops, provision of covered and secured storage for bicycles, and other means of alternative transportation. The Planning Commission shall be limited to granting a maximum reduction of 35% total in addition to the reductions for developments described in §172.05(B)(1).

(C) *Review of Parking Plan.* If an application for a residential use was approved for a reduction in required parking and the project is being considered by the Planning Commission, a Planning Commissioner may move that the Planning Commission review the decision by the Zoning and Development Administrator concerning the adequacy and correctness of the applicant's proposed parking plan pursuant to the factors in §172.05(B)(1). If this motion passes, the Planning Commission may review and amend the Zoning and Development Administrator's decision. However, the Planning Commission may not reduce the mandatory minimum parking reductions granted by the Zoning and Development Administrator for a development of fifty (50) or fewer bedrooms.

(D) *Shared Parking.* Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements may be approved by the Zoning and Development Administrator if they meet the conditions below:

(1) *Shared Parking Between Developments.* Formal arrangements that share parking between intermittent uses with non-conflicting parking demands (e.g., a church and a bank) are allowed as a means to reduce the amount of parking required.

(2) *Shared Parking Agreements.* If a privately owned parking facility is to serve two (2) or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Zoning and Development Administrator.

(3) *Shared Spaces.* Individual spaces identified on a site plan for shared users shall not be shared by more than one (1) user at the same time.

(E) *Maximum Number of Parking Spaces Allowed for Residential and Non-Residential Uses.* Residential and non-residential developments may utilize the following increases to the maximum number of allowed spaces listed in Table 3 when the following standards are met:

(1) Developments may increase the number of off-street parking spaces by up to 15% above the parking ratios listed in Table 3.

(2) Developments may increase the number of off-street parking spaces by up to an additional 10% when alternative stormwater treatment techniques are utilized, such as:

(a) Bioswales;

(b) Constructed wetlands;

(c) Pervious pavement; and

(d) Other such techniques that aid in improving water quality and quantity as approved by the City Engineer.

(3) Developments may increase the number of off-street parking spaces by up to an additional 5% when one (1), 2-inch caliper tree for every ten (10) additional parking spaces is planted on-site in addition to all other landscaping requirements.

(F) *Parking Ratio Calculation.* The number of spaces required for a use not specifically included in Table 3 shall be as required for the most similar use listed or as otherwise determined by the City Planning Division utilizing industry standards. For all parking space requirements resulting in a fraction, the fraction shall be:

(1) Rounded to the next higher whole number when the fraction is 0.5 or higher.

(2) Rounded to the next lower whole number when the fraction is less than 0.5.

(G) *On-Street Parking.* Each on-street parking space adjacent to a project frontage that complies with adopted fire code may count toward the parking requirements for all development. The approval of on-street parking is subject to approval by the Zoning and Development Administrator.

(H) Increases or reductions in excess of those identified herein shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with Chapter 156.03.

TABLE 3 PARKING RATIOS
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Townhouse	2 per dwelling unit or 1 per bedroom, whichever is greater	1 per bedroom
Multi-family	1 per bedroom	1 per bedroom

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2209

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Planning Director
Justin Bland, City Engineer

SUBJECT: **ADM-2026-0024: Administrative Item (W. CENTER ST & S. GREGG AVE/CAMDEN COURT, 522): Submitted by OLSSON for property located at SOUTH OF 576 W CENTER ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.62 acres. The request is to modify a previously approved reduction of the streamside protection zone.**

RECOMMENDATION:
City staff recommend denial and the Planning Commission recommend approval of a request to remove a portion of the Streamside Protection zone from the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is located on the southwest corner of the intersection of W Center St and S Gregg Ave, contains approximately 0.6 acres and is zoned MSC, Main Street Corner. The property was previously occupied by a small apartment complex which was demolished in 2021 in part due to damage from a previous fire. The property currently contains a small parking area that previously served the apartment complex. The parking area for the previous building did encroach into the streamside zones, as it was developed prior to the ordinance enactment in 2011.

A conditional approval to remove approximately 289 LF of Tanglewood Branch from the streamside protection zone was recommended for approval by the Planning Commission on December 8, 2025 and, subsequently, by the City Council on January 20, 2026. This approval was tied to a site plan for the property which included a parking garage with a mixed-use development of residential and commercial uses. The parking garage would, in part, serve as offsite parking for the Park Hotel currently under construction at 500 W Spring. The ability to utilize this area as offsite parking is considered under CUP-2025-0051. The remainder of the development would include both residential and commercial uses along with parking for those uses. As a part of the site plan, the applicant requested to remove the natural stream by placing it underground within a culvert system and build the parking structure/building on top of the stream to maximize the available space for development.

Request: The request is to modify the previously approved reduction of the streamside protection zone with a revised site plan that has been determined to be substantially different than the original request.

Public Comment: To date, staff has received no public comment regarding this request.

DISCUSSION:
At the June 22, 2026 Planning Commission meeting, a vote of 5-0-2 forwarded the request to City Council with a recommendation of approval, with conditions as recommended by staff. (Commissioners Brink and Cabe recused). Similarly to the previous item, staff recommended denial of the request. While staff acknowledges the potential benefits of new development near downtown, the proposal is inconsistent with the Streamside Protection Ordinance, which was passed in 2011. The intent of the ordinance is to prevent stream encroachment and degradation. The ordinance emphasizes preserving the natural functions of streams and their vegetated buffers, including water quality protection, erosion control, habitat support, floodwater storage, and ecological integrity. Because culverting a stream eliminates these essential functions, staff recommended denying the request.

Planning Commissioners discussed the item and came to the same conclusion in their recommendation as they had previously found. Commissioners expressed some disappointment that some of the previous water features that were proposed in the initial concept would be changed; however, they found in favor since the amount of stream to be culverted was staying the same. Commissioners recommended that the conditions as recommended by staff should remain in place with this re-approval.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Planning Commission Staff Report

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2209

AN ORDINANCE TO AMEND ORDINANCE 6957 REGARDING THE CONDITIONAL REMOVAL OF 279 LINEAR FEET OF TANGLEWOOD BRANCH FROM THE STREAMSIDE PROTECTION ZONE AND ALLOW THE DEVELOPER TO SUBMIT A REVISED SITE PLAN FOR THE PROPERTY LOCATED SOUTH OF 576 WEST CENTER STREET

WHEREAS, on January 20, 2026, the City Council passed Ordinance 6957 and approved a developer's request to remove a 279 linear foot portion of Tanglewood Branch from the streamside protection zone, which would allow the developer to place the stream underground within a culvert system and build a parking structure/building on top of the stream; and

WHEREAS, Ordinance 6957 was conditioned upon the issuance of a permit to construct a building substantially similar to what was presented to the City Council by the developer; and

WHEREAS, the developer has submitted a revised site plan that will require an amendment to Ordinance 6957 because it has been determined by staff to be substantially different than the original request; and

WHEREAS, while acknowledging the potential benefits of new development near downtown, staff feels the proposal is inconsistent with the Streamside Protection Ordinance passed in 2011 and recommends denying the request; and

WHEREAS, the Planning Commission ultimately found that the applicant's requested project aligns with the City's broader land use goals and recommends approval of the request.

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 Ordinance 6957 by affirming the amendment to the Streamside Protection Zone conditioned upon the issuance of a building permit for a mixed-use structure that is substantially similar to the new site plan submitted by the developer which is attached to the Planning Division's agenda memo. All other conditions in Ordinance 6957 shall remain in effect.

City of Fayetteville Staff Review Form

2026-2209

Item ID

7/21/2026

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

Jonathan Curth	7/2/2026	DEVELOPMENT SERVICES (620)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

ADM-2026-0024: Administrative Item (W. CENTER ST & S. GREGG AVE/CAMDEN COURT, 522): Submitted by OLSSON for property located at SOUTH OF 576 W CENTER ST. in WARD 2. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.62 acres. The request is to modify a previously approved reduction of the streamside protection zone.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

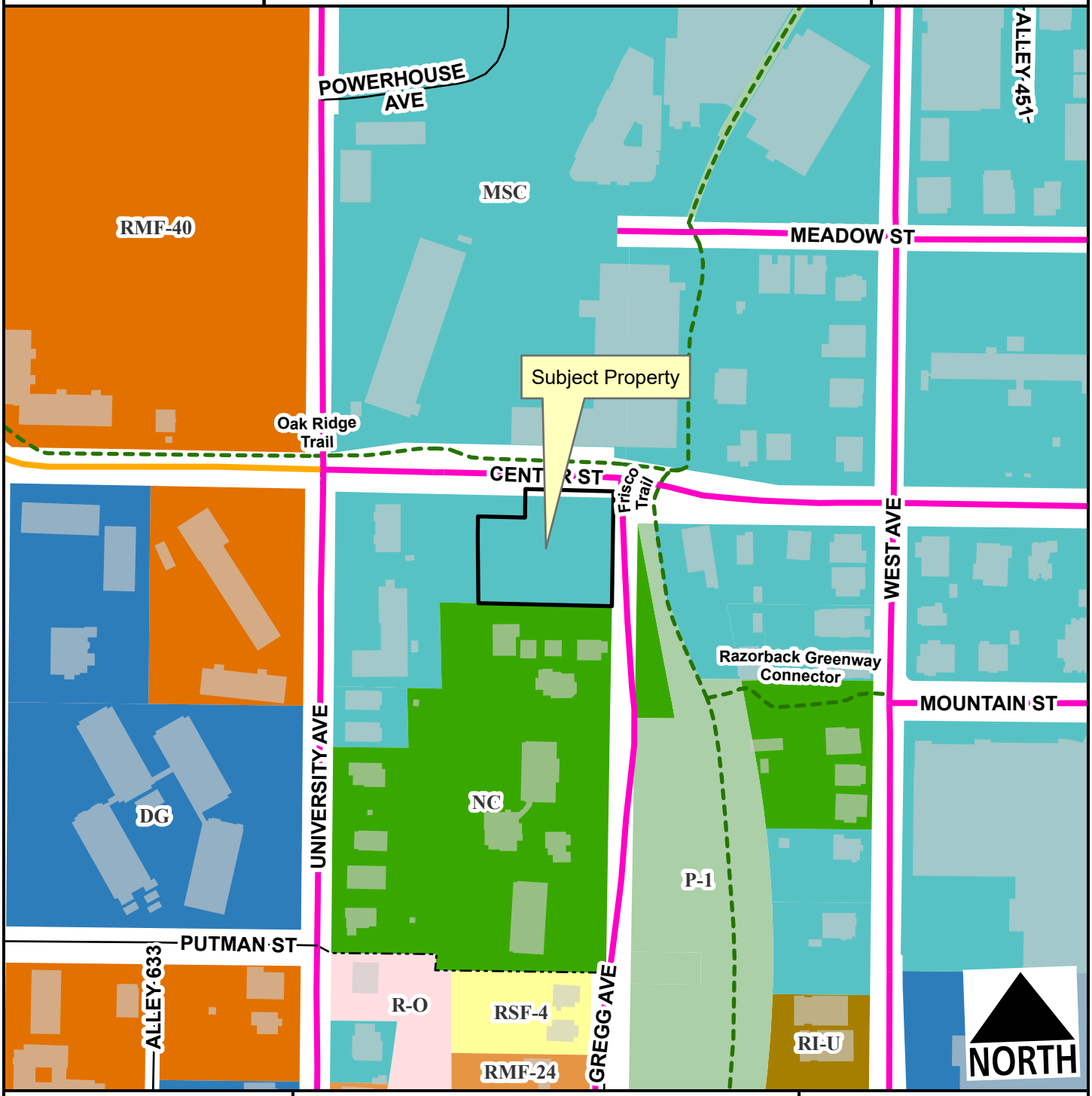
Comments:

ADM-2025-0048

Close Up View

W. CENTER ST & S. GREGG AVE

EXHIBIT A



- Neighborhood Link
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Design Overlay District

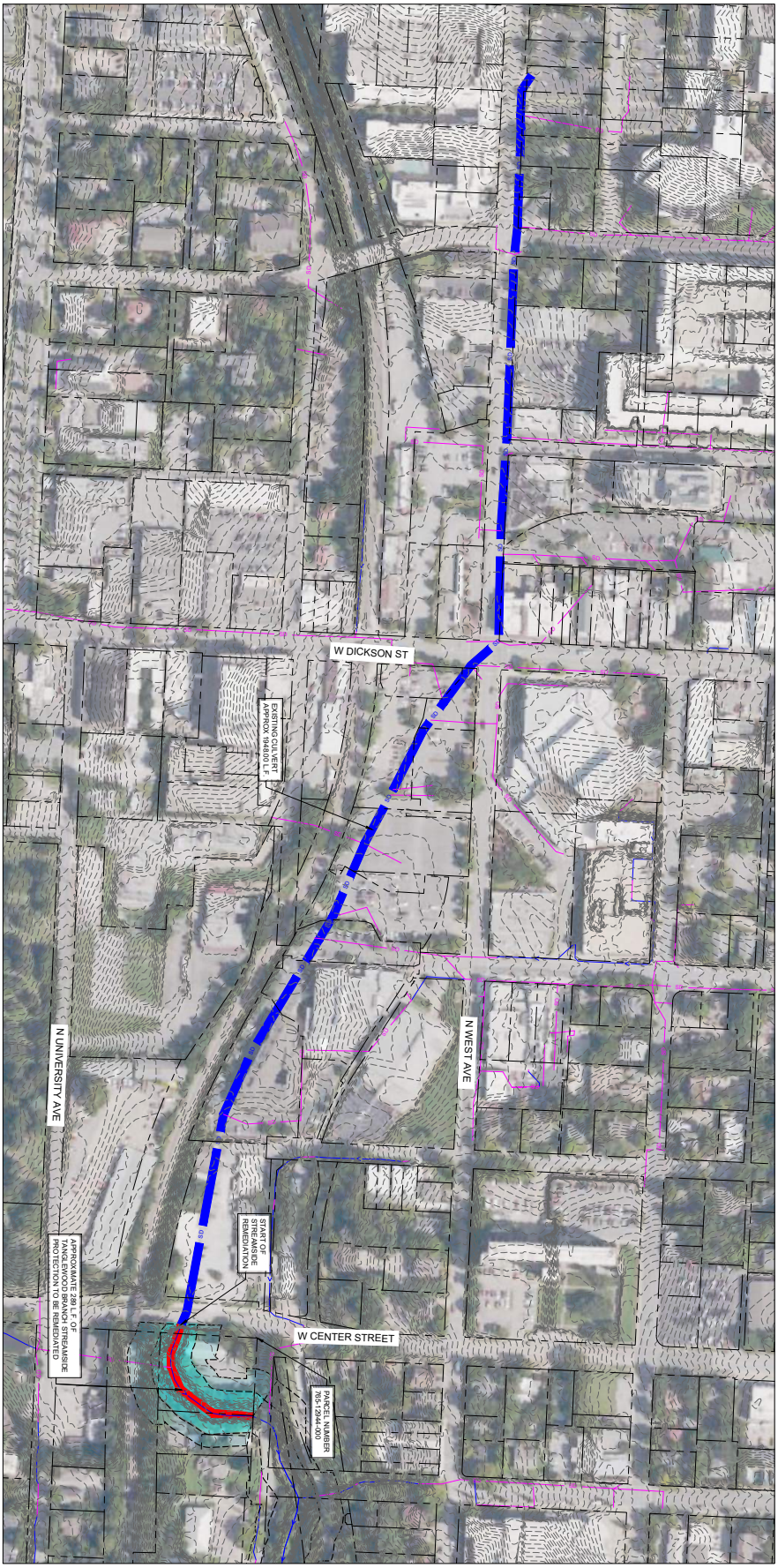
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DATE: Oct 28, 2025 1:40pm USER: cgsmith

EXHIBIT B



Existing Culvert		
Proposed Remediation	289 LF	87%
Total Length	2,267 LF	13%

LEGEND

- PROPERTY/LEASE LINE
- EXIST. CONTOUR
- EXISTING STORM SEWER LINE
- EXISTING STREAM CENTERLINE
- STREAMSIDE PROTECTION BOUNDARY
- PROPOSED STREAMSIDE ENCROACHMENT

STREAMSIDE PROTECTION ZONE 1 - TO BE REMEDIATED

STREAMSIDE PROTECTION ZONE 2 - TO BE REMEDIATED

EXHIBIT A

drawn by: AEW
designed by: CGS
project no.: 024-00286
date: 10/28/2025

EXHIBIT A
OVERALL TANGLEWOOD BRANCH EXTENT

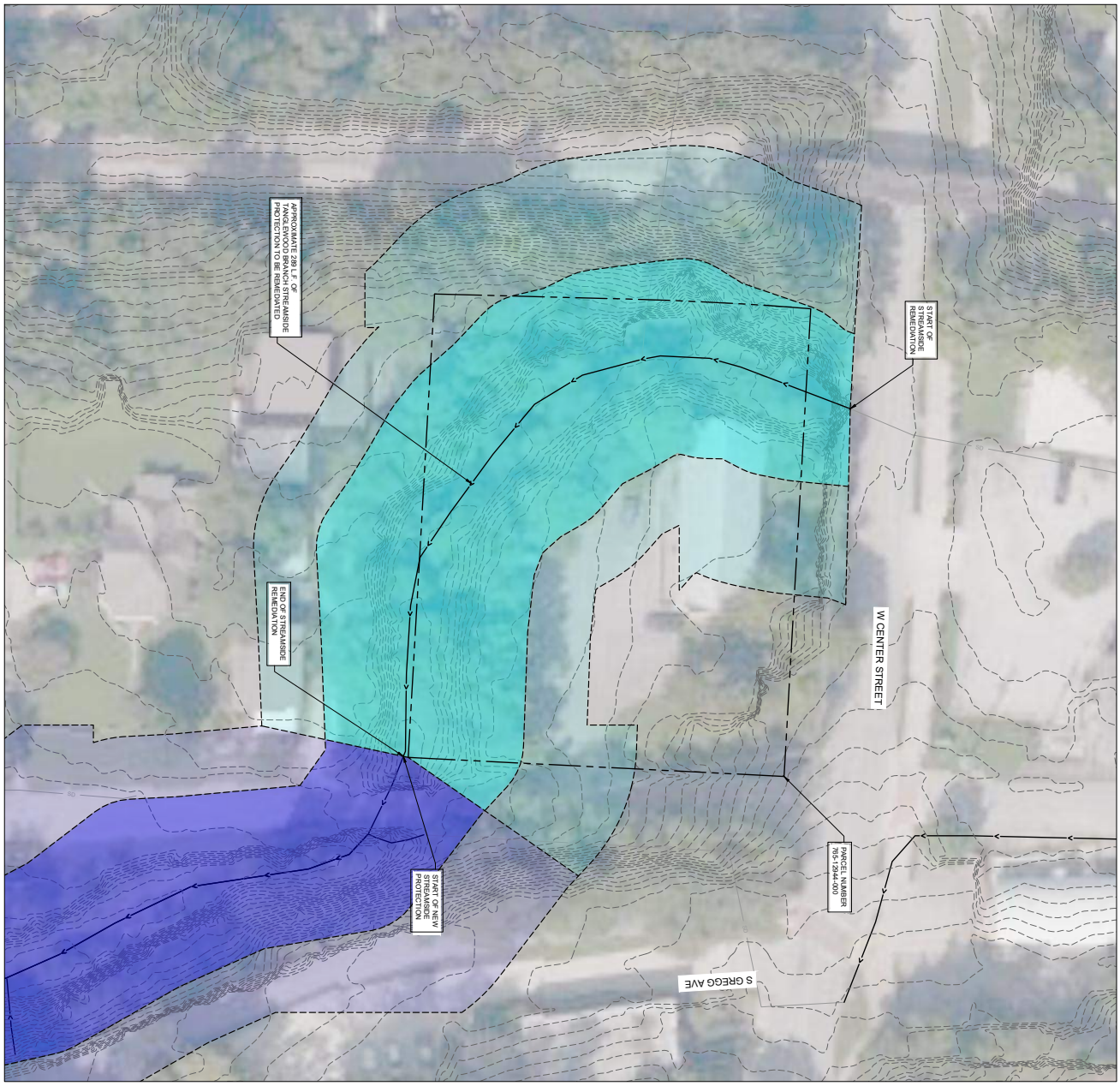
FAYETTEVILLE, AR | 2025

3537 North Steele Boulevard
Suite 101
Fayetteville, AR 72703
olsson.com
TEL 479.443.3404
FAX 479.443.4340
Oklahoma CoA #1010
Arkansas CoA #1010

olsson

EXHIBIT B

F:\2024\00001-00500\024-00286-AV40-Design\Exhibits\Streamside Protection\AutoCAD\streamside protection sheet.dwg
DATE: Oct 28, 2025 1:48pm USER: cgsmith



LEGEND

- PROPERTY/LEASE LINE
- EXIST. CONTOUR
- EXISTING STORM SEWER LINE
- EXISTING STREAM CENTERLINE
- STREAMSIDE PROTECTION BOUNDARY
- STREAMSIDE PROTECTION ZONE 1 - TO BE PRESERVED
- STREAMSIDE PROTECTION ZONE 2 - TO BE PRESERVED
- STREAMSIDE PROTECTION ZONE 1 - TO BE REMEDIATED
- STREAMSIDE PROTECTION ZONE 2 - TO BE REMEDIATED

EXHIBIT B

drawn by: AEW
designed by:
project no.: 024-00286
date: 10/28/2025

EXHIBIT B
PROPOSED STREAMSIDE REDUCTION

FAYETTEVILLE, AR | 2025

olsson
1307 North Steele Boulevard
Suite 101
Fayetteville, AR 72703
olsson.com
TEL 479.443.3404
FAX 479.443.4340
Oklahoma COA #1010
Arkansas COA #1010

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director
Chris Brown, Public Works Director

FROM: Justin Bland, City Engineer

MEETING DATE: June 22, 2026 Updated with results

SUBJECT: **ADM-2026-0024: Administrative Item (W. CENTER ST & S. GREGG AVE/CAMDEN COURT, 522):** Submitted by OLSSON for property located at SOUTH OF 576 W CENTER ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.62 acres. The request is to modify a previously approved reduction of the streamside protection zone.

RECOMMENDATION:
Staff recommends denial of **ADM-2026-0024**.

RECOMMENDED MOTION:
"I move to approve **ADM-2026-0024** *determining:*

- *In favor of the request to modify the Streamside Protection Mapping, and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located on the southwest corner of the intersection of W Center St and S Gregg Ave, contains approximately 0.6 acres and is zoned MSC, Main Street Corner. The property was previously occupied by a small apartment complex which was demolished in 2021 in part due to damage from a previous fire. The property currently contains a small parking area that previously served the apartment complex. The parking area for the previous building did encroach into the streamside zones, as it was developed prior to the ordinance enactment in 2011. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Commercial/Residential	MSC, Main Street Corner
South	Residential	NC, Neighborhood Conservation
East	Commercial/Residential and Institutional	P-1, Institutional; MSC, Main Street Corner
West	Residential, Commercial	MSC, Main Street Corner

Request: The request is to modify the previously approved reduction of the streamside protection zone with a revised site plan that has been determined to be substantially different than the original request.

Public Comment: To date, staff has received no public comment regarding this request.

DISCUSSION:
A conditional approval to remove approximately 289 LF of Tanglewood Branch from the streamside protection zone was recommended for approval by the Planning Commission on December 8, 2025 and, subsequently, by the City Council on January 20, 2026. This approval was tied to a site plan for the property which included a parking garage with a mixed-use development of residential and commercial uses. The parking garage would, in part, serve as offsite parking for the Park Hotel currently under construction at 500 W Spring. The ability to utilize this area as offsite parking is considered under CUP-2025-0051. The remainder of the development would include both residential and commercial uses along with parking for those uses. As a part of the site plan, the applicant requested to remove the natural stream by placing it underground within a culvert system and build the parking structure/building on top of the stream to maximize the available space for development.

This request was approved with the following conditions:

1. Removing this section of the Streamside Protection Zone shall only be in effect following the issuance of a building permit for a mixed-use structure that is substantially similar to that submitted with the applicant's request.

2. The proposed development will implement low-impact development (LID) strategies and water quality improvements that go beyond minimum compliance — including stilling basins, velocity dissipation, and native planting zones designed to reduce pollutant loads before outflow enters the restored natural segment downstream. These are to be reviewed and approved by the City's Floodplain Administrator.

The applicant has submitted a revised site plan with changes including an additional floor with 10 additional dwelling units and increased parking garage for a total of 155 stalls. In an effort to correctly enforce the resolution and the associated conditions of approval that were passed by the City Council, staff determined that an increase in density and building height, as well as alterations to how the project interacts with the stream that it is culverting, were significant enough to require a new determination by the Fayetteville City Council.

As with the original submittal, staff understands the potential benefits of additional residential and commercial uses in an area close to downtown. However, the proposal is not in keeping with the streamside protection ordinance approved in 2011. The ordinance was passed to stop encroachment of the natural stream system in the city and the stream degradation that it causes. When the ordinance was initially passed, much of the reasoning is included in the information below:

"The purpose of this ordinance is to ensure that streams and adjacent lands fulfill their natural functions. Streams have the primary natural functions of conveying storm and ground water, storing floodwater and supporting aquatic and other life. Vegetated lands adjacent to the stream channel serve as a buffer to protect the streams' ability to fulfill its natural functions. Primary natural functions of the buffer include:

- *Restoring and maintaining the chemical, physical, and biological integrity of the water resources;*
- *Removing pollutants delivered from urban stormwater;*
- *Reducing erosion and sediment entering the stream;*
- *Stabilizing stream banks;*
- *Providing infiltration of stormwater runoff;*
- *Maintaining base flow of streams;*
- *Contributing the organic matter that is a source of food and energy for the aquatic*

ecosystem;

- *Providing tree canopy to shade streams and promote desirable aquatic organisms;*
- *Providing storage for floodwaters;*
- *Providing riparian habitat for wildlife; and*
- *Furnishing scenic value and recreational opportunity.*

Culverting removes all natural functions of streams and, regardless of the amount, directly conflicts with the goals and intent of the streamside protection ordinance.

As such, staff is still recommending denial of this proposed reduction of the streamside zone as it is not consistent with adopted code. However, staff recognizes that this request was previously approved by the Planning Commission and City Council.

The question before both bodies is still whether or not to effectively vacate the streamside ordinance from this section of the Tanglewood Branch. While staff recommends denial, based on the factors above, if approved, staff recommends keeping the two conditions from the previous approval.

RECOMMENDATION: Staff recommends denial of **ADM-2026-0024. Should Planning Commission recommend forwarding this item to City Council, staff have offered conditions of approval as follows:**

Conditions of Approval:

1. Removing this section of the Streamside Protection Zone shall only be in effect following the issuance of a building permit for a mixed-use structure that is substantially similar to that submitted with the applicant's request.

2. The proposed development will implement low-impact development (LID) strategies and water quality improvements that go beyond minimum compliance — including stilling basins, velocity dissipation, and native planting zones designed to reduce pollutant loads before outflow enters the restored natural segment downstream. These are to be reviewed and approved by the City's Floodplain Administrator.

PLANNING COMMISSION ACTION: **Required** **YES**

Date: June 22, 2026 ❒ **Tabled** X FWD ❒ **Denied**

with all conditions as recommended by staff.

Motion: MADDEN

Second: MCGETRICK

Vote: 5-0-2 (Cabe and Brink recused)

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

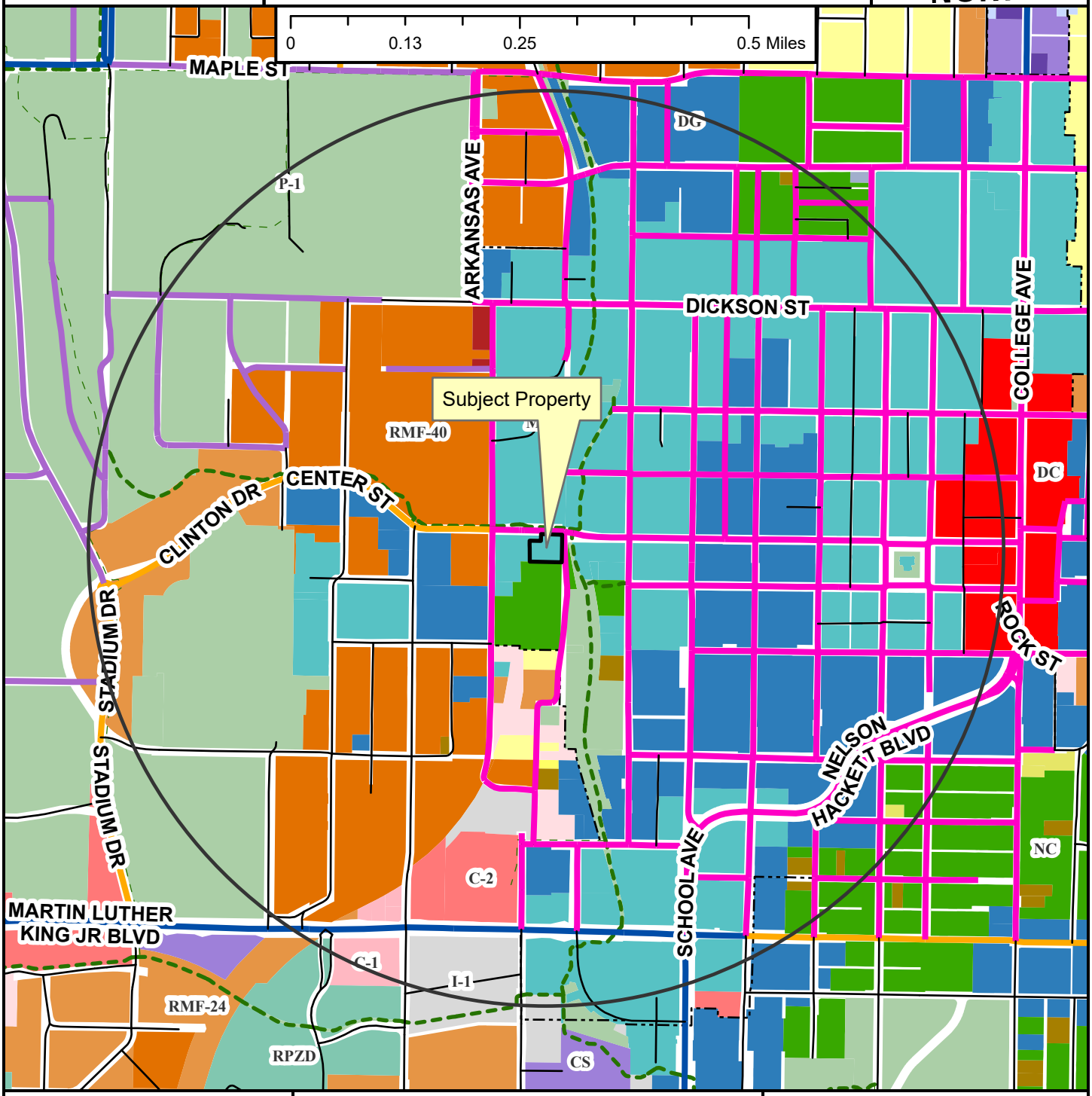
- One Mile Map
- Close-up Map
- Current Land Use Map
- Original Request Documents
- Applicant Request Letter and Exhibits

ADM-2026-0024

One Mile View

SOUTH OF 576 W CENTER ST

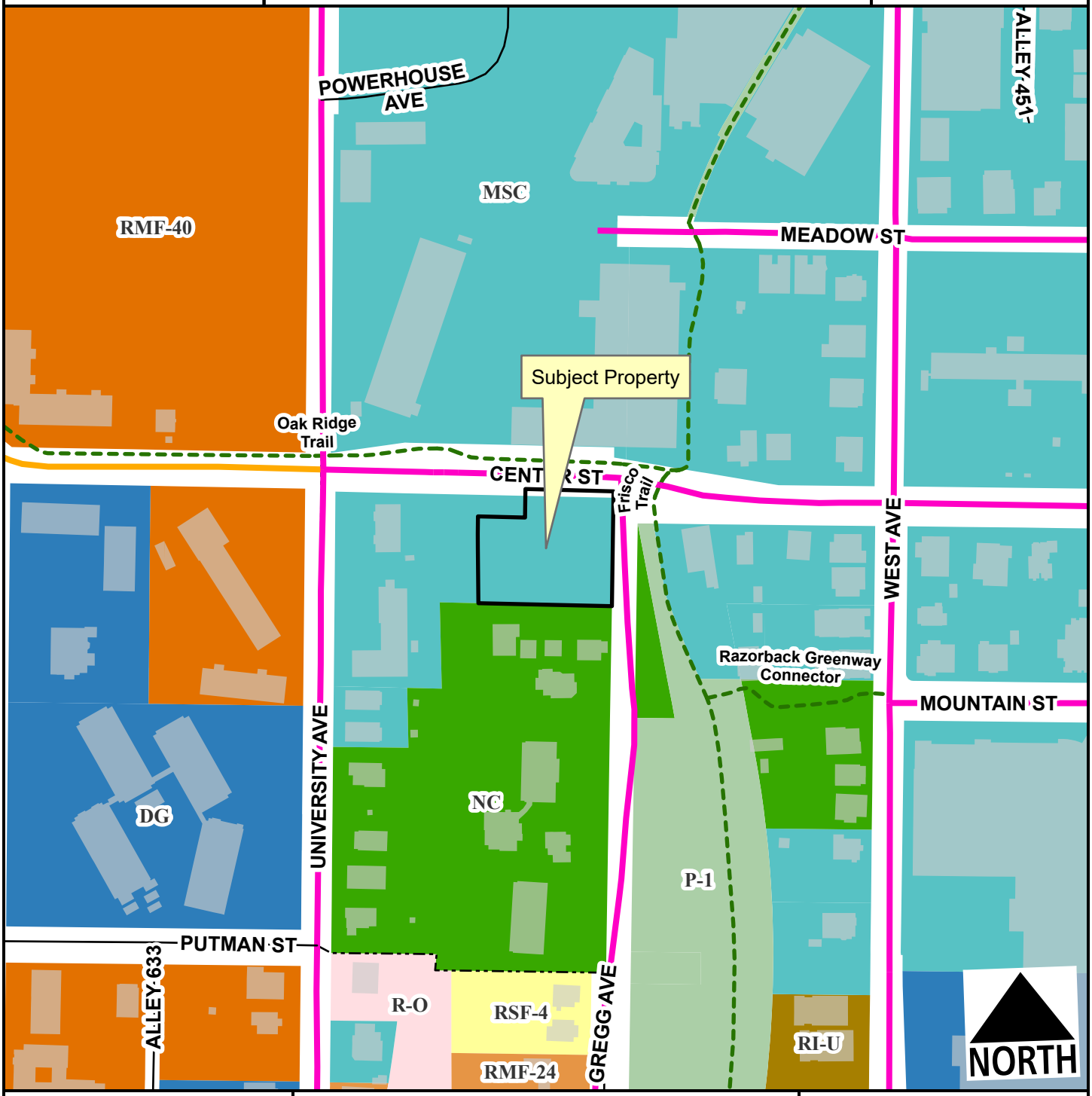
NORTH



ADM-2026-0024

Close Up View

SOUTH OF 576 W CENTER ST



- Neighborhood Link
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Design Overlay District

Feet

0 75 150 300 450 600

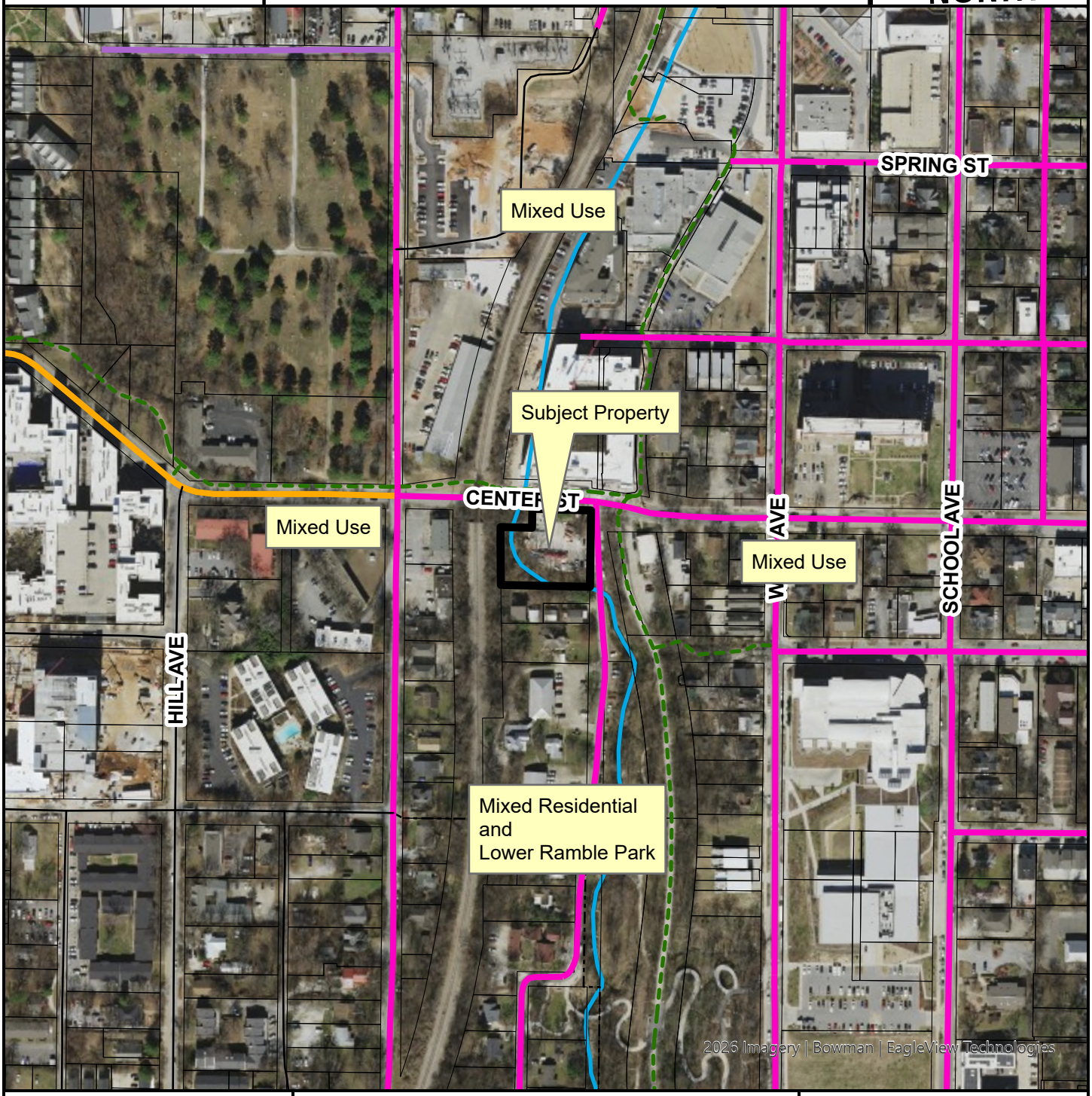
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ADM-2026-0024

Current Land Use

SOUTH OF 576 W CENTER ST

NORTH



- Neighborhood Link
- Institutional Master Plan
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

October 29, 2025

City of Fayetteville
Attn: Mr. Alan Pugh, PE
125 West Mountain Street
Fayetteville, AR 72701

Dear Mr. Alan Pugh, PE:

On behalf of our client, Olsson respectfully submits this request for an amendment to the Streamside Protection Map to remove approximately 289 linear feet (LF) of mapped streamside protection zone along Tanglewood Branch, located within the planned Camden Court development site located at the SWC of Center and Gregg Street.

This request seeks to realign the mapped boundary to reflect the true hydrologic and ecological conditions of this section of the watershed while allowing for a neighborhood-scale development that strengthens the existing urban fabric and provides net water quality improvements to the community.

Context and Existing Conditions
The section of Tanglewood Branch in question currently functions as a short, channelized transition between two enclosed (culverted) reaches of the stream. Specifically:

- The Tanglewood Branch is fully enclosed (hard-piped) from its headwaters approximately 1,948 LF north of the site, conveying flow underground through much of the urbanized corridor.
- The short open segment on the subject property offers limited ecological value, as it transitions almost immediately back into a culvert just downstream.
- Downstream of the Gregg Avenue crossing, the stream resumes as a natural, stable channel that continues south until joining Spout Spring Branch, where meaningful ecological functions are restored.

Given these conditions, the mapped streamside protection zone in this location does not accurately represent the functional extent of the active riparian system.

Rationale for Amendment
The proposed map amendment would extend the currently culverted reach approximately 289 LF downstream to the next culvert crossing beneath Gregg Avenue. This adjustment would:

1. Improve accuracy of the City's Streamside Protection Map to better reflect the true hydrologic continuity of Tanglewood Branch.

2. Allow for a context-sensitive infill development that complements surrounding land uses, reinforces pedestrian connectivity, and aligns with Fayetteville's City Plan 2040 goals for compact growth and neighborhood reinvestment.
    a. Goal #1 "We will make appropriate infill and revitalization our highest priority." *-City Plan 2040, Updated 6/1/2020*
3. Incorporate modern stormwater management practices, including enhanced water quality treatment prior to discharge, achieving a measurable net benefit to downstream conditions relative to the existing state.
4. Remove a protection area that currently provides minimal ecological or habitat function, focusing the City's environmental protection efforts on the fully natural downstream reaches where riparian integrity remains intact.

Environmental Stewardship and Public Benefit
The proposed development will implement low-impact development (LID) strategies and water quality improvements that go beyond minimum compliance — including stilling basins, velocity dissipation, and native planting zones designed to reduce pollutant loads before outflow enters the restored natural segment downstream.

Moreover, the project will enhance the surrounding neighborhood through improved connectivity, aesthetic design, and public realm integration. Aligning the Streamside Protection Map with existing hydrology ensures that environmental policy continues to serve both ecological function and community benefit in balance.

We respectfully request that staff consider this amendment and initiate the review process for the proposed adjustment. Our team welcomes the opportunity to provide supporting exhibits, hydrologic mapping, and environmental documentation as needed to assist in the City's evaluation.

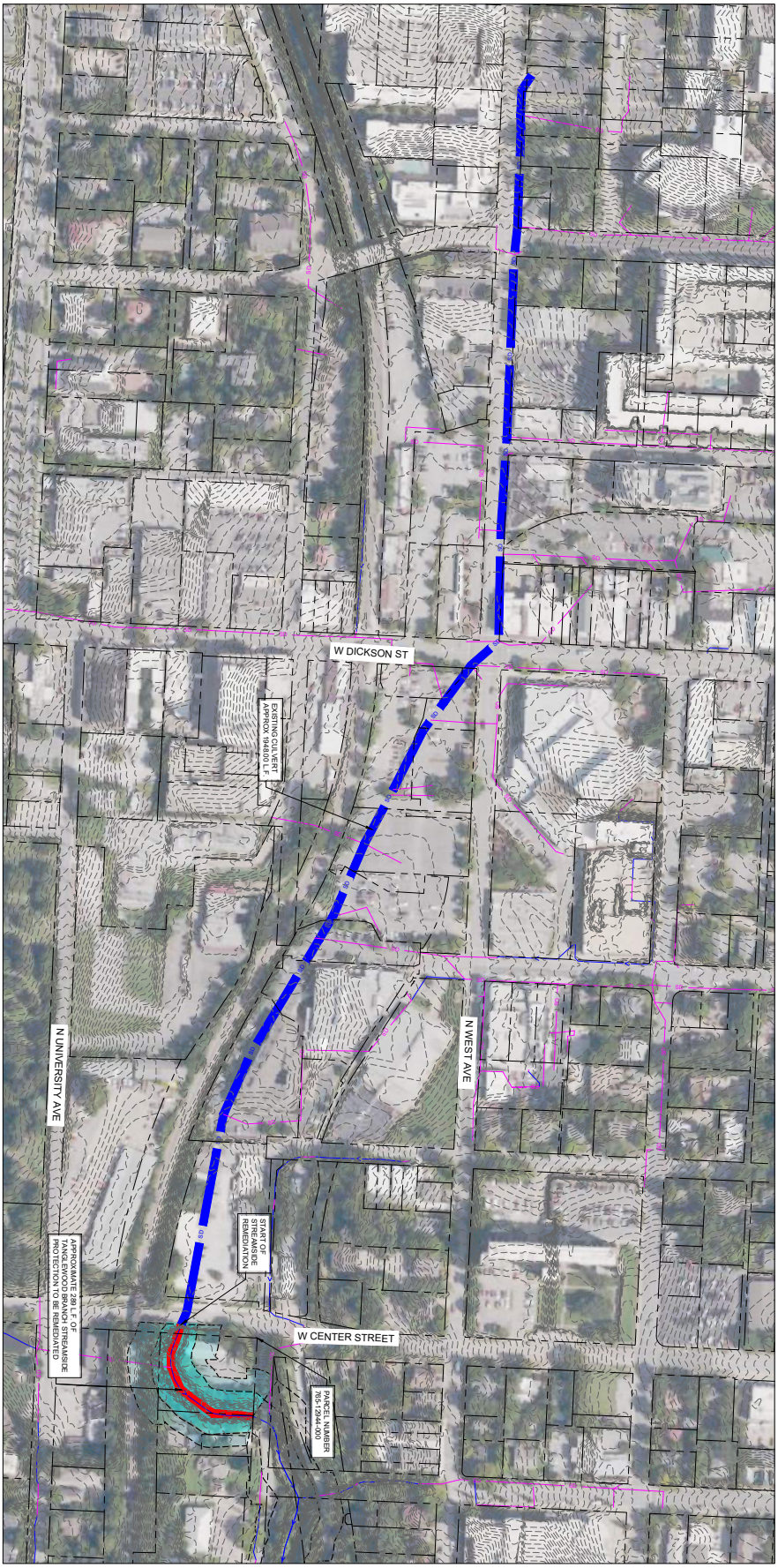
Thank you for your time and consideration of this request. We appreciate the City's commitment to thoughtful planning and environmental stewardship and look forward to continued collaboration. Should you have any questions, please contact me at 479.443.3404 or at mloos@olsson.com.

Sincerely,

Matthew Loos, PE
Olsson Vice President

Enclosed:
Exhibit A – Overall Townbranch Extents
Exhibit B – Proposed Streamside Reduction
Exhibit C – Concept Plat Site Plan & Renderings

F:\2024\00001-00500\024-00286-A\40-Design\Exhibits\Streamside Protection\AutoCAD\2025.10.20_Streamside Protection Exhibit.dwg
DATE: Oct 28, 2025 1:40pm USER: cgsmith



Existing Culvert		
Proposed Remediation	289 LF	87%
Total Length	2,267 LF	13%

LEGEND

- PROPERTY/LEASE LINE
- EXIST. CONTOUR
- EXISTING STORM SEWER LINE
- EXISTING STREAM CENTERLINE
- STREAMSIDE PROTECTION BOUNDARY
- PROPOSED STREAMSIDE ENCROACHMENT
- STREAMSIDE PROTECTION ZONE 1 - TO BE REMEDIATED
- STREAMSIDE PROTECTION ZONE 2 - TO BE REMEDIATED

0' 50' 100' 200'
SCALE IN FEET

EXHIBIT A

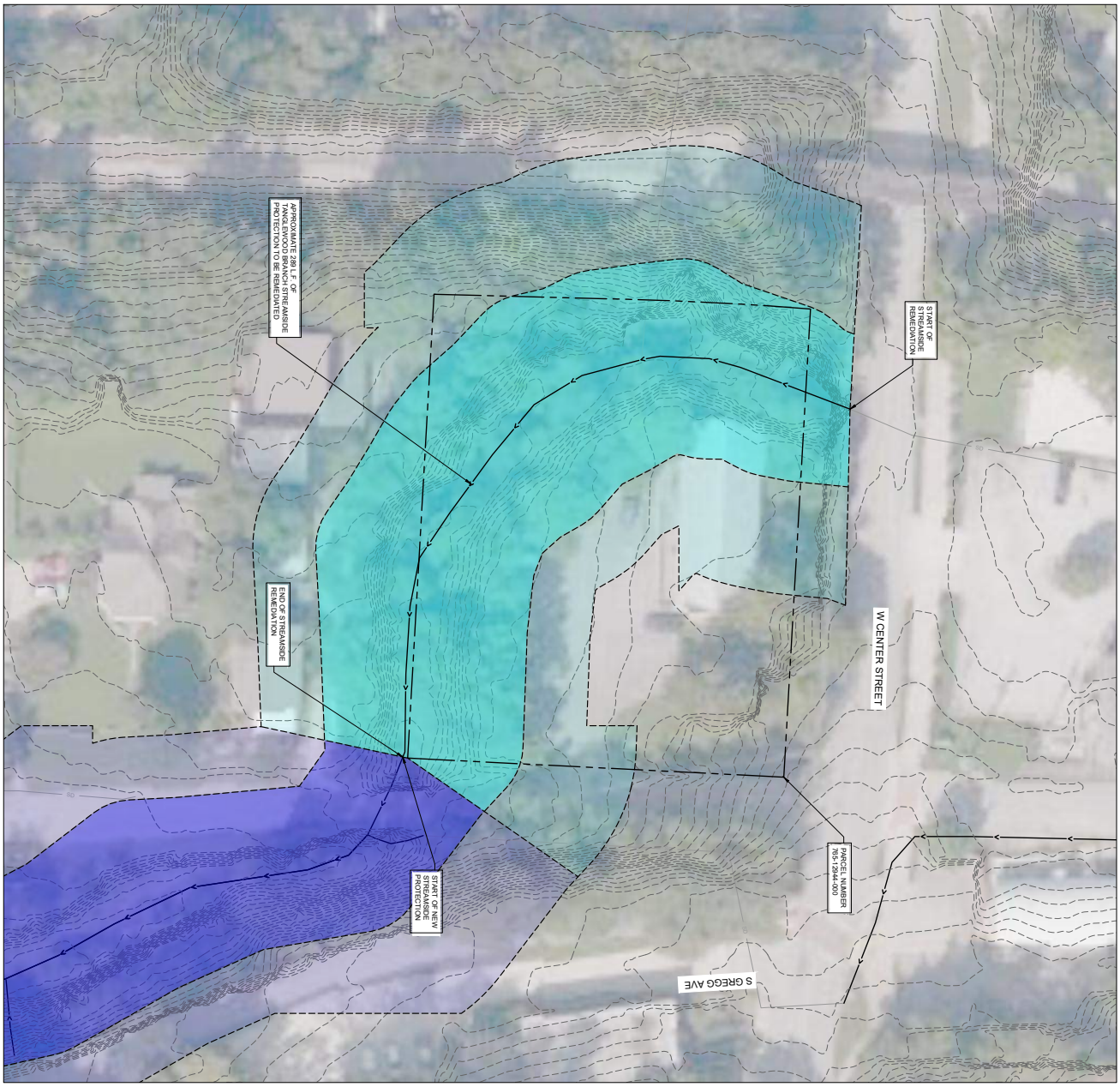
EXHIBIT A
OVERALL TANGLEWOOD BRANCH EXTENT

FAYETTEVILLE, AR | 2025

3937 North 56th Street, Suite 101
Fayetteville, AR 72703
olsson.com
TEL 479.443.3404
FAX 479.443.4340
Oklahoma CoA #1010
Arkansas CoA #1010

olsson

F:\2024\00001-00500\024-00286-A\40-Design\Exhibits\Streamside Protection\AutoCAD\streamside protection sheet.dwg
DATE: Oct 28, 2025 1:48pm USER: cgsmith



LEGEND

PROPERTY/LEASE LINE
EXIST. CONTOUR
EXISTING STORM SEWER LINE
EXISTING STREAM CENTERLINE
STREAMSIDE PROTECTION BOUNDARY

STREAMSIDE PROTECTION ZONE 1 - TO BE PRESERVED
STREAMSIDE PROTECTION ZONE 2 - TO BE PRESERVED
STREAMSIDE PROTECTION ZONE 1 - TO BE REMEDIATED
STREAMSIDE PROTECTION ZONE 2 - TO BE REMEDIATED

EXHIBIT B

drawn by: AEW
designed by: CGS
project no.: 00286.A
date: 10/28/2025

EXHIBIT B
PROPOSED STREAMSIDE REDUCTION

FAYETTEVILLE, AR 2025

1307 North Street, Boulevard
Suite 101
Fayetteville, AR 72703
olsson.com
TEL 479.443.3404
FAX 479.443.4340
Oklahoma CoA #1070
Arkansas CoA #1070

olsson



VIEW OF NORTHEAST CORNER

CAMDEN COURT

COURTYARD BUILDING & BLOCK LLC

MAY 21, 2025



VIEW OF SOUTHEAST CORNER

CAMDEN COURT
COURTYARD BUILDING & BLOCK LLC
MAY 21, 2025

ORIGINAL REQUEST DOCUMENTS ADM-2025-0048

Planning Commission
June 22, 2026
ADM-2026-0024 (REINDL INVESTMENTS LLC)
Page 14 of 35



VIEW OF NORTHWEST CORNER

CAMDEN COURT

COURTYARD BUILDING & BLOCK LLC

MAY 21, 2025

AERIAL VIEW OF GROTTO

CAMDEN COURT

COURTYARD BUILDING & BLOCK LLC

MAY 21, 2025



AERIAL VIEW OF STREAMSIDE APPRECIATION AREA

CAMDEN COURT

COURTYARD BUILDING & BLOCK LLC

MAY 21, 2025



NORTH ELEVATION

CAMDEN COURT
COURTYARD BUILDING & BLOCK LLC
MAY 21, 2025



SOUTH ELEVATION

CAMDEN COURT

COURTYARD BUILDING & BLOCK LLC

MAY 21, 2025



ORIGINAL REQUEST DOCUMENTS

EAST ELEVATION

CAMDEN COURT

COURTYARD BUILDING & BLOCK LLC

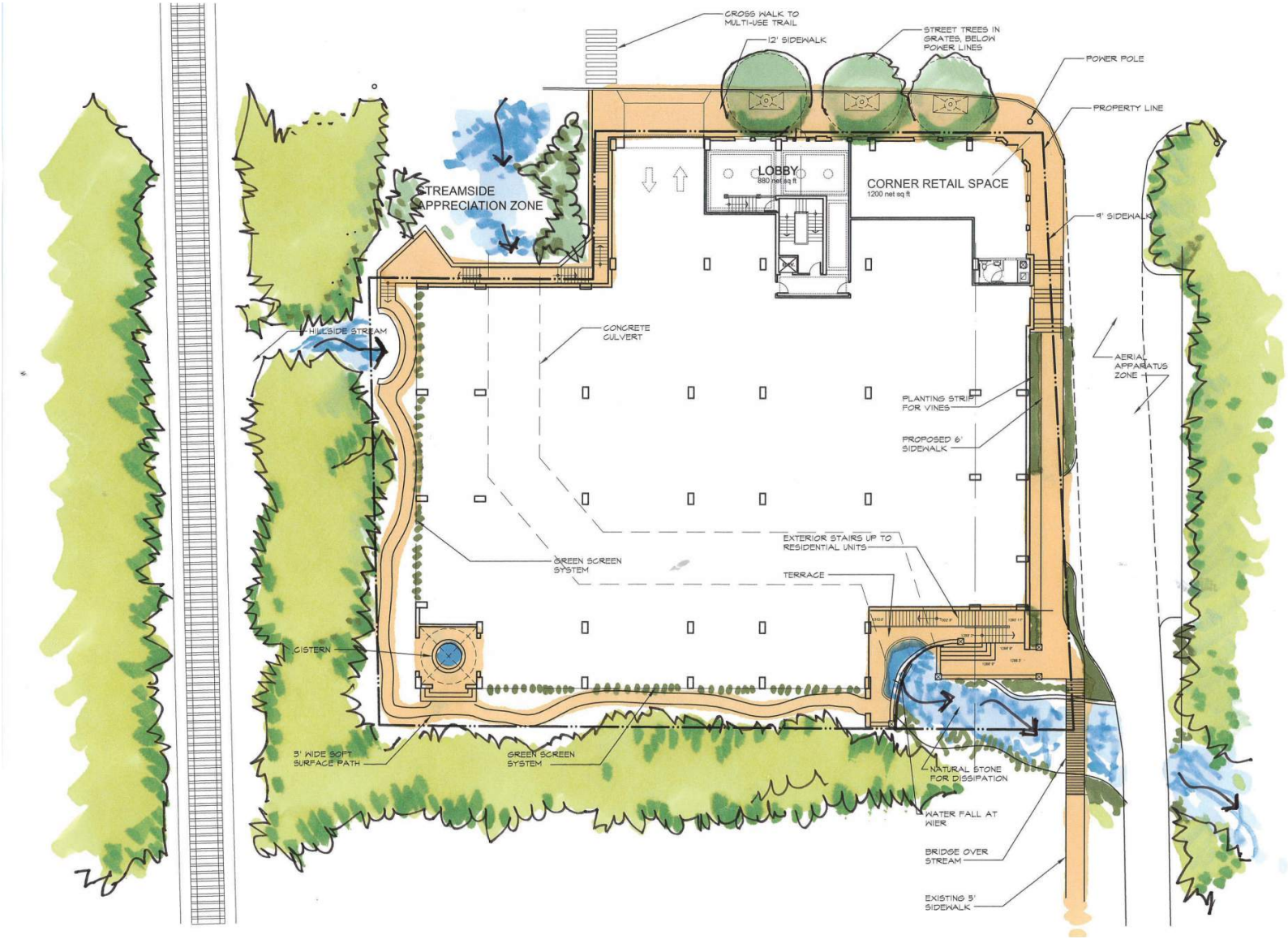
MAY 21, 2025

WEST ELEVATION

CAMDEN COURT

COURTYARD BUILDING & BLOCK LLC

MAY 21, 2025



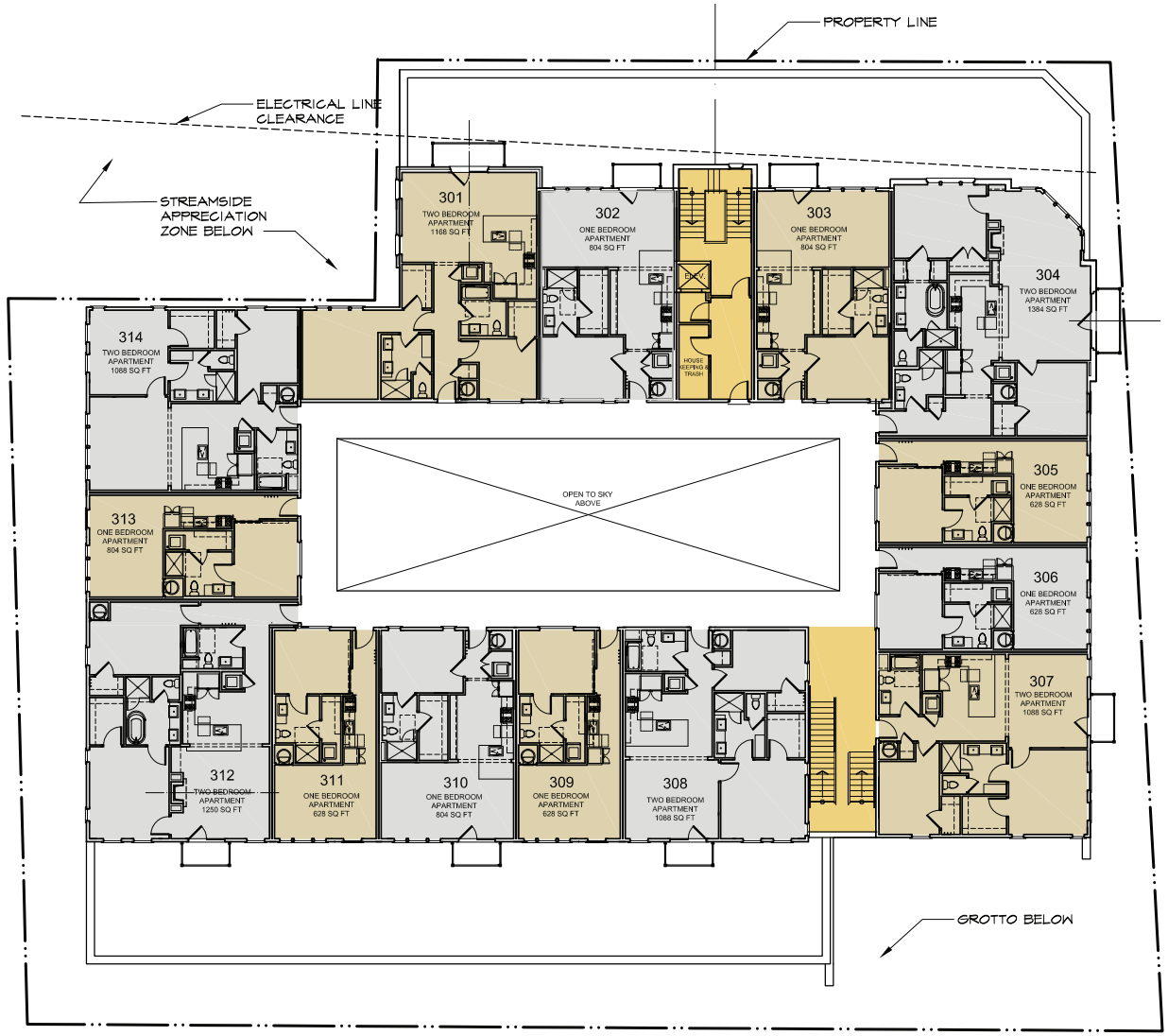
SITE PLAN

CAMDEN COURT

COURTYARD BUILDING & BLOCK LLC

MAY 21, 2025

ADM-2025-0048
ORIGINAL REQUEST DOCUMENTS



TYPICAL APARTMENT LEVEL PLAN

CAMDEN COURT
COURTYARD BUILDING & BLOCK LLC
MAY 21, 2025

GROUND LEVEL PLAN



CAMDEN COURT

COURTYARD BUILDING & BLOCK LLC

MAY 21, 2025

LOWER PARKING LEVEL PLAN



CAMDEN COURT

COURTYARD BUILDING & BLOCK LLC

MAY 21, 2025

24 April 2026

Dear Planning Staff and Elected and Appointed Officials for the City of Fayetteville,

RE: ADMINSTRATIVE ITEM, REQUEST ADDITIONAL FLOOR AT CAMDEN COURT PROJECT AND THE USE OF PARKING STACKER DEVICES TO INCREASE PARKING SUPPLY FOR VALET PARKING FOR HOTEL

We are working on a project that we feel is a unique opportunity to add residential housing, small retail, and automobile parking, to downtown Fayetteville. The 0.6 acre site is located at the corner of S Gregg Avenue and Center Street. This is a very unique site—the Frisco Trail and Oak Ridge Trail converge on this spot. Tanglewood Branch creek bisects the parcel, and the Arkansas Missouri Railroad line is on the western boundary of our site. Center Street is the major connection between the Fayetteville Square and the University of Arkansas Campus. South Gregg Avenue is a narrow, quirky, local street that is wooded and that is bounded by the Lower Ramble on the east and some smaller apartment buildings and cottages along the west side of the road.

Our proposal is to build a two-story parking structure on the site. Access to the upper level will be from Center Street and access to the lower level will be from Gregg Avenue. This will provide 49 stalls on the first floor, plus an additional 9 tandem stalls for a total of 58 stalls. The second floor will provide 49 stalls, plus an additional 48 stalls via mechanical lifts that allow a car to be stored above the car below. We have increased our ceiling height within the second floor of the garage to 14'-3" to accommodate these lifts. Including the parking provided by the mechanical lifts, there will be 97 stalls on the second floor. The lifts will be operated by the valet parking staff and this type of car storage is common for use by valet parking services. We will also be using compact parking stalls throughout the project, but we will be maintaining the full 9' parking width. We find that compact parking stalls with a length of 15', work very well for most vehicles, but that the reduced width can create problems. We are proposing 31 compact parking stalls on the first floor and 24 compact parking stalls on the second floor. Total parking stalls for both floors to be 155 stalls.

As we completed our financial analysis of the hotel project, we learned that it would be necessary to add an additional floor of guest rooms and some meeting space in order to give the project a legitimate chance for success. This additional space increased the need for parking, which led to the solution of using the car stackers. The additional cost of the car stackers and increased height of the parking deck ceiling will be partially covered by adding one additional floor of dwelling units. We will have a mix of one and two bedroom units with a total unit count to 52 dwelling units. The previously approved project contained 42 dwelling units, so we are requesting an additional 10 dwelling units. The total number of bedrooms will be 88 bedrooms. We feel confident that we can fulfill the parking needs for both the hotel and the residential uses on this site.

We have kept the architectural language and exterior material palette the same as the previously approved design. The architectural style of the proposed building is Alpine Shingle Style, which is appropriate to the beautiful natural setting. We will be integrating brick and natural stone on the lower levels and lapped siding, balconies, finials, steep roofs, and dormers on the upper levels. The parking structure will be completely hidden from view on the street frontages. The railroad embankment conceals the parking structure from the west. A thick bamboo thicket provides cover on the south side. The building is stepped

back from the south property line out of respect for the scale of the existing single family houses that border this site. Our building will act as a buffer between the existing South Gregg neighbors and the bulky student housing project under construction on Center Street, due north of our site.

Please see attached drawings showing floor plans of all levels and elevation sketches. We are preparing color perspective drawings and will submit those to you within three weeks.
Please contact me at rob@rangeworks.co if you have any questions about any aspect of this proposal.



Robert Sharp, Principal Architect
Range Co.



Brian Reindl, Reindl Properties

May 22, 2026

City of Fayetteville
ATTN: Planning Division
125 West Mountain Street
Fayetteville, AR 72701

RE: Streamside Map Amendment - Camden Court

Dear Planning Division:

Purpose

The purpose of this memorandum is to document that the proposed revisions to the mixed-use building configuration, as outlined in the accompanying project update materials, do not materially alter the basis, intent, or justification of the previously submitted request to amend the Streamside Protection Map along Tanglewood Branch.

Background

As described in the original Streamside Protection Map amendment request, the project team sought removal of approximately 300 linear feet of mapped Streamside Protection Zone associated with a limited open-channel segment of Tanglewood Branch. The request was founded on several key considerations:

The subject stream segment provides limited ecological and riparian function due to its location between two culverted reaches.
Tanglewood Branch is conveyed through a hard-piped system for approximately 2,600 linear feet upstream of the site.
The stream transitions back into a culvert shortly downstream of the property before ultimately emerging as a natural channel south of Gregg Avenue.
The proposed development would provide community benefits through thoughtful infill redevelopment while incorporating enhanced stormwater management and water quality treatment measures.

Effect of Proposed Building Revisions

Since submission of the original request, modifications have been made to the proposed mixed-use structure. These revisions primarily involve adjustments to building layout, architectural configuration, and site design elements intended to improve project functionality and compatibility with surrounding development.

Importantly, the revised building concept does not change any of the underlying conditions that formed the basis of the original amendment request. Specifically:

- The hydrologic characteristics of Tanglewood Branch remain unchanged.
- The location and extent of the upstream and downstream culverted reaches remain unchanged.
- The limited ecological function of the subject stream segment remains unchanged.
- The project's commitment to modern stormwater management and water quality improvements remains unchanged.
- The project's role as an infill redevelopment opportunity that enhances neighborhood connectivity, walkability, and overall urban form remains unchanged.

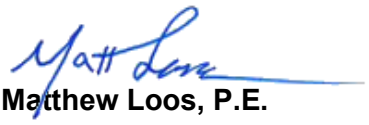
Conclusion

The proposed modifications to the mixed-use building design do not materially affect the rationale supporting the requested Streamside Protection Map amendment. The original request was based on the functional characteristics of the stream corridor and the broader public benefits associated with redevelopment of the site. Those factors remain substantially the same under the revised development concept.

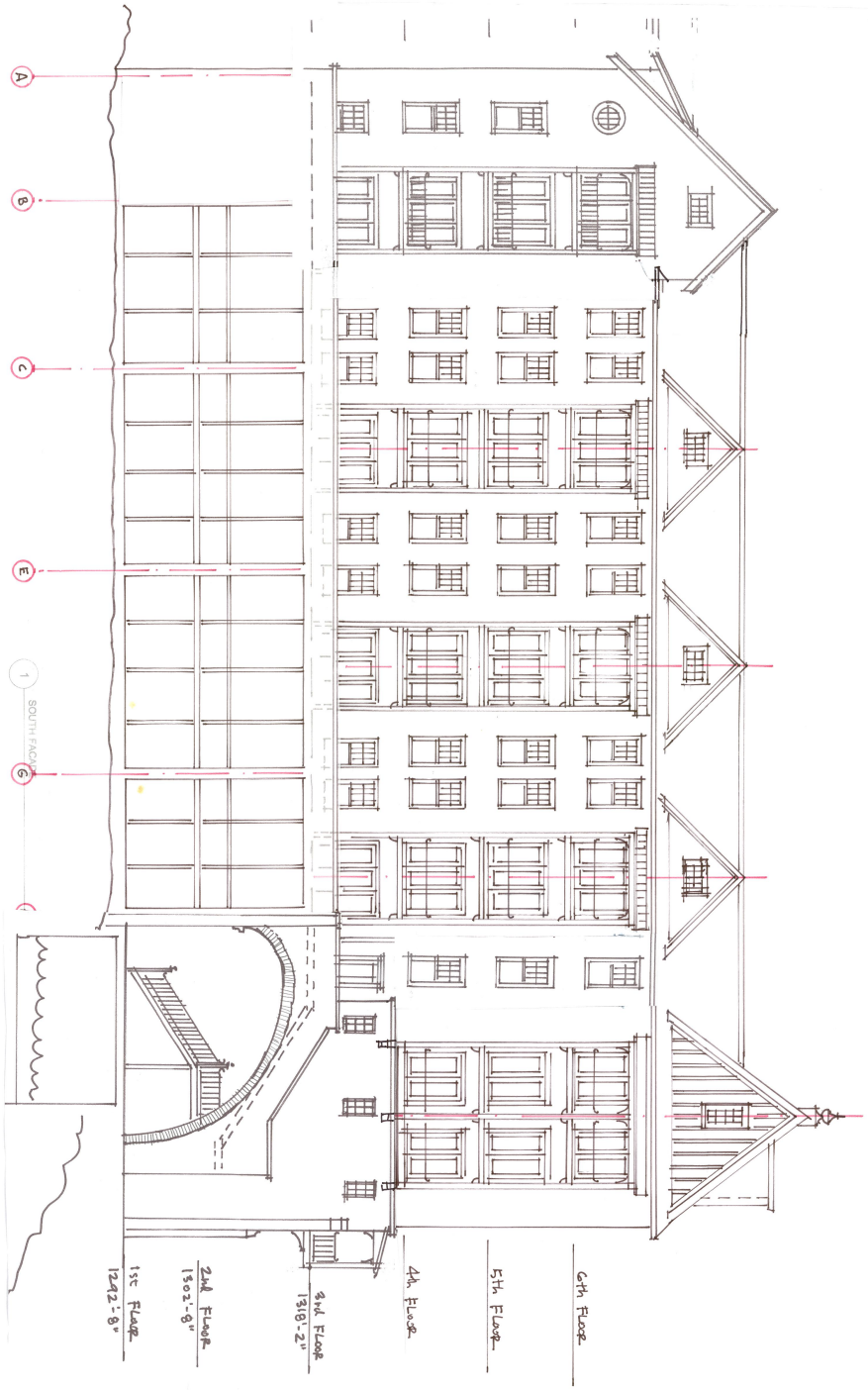
Accordingly, we believe the previously submitted justification for the requested map amendment remains valid and applicable, and we respectfully request that the City continue its review of the Streamside Protection Map amendment based on the original findings and supporting documentation.

Should staff require any additional information or clarification regarding the revised plans provided, we would welcome the opportunity to discuss the project further.

Respectfully submitted,



Matthew Loos, P.E.
Vice President - Olsson



APPRAISAL PACKAGE

	A2.3	SOUTH FACADE	JOB NO. 25001 30 MAR 2026

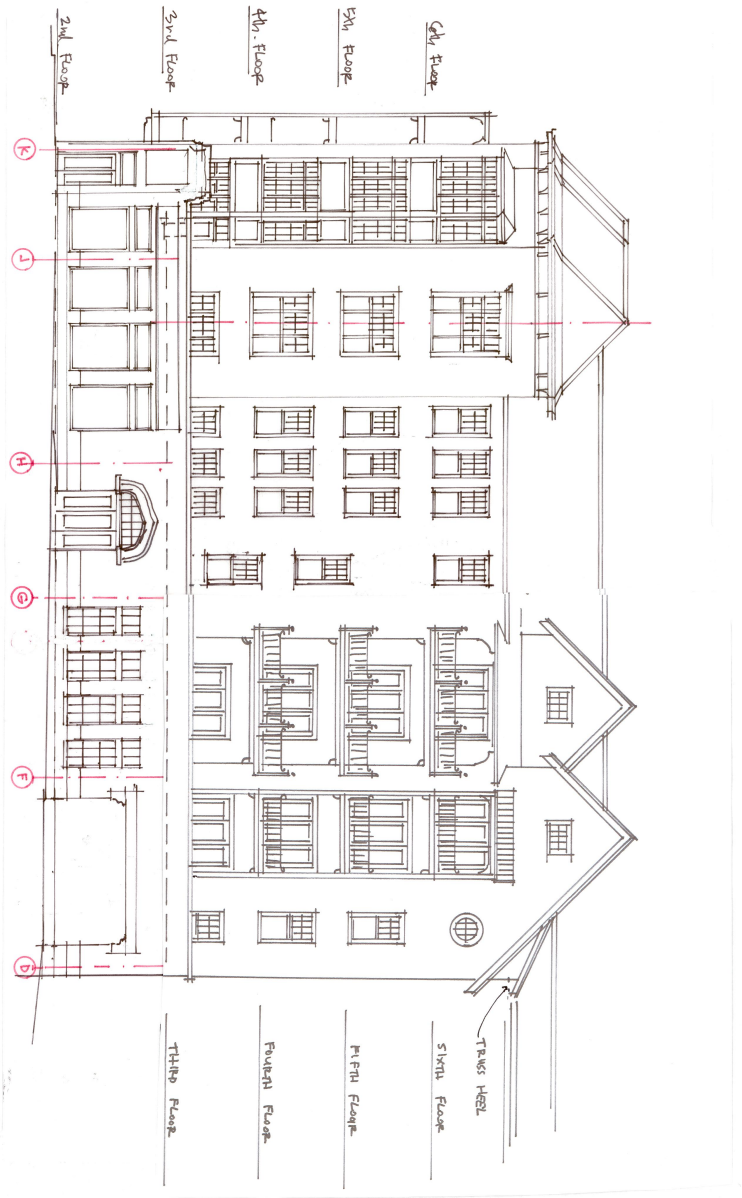
CAMDEN COURT

CORNER OF CENTER AND SOUTH GREGG
FAYETTEVILLE | AR
REINDL PROPERTIES LLC

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COURTYARD BUILDING & BLOCK LLC
100 W. CENTER ST. | STE 300
FAYETTEVILLE | AR | 72701
PHONE: 479.442.0229 E-MAIL: rob@sharparch.net

PRELIMINARY NOT FOR CONSTRUCTION



1 NORTH FACADE

SCALE: 1/8" = 1'-0"

APPRAISAL PACKAGE

A2.1	NORTH FACADE	30 MAR 2026	JOB NO. 2509

CAMDEN COURT

CORNER OF CENTER AND SOUTH GREGG

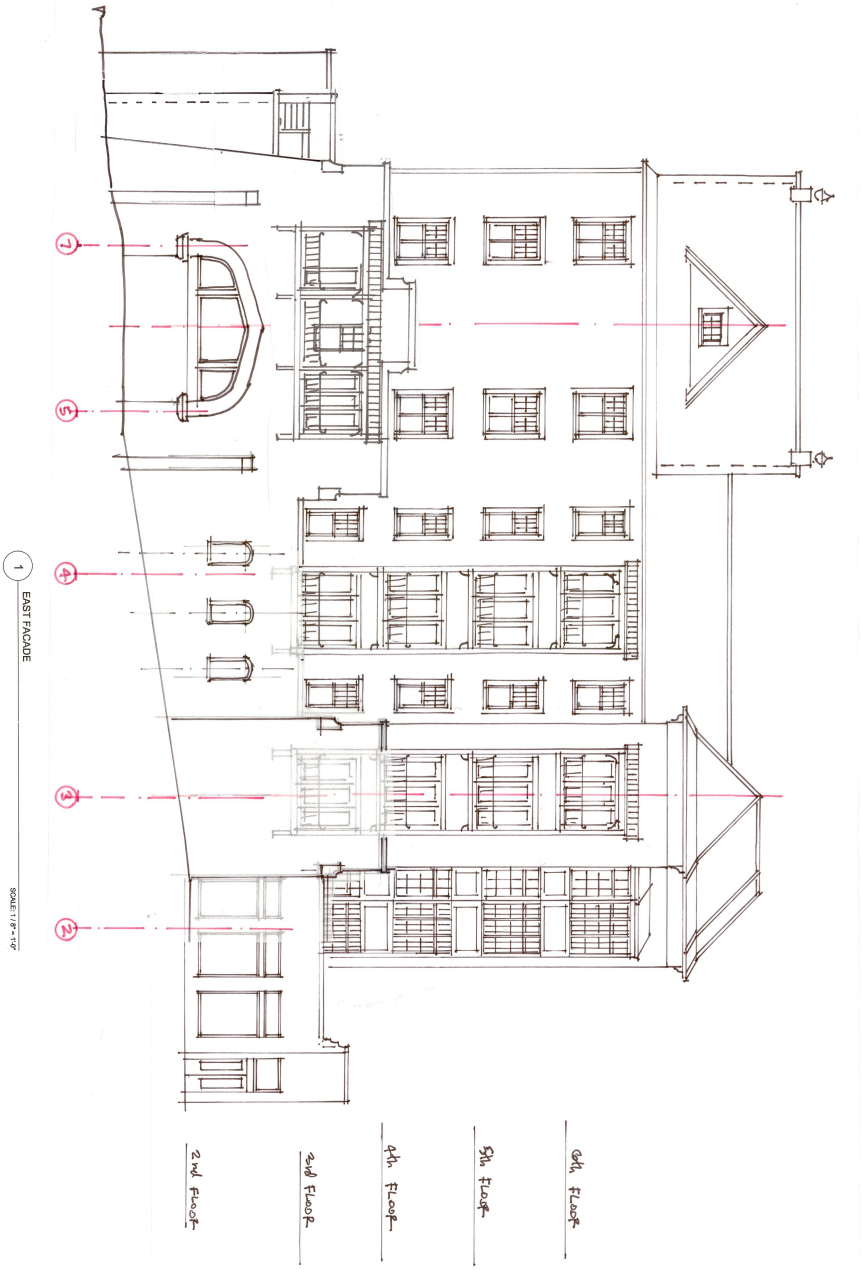
FAYETTEVILLE AR

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PHONE: 479.442.0229 E-MAIL: rob@sharparch.net

PRELIMINARY NOT FOR CONSTRUCTION



APPRAISAL PACKAGE

A2.2	EAST FACADE	JOB NO. 2505	30 MAR 2026

CAMDEN COURT

CORNER OF CENTER AND SOUTH GREGG
FAYETTEVILLE AR
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PHONE: 479.442.0229 E-MAIL: rob@sharparch.net

PRELIMINARY NOT FOR CONSTRUCTION



APPRAISAL PACKAGE

A1.1	FIRST FLOOR PLAN	JOB NO. 25001	30 MAR 2026

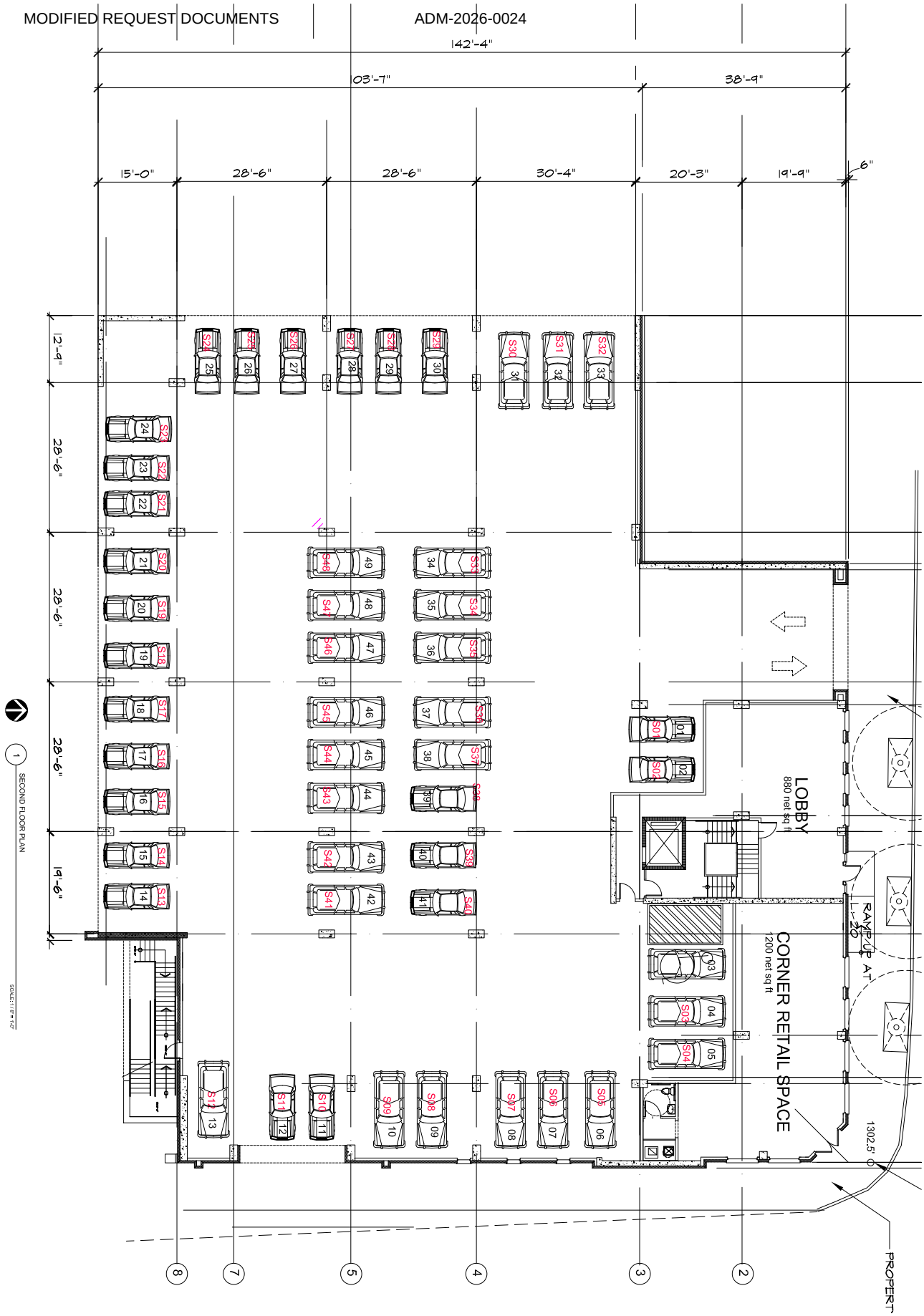
CAMDEN COURT

CORNER OF CENTER AND S GREGG
FAYETTEVILLE AR
REINDL PROPERTIES

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COURTYARD BUILDING & BLOCK LLC
100 W. CENTER ST. STE 300
FAYETTEVILLE AR 72701
PHONE: 479.442.0229 E-MAIL: rob@sharparch.net

PRELIMINARY NOT FOR CONSTRUCTION



APPRAISAL PACKAGE

A1.2	FIRST FLOOR PLAN	JOB NO. 25001	30 MAR 2026	

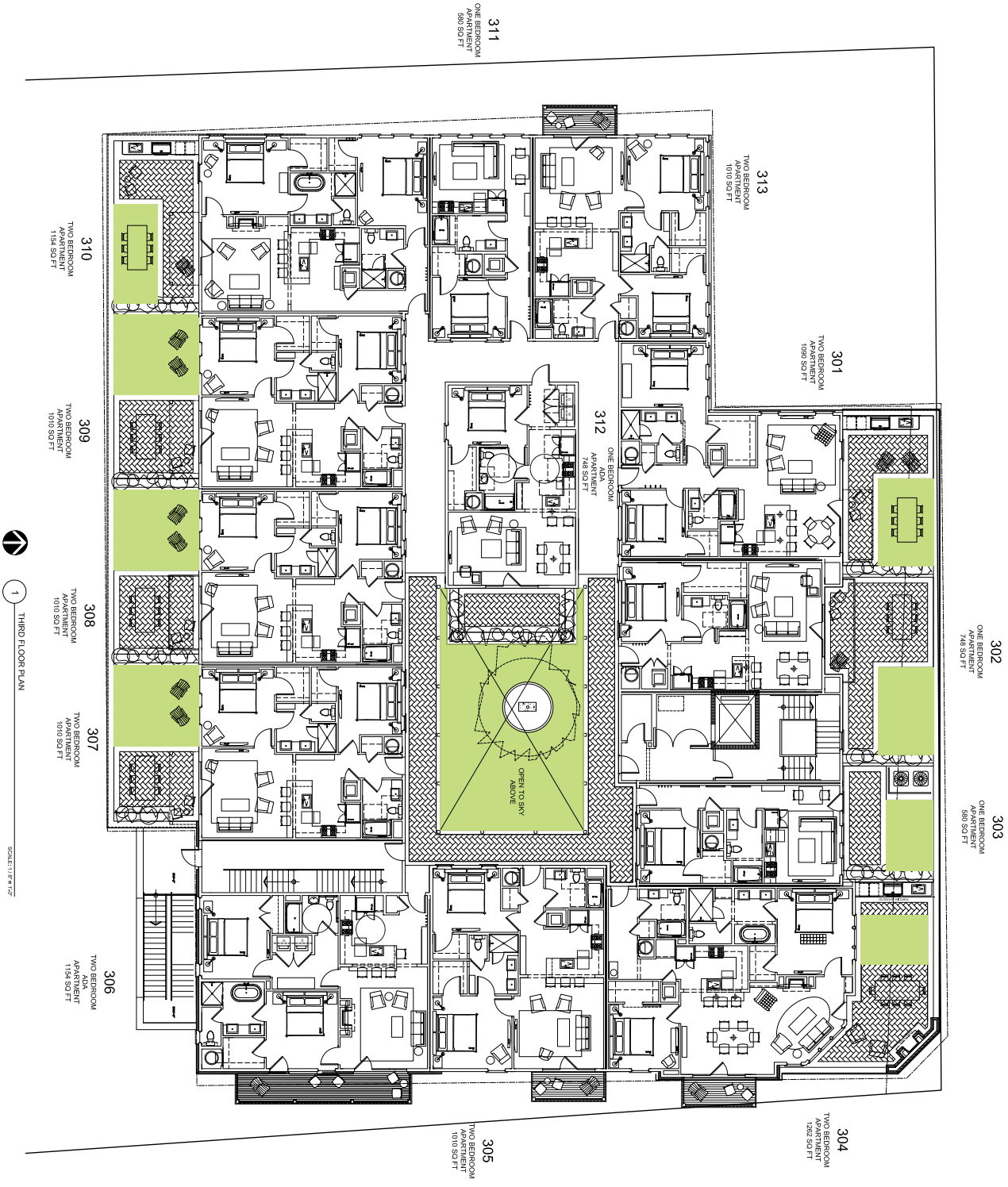
CAMDEN COURT

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100 W. CENTER ST. STE 300
FAYETTEVILLE AR 72701
PHONE: 479.442.0229 E-MAIL: rob@sharparch.net

PRELIMINARY NOT FOR CONSTRUCTION



1 THIRD FLOOR PLAN

SCALE: 1/8" = 1'-0"

APPRAISAL PACKAGE

A1.3	THIRD FLOOR PLAN	30 MAR 2026	JOB NO. 25001

CAMDEN COURT

CORNER OF CENTER AND S GREGG

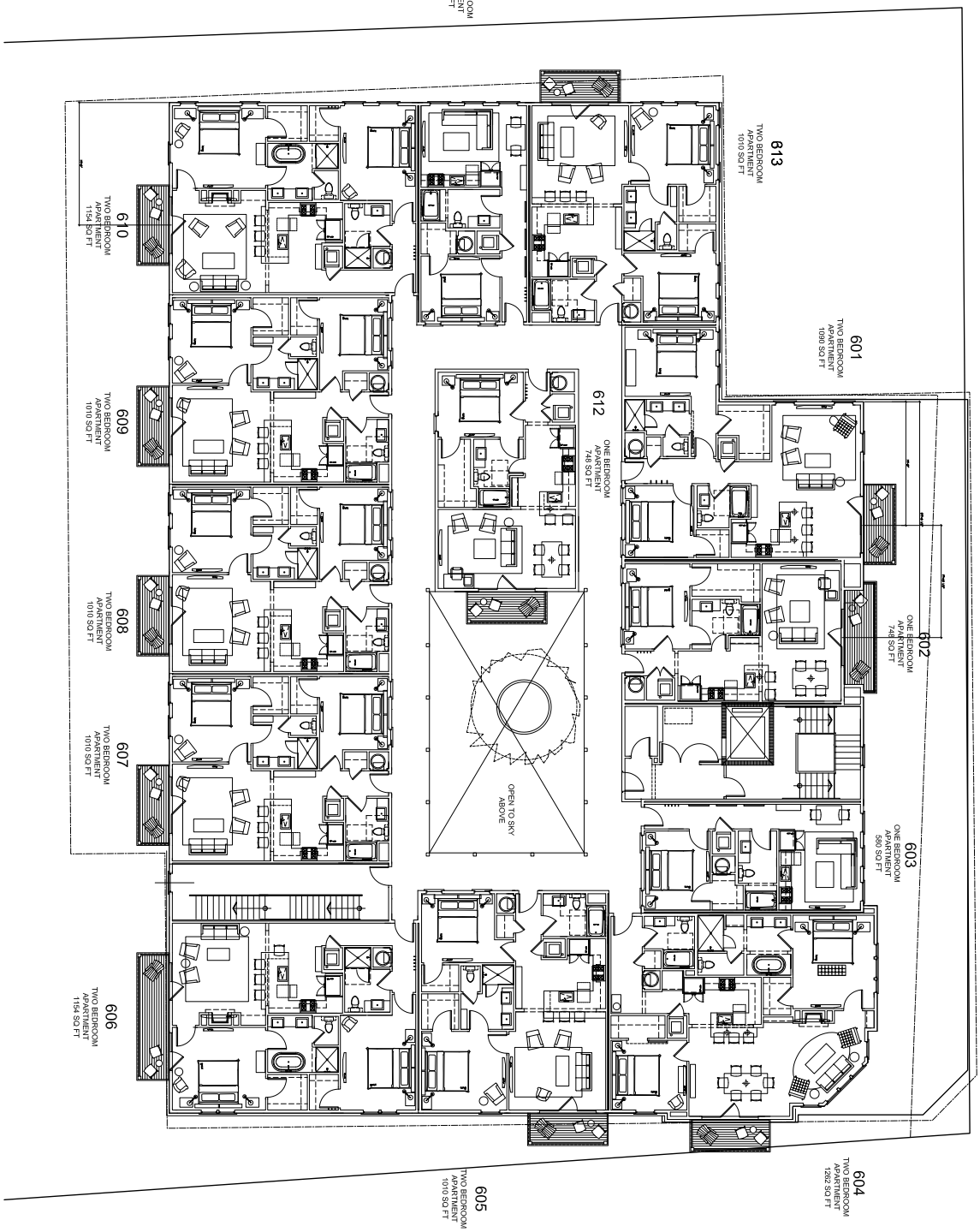
FAYETTEVILLE | AR

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100 W. CENTER ST. | STE 300
FAYETTEVILLE | AR | 72701
PHONE: 479.442.0229 E-MAIL: rob@sharparch.net

PRELIMINARY NOT FOR CONSTRUCTION



1 SIXTH FLOOR PLAN (FOURTH & FIFTH SIMILAR)

SCALE: 1 / 8" = 1'-0"

APPRAISAL PACKAGE

	A1.4	SIXTH FLOOR PLAN FOURTH & FIFTH SIMILAR	JOB NO. 2509.1 30 MAR 2026

CAMDEN COURT	
CORNER OF CENTER AND S GREGG	REPRODUCTION OF THESE DRAWINGS IS STRICTLY PROHIBITED. THESE DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF CLASSIC AMERICAN HOUSE, LLC. REQUEST FOR THE REPRODUCTION OF THESE DRAWINGS MUST BE APPROVED BY CLASSIC AMERICAN HOUSE, LLC. COPYRIGHT 2020.
FAYETTEVILLE AR	
REINDL PROPERTIES	

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100 W. CENTER ST. STE 300
FAYETTEVILLE AR 72701
PHONE: 479.442.0229 E-MAIL: rob@sharparch.net

PRELIMINARY NOT FOR CONSTRUCTION

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2163

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Willa Thomason, Urban Forester

SUBJECT: **VAC-2026-0008: Vacation (2434 N DEANE SOLOMON RD/LEWIS BROTHERS LEASING COMPANY, 286): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 2434 N DEANE SOLOMON ROAD. in WARD 2. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.9 acres. The request is to vacate 3,320 square feet of an existing tree preservation easement.**

RECOMMENDATION:
Staff recommends approval of **VAC-2026-0008** as shown in the attached Exhibit 'C', with the following conditions:

- A tree preservation easement totaling 12,915 square feet shall be dedicated on parcel 765-15879-000, as shown in Exhibit D;
- 46 mitigation trees shall be planted within the new onsite tree preservation easement, and in available green spaces onsite as approved by the urban forester (as calculated by dividing the square footage of the canopy associated with the easement to be vacated (~10,000 sf) by 218 sf growth area per tree for a base density forestation of 200 trees per acre);
- The proposed easement dedication and onsite planting shall occur prior to the issuance of a certificate of occupancy for the proposed development.

BACKGROUND:
The subject property is located west of I-49, directly across from the Washington County Fairgrounds, and roughly 0.5 miles south of Wilson Springs Preserve.

The tree preservation easement in question was dedicated in December 2022 as a requirement of a large scale development (LSD-2022-000005) for the associated car dealership. The easement encompasses 4,969 sf total and is one of three tree preservation easements on the parcel. The applicant is requesting to vacate a 3,320 sf portion of the easement on the southernmost property boundary for the purpose of constructing a drive aisle which will allow for vehicular circulation around the existing structure.

Request: The applicant proposes to vacate 3,320 sf of an existing 4,969 sf tree preservation easement.

DISCUSSION:

In considering this request, it is important to note that while the proposed site improvements will require root pruning of the mature silver maple (*Acer saccharinum*) trees within the portion of the tree preservation easement to be vacated, the intent is not to harm or remove the trees. The applicant states that care will be taken to avoid undue impact to the trees, including the installation of tree protection fencing. Additionally, the trunks of the maple trees associated with the existing easement are located on the adjacent Fayetteville Church of Christ property, with portions of their canopy and root-zone extending into the Lewis Automotive tree preservation easement. Because the adjacent property owner could independently disturb or remove the trees at any time with no consequences, the current easement offers limited protection value. The recommendation to plant 50 mitigation trees on the Lewis Automotive campus serves to mitigate proactively for the potential loss of ~10,000 sf of mature canopy, whether it will be impacted by the proposed site improvements, or disturbed in the future by the adjacent property owner.

As stated in UDC §167.04(L)(2), “The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville.” The proposed easement dedication and mitigation plantings will result in a net increase in tree preservation easement area and in protected canopy coverage on-site. Staff believe this increase in protected canopy will justify the proposed easement vacation.

The Urban Forestry Advisory Board reviewed this proposed vacation at the June 3, 2026 meeting, recommending in favor of the proposed vacation and conditions of approval. Staff have not received any other public comment on this item.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A - Project Map, 5. Exhibit B - Legal Description, 6. Exhibit C - Applicant Request Letter, 7. Exhibit D - Petition to Vacate, 8. Exhibit E - Survey, 9. Exhibit F - Proposed Dedication

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2163

AN ORDINANCE TO APPROVE VAC-26-08 FOR PROPERTY LOCATED AT 2434 NORTH DEANE SOLOMON ROAD IN WARD 2 TO VACATE 3,320 SQUARE FEET OF TREE PRESERVATION AREA CONTINGENT ON THE DEDICATION OF A NEW 12,915 SQUARE FOOT TREE PRESERVATION EASEMENT, THE PLANTING OF 46 MITIGATION TREES, AND OTHER CONDITIONS

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of tree preservation is not required for corporate purposes.

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 vacates the portion of tree preservation as described in Exhibit B attached to the Planning Department's agenda memo.

Section 2: A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A, the legal description attached as Exhibit B, and the survey attached as Exhibit E to the Planning Division's agenda memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3: This vacation shall not be effective until the following conditions have been satisfied:

1. A tree preservation easement totaling 12,915 square feet shall be dedicated on Parcel 765-15879-000, as shown in Exhibit F attached to the Planning Division's agenda memo.
2. Forty-Six (46) mitigation trees shall be planted within the new onsite tree preservation easement, and in available green spaces onsite as approved by the Urban Forester.
3. The proposed easement dedication and onsite planting shall occur prior to the issuance of a certificate of occupancy for the proposed development.

City of Fayetteville Staff Review Form

2026-2163

Item ID

7/21/2026

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

Willa Thomason	6/30/2026	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

VAC-2026-0008: Vacation (2434 N DEANE SOLOMON RD/LEWIS BROTHERS LEASING COMPANY, 286): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 2434 N DEANE SOLOMON ROAD. in WARD 2. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.9 acres. The request is to vacate 3,320 square feet of an existing tree preservation easement.

Budget Impact:

Account Number			Fund	
Project Number			Project Title	
Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Amendment attached?	No	Budget Amendment	$	-
		Remaining Budget	$	-

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

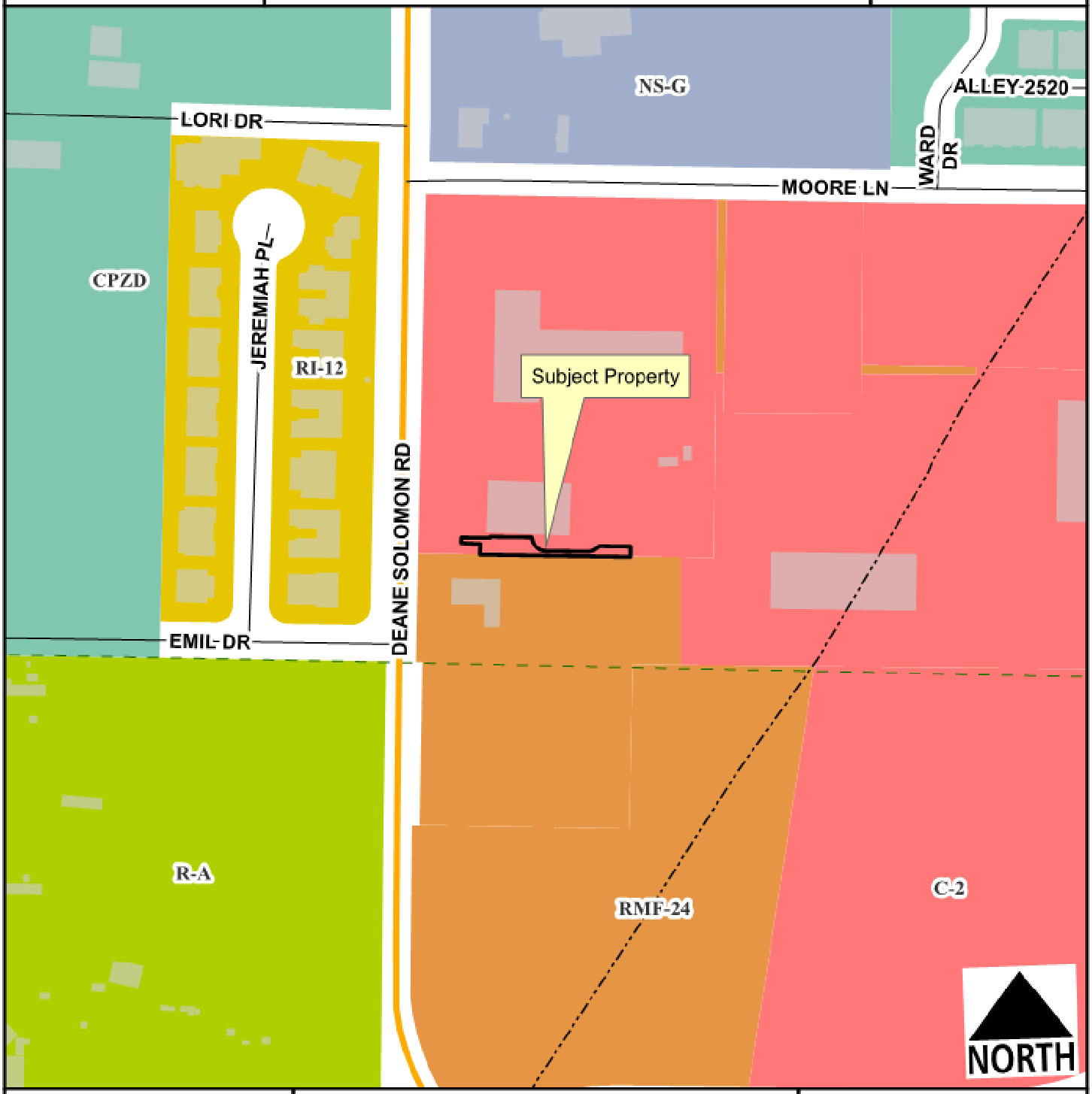
Comments:

Exhibit A

VAC-2026-0008

Close Up View

2434 N DEANE SOLOMON RD



Neighborhood Link
Unclassified
Alley
Residential Link
Planning Area
Fayetteville City Limits
Trail (Proposed)
Design Overlay District

Feet

0 75 150 300 450 600

1:2,400

PROPERTY LEGAL DESCRIPTION PER W.D. 2015-35610

A PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION THIRTY THREE (33), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT IN DEANE SOLOMON ROAD WHICH IS 330.00 FEET EAST AND N 00 DEGREES 05'08"W 150 FEET FROM THE SOUTHWEST COMER OF SAID 80 ACRE TRACT, AND RUNNING THENCE N 00 DEGREES 05'08"W 200.00 FEET; THENCE EAST 435.0 FEET; THENCE S 0 DEGREES 05'08"E 200.00 FEET; THENCE WEST 435.0 FEET TO THE POINT OF BEGINNING. CONTAINING 2 ACRES, MORE OR LESS.

SURVEY DESCRIPTION OF A PORTION OF TREE PRESERVATION EASEMENT TO BE VACATED:

A PART OF A VARIABLE WIDTH TREE PRESERVATION EASEMENT DEDICATED PER EASEMENT PLAT 24-462, SAID EASEMENT BEING A PART OF THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING (POC TREE ESMT 2) AT THE SOUTHWEST CORNER OF SAID SOUTH HALF; THENCE ALONG THE SOUTH LINE OF SAID SOUTH HALF, S87°05'13"E, 330.00 FEET; THENCE LEAVING SAID SOUTH LINE, N02°50'39"E, 150.03 FEET TO THE GRANTOR'S SOUTHWESTERLY PROPERTY CORNER; THENCE ALONG THE GRANTOR'S SOUTHERLY PROPERTY LINE, S87°06'11"E, 110.95 FEET TO THE POINT OF BEGINNING (POB); THENCE LEAVING SAID SOUTHERLY PROPERTY LINE, N04°58'31"E, 14.50 FEET; THENCE N85°01'29"W, 26.64 FEET; THENCE N02°57'05"E, 7.69 FEET; THENCE S87°09'14"E, 40.01 FEET; THENCE N02°54'54"E, 1.81 FEET; THENCE S87°05'55"E, 57.47 FEET; THENCE ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 30.35 FEET, SAID CURVE HAVING A RADIUS OF 20.50 FEET, AND A CHORD BEARING AND DISTANCE OF S44°44'22"E, 27.65 FEET; THENCE LEAVING SAID CURVE, S87°09'14"E, 57.31 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 17.43 FEET, SAID CURVE HAVING A RADIUS OF 20.50 FEET, AND A CHORD BEARING AND DISTANCE OF N68°29'35"E, 16.91 FEET; THENCE ALONG A REVERSE CURVE TO THE RIGHT, AN ARC DISTANCE OF 2.13 FEET, SAID CURVE HAVING A RADIUS OF 2.50 FEET, AND A CHORD BEARING AND DISTANCE OF N68°29'35"E, 2.06 FEET; THENCE LEAVING SAID CURVE, S87°09'14"E, 42.64 FEET; THENCE S02°54'05"W, 14.30 FEET TO SAID SOUTHERLY PROPERTY LINE; THENCE ALONG SAID SOUTHERLY PROPERTY LINE, N87°05'47"W, 209.05 FEET TO THE POINT OF BEGINNING (POB). CONTAINING 3,320 SQUARE FEET, 0.08 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR COVENANTS OF RECORD.

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

1580 East Stearns Street
Fayetteville, AR 72703
(479) 443.2377 P | (479) 443.9241 F
mce.us.com

June 3, 2026

Mayor Molly Rawn and Members of the Fayetteville City Council
113 W. Mountain Street
Fayetteville, AR 72701

RE: Request to Vacate a Portion of an Existing Tree Preservation Easement and Dedicate a New Tree Preservation Easement – Lewis Automotive Group Property (Parcel No. 765-15879-002)

Dear Mayor Rawn and Members of the City Council:

On behalf of Lewis Automotive Group, we respectfully request approval of a partial vacation of an existing Tree Preservation Easement and acceptance of a new Tree Preservation Easement on the property located at 765-15879-002.

This request is associated with the ongoing redevelopment and adaptive reuse of the existing Lewis Automotive facility. As part of the approved site improvements, a code-compliant drive aisle is required to provide safe vehicular circulation and emergency access around the building. The location of the existing Tree Preservation Easement conflicts with the only feasible route for this access drive and prevents construction of improvements necessary to satisfy current development and life-safety requirements.

The requested vacation is limited in scope. Approximately 3,320 square feet of the existing easement is proposed to be vacated while retaining a reduced easement area along the shared property boundary. In exchange, Lewis Automotive Group is proposing the dedication of approximately 12,915 square feet of new Tree Preservation Easement elsewhere on the site, nearly four times larger than the area proposed for vacation. The proposed easement will preserve existing Autumn Brilliance Serviceberry trees and includes the planting of eight additional Red Buckeye trees to establish a larger and more diverse long-term tree canopy.

An important consideration of this request is that the mature maple trees associated with the existing easement are located on the adjacent church property, with only portions of their canopy and root zones extending into the easement area. Because the tree trunks are not located on the Lewis Automotive property, the existing easement does not guarantee the long-term preservation of those trees. The adjacent property owner could independently remove or disturb the trees in the future regardless of the easement's existence. As such, the current easement provides limited long-term preservation value compared to the proposed easement dedication.

The proposed replacement easement offers several significant public benefits. First, it results in a substantial net increase in protected tree preservation area on the site. Second, the new easement is located adjacent to the public right-of-way and pedestrian corridor, making the preserved trees more visible and beneficial to the public than the existing easement located along a private property boundary. Third, the additional canopy and understory trees will provide enhanced shade coverage, help reduce localized heat island effects adjacent to parking areas, improve stormwater infiltration, and contribute positively to the appearance of the corridor.

The proposed easement relocation also serves as a proactive mitigation measure. Should the adjacent church property ever redevelop and the existing maple trees be removed or disturbed, the new easement will already be in place with protected on-site trees that are under the ownership and control of Lewis Automotive Group, ensuring a more reliable and sustainable long-term preservation outcome.

Throughout construction, measures will continue to be implemented to protect the existing trees adjacent to the property line, including root pruning and tree protection fencing in accordance with City standards and accepted arboricultural practices.

This request does not eliminate tree preservation from the site; rather, it relocates and enhances preservation efforts in a manner that better balances redevelopment needs, public safety, environmental stewardship, and long-term tree viability. The result is a safer site, a larger protected easement area, improved public visibility of preserved trees, and a stronger overall tree preservation outcome.

We respectfully request the City Council's approval of the proposed partial Tree Preservation Easement vacation and acceptance of the proposed replacement Tree Preservation Easement dedication.

Thank you for your consideration of this request.

Sincerely,
McClelland Consulting Engineers, Inc.

Adam B. Osweiler. PE
Principal | Senior Project Manager
(479) 443.2377
aosweiler@mce.us.com

PETITION TO VACATE TREE EASEMENT LOCATED ON PARCEL #765-15879-002 OF FAYETTEVILLE, ARKANSAS.

TO: Fayetteville Planning Commission & Fayetteville City Council
RE: Lewis Automotive Group Property (Parcel No. 765-15879-002) Tree Easement Vacation

We, the undersigned, being all the owners of the real estate abutting the easements hereinafter sought to be abandoned and vacated, lying a part of the south half (S 1/2) of the southwest quarter (SW 1/4) of section 33, township 17 north, range 30 west, Washington County, Fayetteville, Arkansas, a municipal corporation, petition to vacate a portion of the tree easement which is as follows:

GIS Approved
06/10/2026

TREE EASEMENT VACATION DESCRIPTION:

A PART OF A VARIABLE WIDTH TREE PRESERVATION EASEMENT DEDICATED PER EASEMENT PLAT 24-462, SAID EASEMENT BEING A PART OF THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING (POC TREE ESMT 2) AT THE SOUTHWEST CORNER OF SAID SOUTH HALF;

THENCE ALONG THE SOUTH LINE OF SAID SOUTH HALF, S87°05'13"E, 330.00 FEET;

THENCE LEAVING SAID SOUTH LINE, N02°50'39"E, 150.03 FEET TO THE GRANTOR'S SOUTHWESTERLY PROPERTY CORNER;

THENCE ALONG THE GRANTOR'S SOUTHERLY PROPERTY LINE, S87°06'11"E, 110.95 FEET TO THE POINT OF BEGINNING (POB);

THENCE LEAVING SAID SOUTHERLY PROPERTY LINE, N04°58'31"E, 14.50 FEET;

THENCE N85°01'29"W, 26.64 FEET;

THENCE N02°57'05"E, 7.69 FEET;

THENCE S87°09'14"E, 40.01 FEET;

THENCE N02°54'54"E, 1.81 FEET;

THENCE S87°05'55"E, 57.47 FEET;

THENCE ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 30.35 FEET, SAID CURVE HAVING A RADIUS OF 20.50 FEET, AND A CHORD BEARING AND DISTANCE OF S44°44'22"E, 27.65 FEET;

THENCE LEAVING SAID CURVE, S87°09'14"E, 57.31 FEET;

THENCE ALONG A TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 17.43 FEET, SAID CURVE HAVING A RADIUS OF 20.50 FEET, AND A CHORD BEARING AND DISTANCE OF N68°29'35"E, 16.91 FEET;

THENCE ALONG A REVERSE CURVE TO THE RIGHT, AN ARC DISTANCE OF 2.13 FEET, SAID CURVE HAVING A RADIUS OF 2.50 FEET, AND A CHORD BEARING AND DISTANCE OF N68°29'35"E, 2.06 FEET;

GIS Approved
06/10/2026

THENCE LEAVING SAID CURVE, S87°09'14"E, 42.64 FEET;

THENCE S02°54'05"W, 14.30 FEET TO SAID SOUTHERLY PROPERTY LINE;

THENCE ALONG SAID SOUTHERLY PROPERTY LINE, N87°05'47"W, 209.05 FEET TO THE POINT OF BEGINNING (POB). CONTAINING 3,320 SQUARE FEET, 0.08 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR COVENANTS OF RECORD.

That the abutting real estate affected by said abandonment of the easements are a part of the south half (S 1/2) of the southwest quarter (SW 1/4) of section 33, township 17 north, range 30 west, Washington County, Fayetteville, Arkansas, used by the public for a period of several years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above-described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject, however, to existing easements as required, and that the above-described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject to said easements, and that title to said real estate sought to be abandoned by vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said real estate.

Dated this 3 day of JUNE, 20 26.

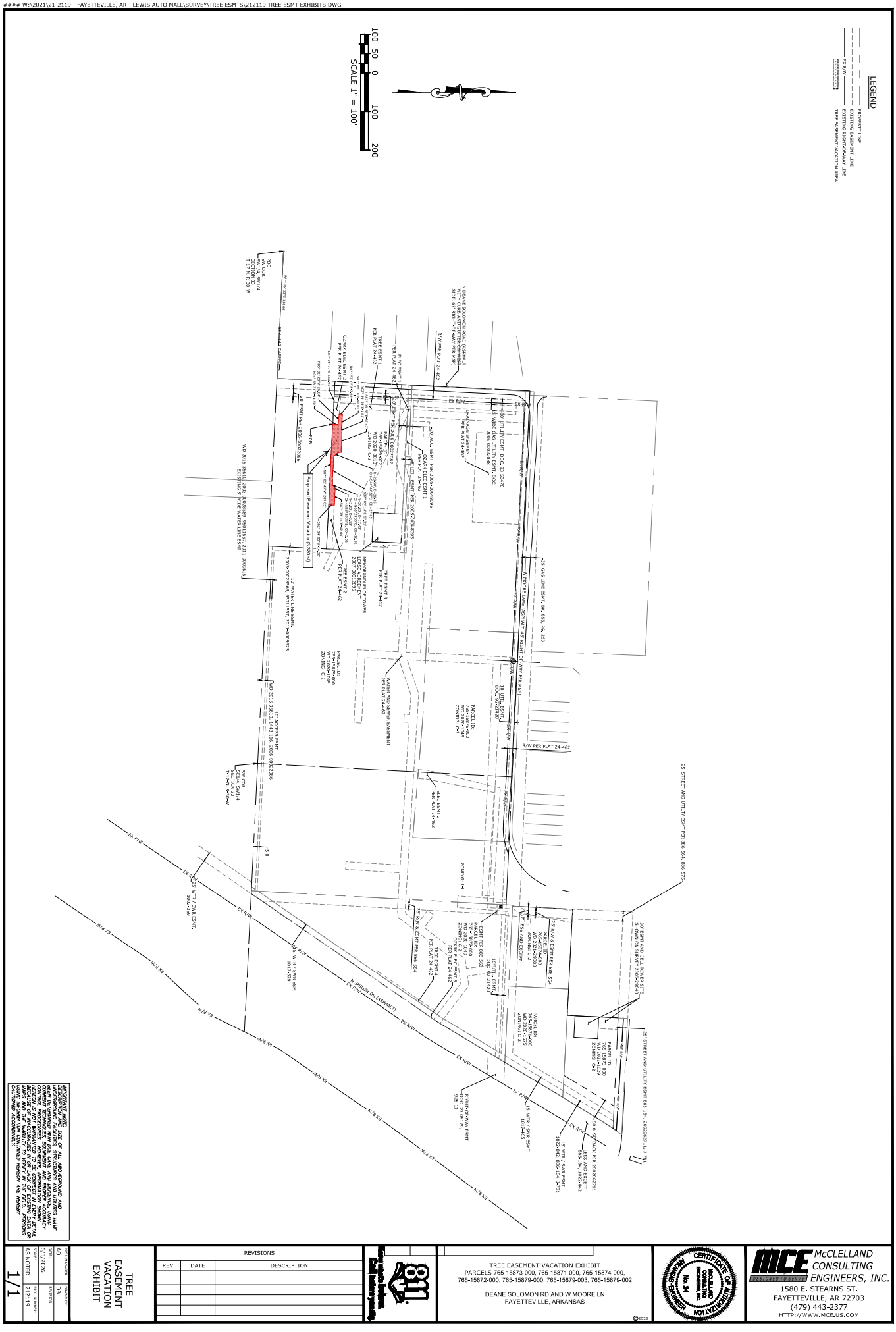
MATT LEWIS
Printed Name

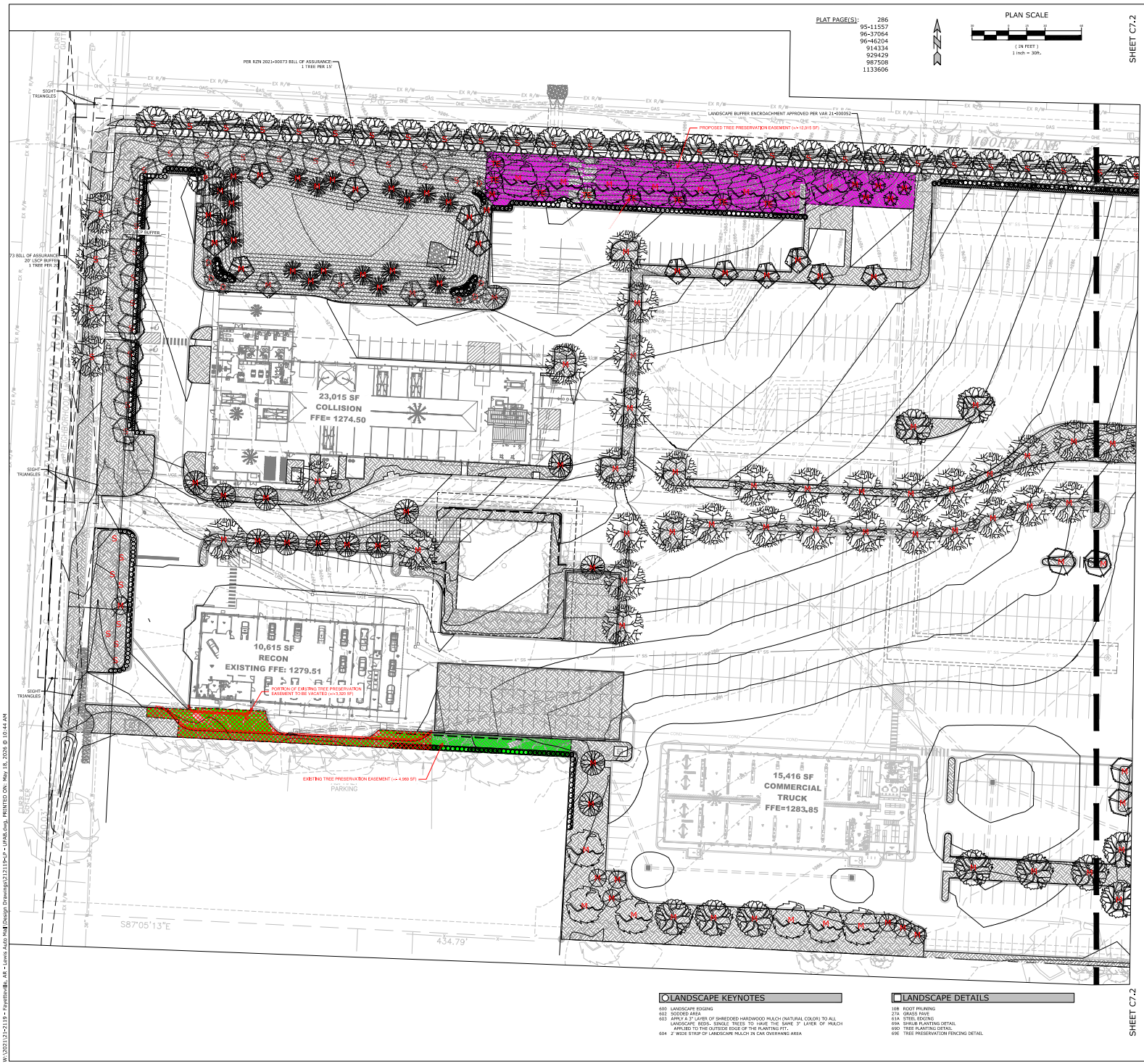
Signature

Printed Name

Signature

Exhibit E - Survey


W:\2021\21-2119 - FAYETTEVILLE, AR - LEWIS AUTO MALL\SURVEY\TREE ESMTS\212119 TREE ESMT EXHIBITS.DWG
LEGEND
PROPERTY LINE
EXISTING EASEMENT LINE
EXISTING RIGHT-OF-WAY LINE
TREE EASEMENT VACATION AREA
EX R/W
SCALE 1" = 100'
100 50 0 100 200
N/F GRANK YOO-PARON ROAD (ASPHALT WITH CURB AND GUTTER) ON WEST SIDE, 67' RIGHT-OF-WAY PER MSP)
R/W PER PLAT 24-462
EX R/W
POC - SW COR. SW1/4, SW1/4 SECTION 15 T-17N, R-30W
N/F GRANK YOO-PARON ROAD (ASPHALT WITH CURB AND GUTTER) ON WEST SIDE, 67' RIGHT-OF-WAY PER MSP)
EX R/W
20' ESMT PER 2006-00022086
POB
Proposed Easement Vacation (1,320 sf)
W/D 2015-19610 (2001-00089509, 95011557, 2011-00009625)
EXISTING 5' WIDE WATER LINE ESMT.
2000-00038569, 95011557, 2011-00009625
10' WATER LINE ESMT.
W/D 2015-19610 (2001-00089509, 95011557, 2011-00009625)
10' ACCESS ESMT.
SW COR. SE1/4, SW1/4 T-17N, R-30W
EX R/W
EX R/W
25' WTR. / SWR ESMT. 1017-329
EX R/W
N/F X3
N/F X3
N/F X3



EXISTING LEGEND

- AC UNIT
- BACKFLOW VALVE
- BOLLARD POST
- BUGGY AXLE
- CABLE BOX
- CABLE TV PEDESTAL
- CHISLED 'X'
- COMPUTED POINT
- CONC. MONUMENT
- C.O.V. MONUMENT
- DOWN GUY
- DRAIN GRATE
- ELECTRIC BOX
- ELECTRIC METER
- ELECTRIC PEDESTAL
- EXIST., ALUM., CAPPED MON.
- EXIST., COTTON SPINDLE
- EXISTING IRON PIPE
- EXISTING IRON REBAR
- EXISTING NAIL
- FENCE POST
- EXIST., IRON IN CONCRETE
- FIBER OPTICS SIGN
- FIRE HYDRANT
- FIRE SPRINKLER
- FLAG POLE
- GAS LINE SIGN
- GAS METER
- GAS STUB
- GAS REGULATOR
- GENERATOR
- GROUND LIGHT
- IRRIG. CONTROL VALVE
- JUNCTION BOX
- LAMP POST
- MAIL BOX
- PARKING SIGN
- PAY PHONE
- POWER POLE
- PROPANE TANK
- RAILROAD SPIKE
- READING
- RIGHT OF WAY MONUMENT
- SANITARY SEWER CLEANOUT
- SANITARY SEWER MANHOLE
- SATELLITE DISH
- SEPTIC TANK LID
- SET ALUMINUM MONUMENT
- SET COTTON SPINDLE
- SET STAKE ON LINE
- SET 1/2" IRON REBAR
- STATE MONUMENT
- STONE MONUMENT
- STORM DRAIN MANHOLE
- STREET SIGN
- T-POST
- TELEPHONE BOX
- TELEPHONE PEDESTAL
- TEMPORARY BENCHMARK
- TRAFFIC SIGNAL BOX
- TRANSFORMER BOX
- TREE
- WATER LINE SIGN
- WATER METER
- WATER SPIGOT
- WATER VALVE

- CENTERLINE ROAD
- R/W — RIGHT-OF-WAY LINE
- FENCE LINE
- MAJOR CONTOUR INTERVAL
- MINOR CONTOUR INTERVAL
- BUILDING LINE
- FIBER-OPTICS LINE
- DITCH/WATER LINE
- EASEMENT LINE
- OHE — OVERHEAD ELECTRIC LINE
- UGE — UNDERGROUND ELECTRIC LINE
- GAS — GAS LINE
- SANITARY SEWER LINE
- STORM SEWER LINE
- TELEPHONE LINE
- W — WATER LINE
- PROPERTY LINE

PROPOSED LEGEND

- STORM DRAIN
- CATCH BASIN
- SANITARY SEWER MANHOLE
- FLARED END SECTION
- GAS METER
- ELECTRIC METER
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- WATER METER
- SANITARY SEWER MANHOLE
- CLEAN-OUT
- ELECTRIC TRANSFORMER
- POWER POLE/POWER POLE & GUY
- LIGHT POLE
- SEED (SEE PLANTING LIST - THIS SHEET)
- SOD (SEE PLANTING LIST - THIS SHEET)
- SHRUB PLANTING (SEE PLANTING LIST - THIS SHEET)
- TREE PLANTING (SEE PLANTING LIST - THIS SHEET)
- GAS — GAS LINE
- OHE — OVERHEAD ELECTRIC LINE
- UGE — UNDERGROUND ELECTRIC LINE
- x"w — WATER LINE
- x"ss — SANITARY SEWER LINE
- S — STREET TREE
- P — PARKING LOT TREE
- D — DETENTION POND TREE
- M — MITIGATION TREE
- TE — TREE PRESERVATION EASEMENT

PLANT LIST

KEY	QTY.	COMMON NAME / Botanical name	SYMBOL	SIZE / COMMENTS
BC	19	SHAWNEE BRAVE BALD CYPRESS / Taxodium distichum 'Mickelson' SHAWNEE BRAVE		2" Caliper
BG	42	WILDFIRE BLACKGUM / Nyssa sylvatica 'Wildfire'		2" Caliper
CP	55	CHINESE PISTACHE / Pistacia chinensis		2" Caliper
PE	75	PRINCETON ELM / Ulmus americana 'Princeton'		2" Caliper
RB	13	OKLAHOMA REDBUD / Cercis canadensis var. texensis 'Oklahoma'		1-1/2" Caliper
SB	14	AUTUMN BRILLIANCE SERVICEBERRY / Amelanchier x grandiflora 'Autumn Brilliance'		1-1/2" Caliper
SO	14	SHUMARD OAK / Quercus shumardii		2" Caliper
WO	60	HIGHTOWER WILLOW OAK / Quercus phellos 'Hightower'		2" Caliper
ZK	29	WINGED ELM / Ulmus alata		2" Caliper
BS	44	THE BLUES LITTLE BLUESTEM / Schizachyrium scoparium 'The Blues'		1 Gallon
BW	245	WINTER GEM BOXWOOD / Buxus microphylla 'Winter Gem'		3 Gallon
CH	160	COMPACT JAPANESE HOLLY / Ilex crenata 'Compacta'		3 Gallon
MJ	17	PINK FLAMINGOS MUHLY GRASS / Muhlenbergia capillaris 'Pink Flamingos'		3 Gallon
SJ	238	SUNBURST ST. JOHNSWORT / Hypericum frondosum 'Sunburst'		3 Gallon
SM	22	GRO-LOW FRAGRANT SUMAC / Rhus aromatica 'Gro-Low'		3 Gallon
SW	145	HENRY'S GARNET SWEETSPIRE / Itea virginica 'Henry's Garnet'		3 Gallon
-	26,416 S.Y.	YUKON BERMUDA SOD / Cynodon dactylon 'Yukon'		Solid Sod

Note: Caliper measurements as per American Standards for Nursery Stock (ANSI Z-60.1 - 2014) requirements.

LANDSCAPE KEYNOTES

600 LANDSCAPE EDGING
602 SODDED AREA
603 APPLY A 3" LAYER OF SHREDDED HARDWOOD MULCH (NATURAL COLOR) TO ALL LANDSCAPE BEDS. SINGLE TREES TO HAVE THE SAME 3" LAYER OF MULCH APPLIED TO THE OUTSIDE EDGE OF THE PLANTING PIT.
604 2' WIDE STRIP OF LANDSCAPE MULCH IN CAR OVERHANG AREA

LANDSCAPE DETAILS

10B ROOT PRUNING
27A GRASS PAVE
61A STEEL EDGING
69A SHRUB PLANTING DETAIL
69D TREE PLANTING DETAIL
69E TREE PRESERVATION FENCING DETAIL

SITE KEYMAP

BLACK CORLEY OWENS+ HUGHES ARCHITECTS
219 W SOUTH ST
BENTON, AR 72015
[501] 315-7686 PH
[501] 315-0487 FX

MCE McFarland Civil Engineering, Inc.
1300 E STEARNS ST
FAYETTEVILLE, ARKANSAS 72703
(479) 443-2377
HTTP://WWW.MCECI.COM

A New Development for:
LEWIS AUTOMOTIVE GROUP
Fayetteville, Arkansas

Sheet Revisions:	
No	Date/Reference
18	08.14.23 / TREE MI...
22	11.29.23 / SITE VE
23	02.01.24 / SITE CH...
24	04.17.24 / CITY C...
25	07.24.24 / CITY C...
26	09.20.24 / COLLIS...
27	05.22.25 / RFI 224...

Professional Stamps

PRELIMINARY NOT FOR CONSTRUCTION

ORIGINAL SIGNATURE ON FILE

Sheet Title:
LANDSCAPE PLAN - SOUTHWEST

Date: 5/18/2026
Sheet Number:
C7.2

W:\2021\21-2119 - Fayetteville, AR - Lewis Auto Mall\Design Drawings\21211 [xc]-x - LP&B.dwg, PRINTED ON: May 18, 2026 @ 10:44 AM

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2191

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

SUBJECT:

RZN-2026-0020: Rezoning (518 N MISSION BLVD/STEFFAN BRETT & CATHERINE GRACE SARKIN, 446): Submitted by DEVELOPMENT CONSULTANTS, INC for property located at 518 N MISSION BLVD. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.20 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE.

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is located in east Fayetteville on N. Mission Blvd. approximately 400 feet north of the street's intersection with E. Maple St. The 0.20-acre parcel has been developed with an 826 square foot single-family residence which was constructed in 1950 per the Washington County Assessor. Long-range planning notes that the existing structure is unlikely to be eligible for state or National Register of Historic Places but That it could contribute to a historic district. While the city does not have any regulations pertaining to the demolition of historic structures in this area, long-range planning requests that the property owner and/or applicant consult with their division prior to demolition or alteration of historic structures in order to capture photo documentation of the existing building.The property is not subject to any overlay districts, and does not contain hydric soils, streamside protection, or FEMA floodplain.

Request: The request is to rezone 0.20 acres from RSF-4, Residential Single-Family, Four Units per Acre to RI-12, Residential Intermediate, Twelve Units Per Acre.

Public Comment: No members of the public spoke on the request.

Land Use Compatibility: The subject property is surrounded by single-family homes with a varying degree of regularity in terms of form and regulating pattern. RI-12 permits a mix of low-intensity residential types, including up to four-unit buildings, with a minimum lot width of 50 feet, which encourages compatible infill development without disrupting neighborhood scale. Staff notes that up to two accessory dwelling units are allowed by right within all residential zoning districts of the city; therefore, staff finds that permitting these

additional housing types is not inconsistent with uses already permitted. Additionally, nonresidential amenities such as grocery stores, restaurants, and retail are located along North College Ave. as well as N. Mission Blvd. RI-12, like RSF-4, permits low-intensity commercial uses with a conditional use permit, such as small professional offices, retail establishments, studios, and daycares. Staff finds these uses to be generally compatible with adjacent uses and notes the insertion of small-scale commercial could contribute to complete, walkable neighborhoods. RI-12 would also require a 0'-25' build-to zone which generally aligns with historic development patterns in the area. Additionally, staff finds that the size of the parcel would limit development to the maximum of two residential units. Given the lot widths and code limitations of two ADUs per lot, this would functionally allow one additional unit on the site.

N. Mission Blvd. is designated as a Neighborhood Link Street with a proposed side path trail per the city's master street and active transportation plans. Major public investment in North Mission Blvd. was recently completed with a trail beginning approximately 1,600 feet north of the subject property which connects to Root Elementary, Gully Park and eventually back to the Razorback Greenway. This indicates that the area can likely support additional density, which is further supported by recent rezoning requests to RSF-8 and NS-G nearby.

Land Use Plan Analysis: Staff finds the proposed zoning designation to be consistent with the property's Future Land Use Map designation as a Residential Neighborhood Area. While surrounding housing is currently primarily single-family dwellings, the existing lots are largely nonconforming with current zoning. The RI-12 zoning district would establish a conforming lot that is generally in line with the residential neighborhood designation. The property has a moderate infill score of 6-7 with a weighted score of 8, indicating it is a suitable location for infill development. Infill in this area could help support Goals 1 and 3 by promoting moderate infill in an area that is walkable and has seen extensive public improvements in recent years.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **6-7** for this site. The following elements of the matrix contribute to the score:
1. Adequate Fire Response (Station 1, W. Center St.)
2. Near Sewer Main (8 inch main, N. Mission Blvd.)
3. Near Water Main (6 inch main, N. Mission Blvd.)
4. Near Grocery Store (Ozark Natural Foods)
5. Near City Park (Mount Sequoia Woods, St. Joseph Park)
6. Near Paved Trail (E. Lafayette St. and E. Rebecca St. Shared Roadways)
7. Near ORT Bus Stop (N. College Ave. & Trenton Blvd. | N. College Ave. & E. Lafayette)

DISCUSSION:
At the June 22, 2026, Planning Commission meeting, a vote of 7-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Cabe motioned, and Commissioner Madden seconded. There was a brief discussion about the applicant's intent, and the applicant noted a desire to build a unit which is larger than the allowance permitted under the ADU ordinance. No members of the public spoke on the request.

BUDGET/STAFF IMPACT:
NA

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Staff Report

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2191

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2026-20 FOR APPROXIMATELY 0.20 ACRES LOCATED AT 518 NORTH MISSION BOULEVARD IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, TO RI-12, RESIDENTIAL INTERMEDIATE, TWELVE 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 property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential, Single-Family, Four Units per Acre, to RI-12, Residential Intermediate, Twelve Units per Acre.

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.

City of Fayetteville Staff Review Form

2026-2191

Item ID

7/21/2026

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

Jonathan Curth	6/30/2026	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN-2026-0020: Rezoning (518 N MISSION BLVD/STEFFAN BRETT & CATHERINE GRACE SARKIN, 446): Submitted by DEVELOPMENT CONSULTANTS, INC for property located at 518 N MISSION BLVD. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.20 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE.

Budget Impact:

Account Number			Fund	
Project Number			Project Title	
Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

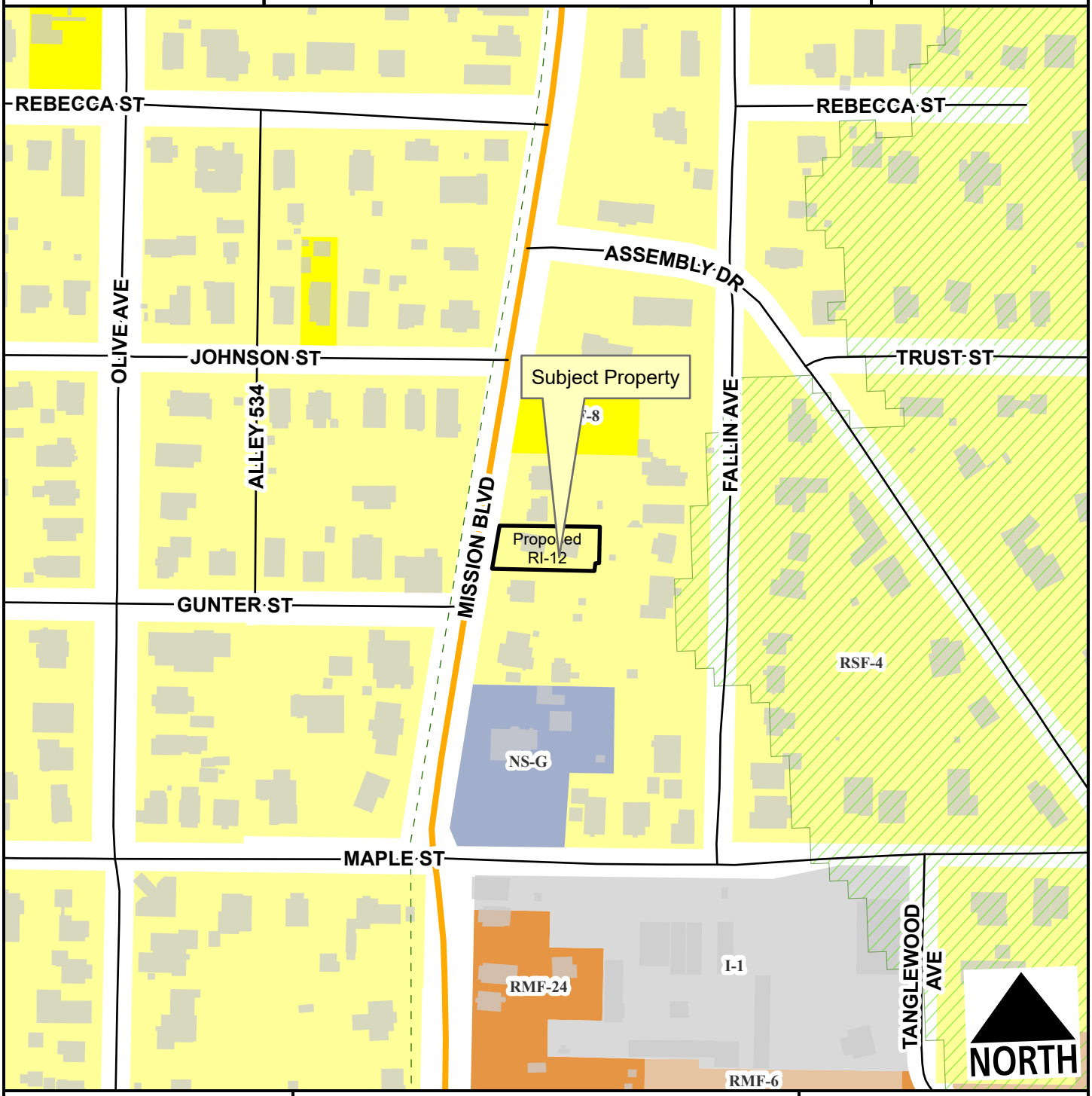
Comments:

RZN-2026-0020

Close Up View

518 N MISSION BLVD

RZN-2026-0020
EXHIBIT 'A'



- Neighborhood Link
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-12	0.0	0.2
RSF-4	0.2	0.0

Total 0.2 ac

RZN-2026-0020
Exhibit ‘B’

PROPERTY DESCRIPTION: A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR WHICH IS N02°59'05"E 463.63' AND N87°08'16"W 150.53' FROM AN EXISTING STATE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S03°19'53"W 50.09', THENCE S86°59'48"W 5.21' TO AN EXISTING REBAR, THENCE S08°58'41"W 10.76', THENCE N86°44'06"W 141.55' TO THE EAST RIGHT-OF-WAY OF NORTH MISSION BOULEVARD, THENCE ALONG SAID RIGHT-OF-WAY N12°00'57"E 60.39' TO AN EXISTING REBAR, THENCE LEAVING SAID RIGHT-OF-WAY S87°25'40"E 138.68' TO THE POINT OF BEGINNING, CONTAINING 0.20 ACRES MORE OR LESS. SUBJECT TO THAT PORTION IN NORTH MISSION BOULEVARD MASTER STREET PLAN RIGHT-OF-WAY ON THE WEST SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: June 22, 2026 (UPDATED WITH MEETING RESULTS)

SUBJECT: **RZN-2026-0020: Rezoning (518 N MISSION BLVD/STEFFAN BRETT & CATHERINE GRACE SARKIN, 446):** Submitted by DEVELOPMENT CONSULTANTS, INC for property located at 518 N MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.20 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE.

RECOMMENDATION:
Staff recommends approval of **RZN-2026-0020**.

RECOMMENDED MOTION:
*"I move to forward **RZN-2026-0020** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located in east Fayetteville on N. Mission Blvd. approximately 400 feet north of the street's intersection with E. Maple St. The 0.20-acre parcel has been developed with an 826 square foot single-family residence which was constructed in 1950 per the Washington County Assessor. The property is not subject to any overlay districts, and does not contain hydric soils, streamside protection, or FEMA floodplain. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre

Request: The request is to rezone 0.20 acres from RSF-4, Residential Single-Family, Four Units per Acre to RI-12, Residential Intermediate, Twelve Units Per Acre.

Public Comment: Staff has not received any public comment at this time.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a road frontage along N. Mission Blvd., a partially improved Neighborhood Link with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of the development proposal.

Water: Public water is available to the subject area. Existing 6-inch water main is present along N. Mission Blvd.

Sewer: Sanitary Sewer is available to the subject area. Existing 8-inch sewer main is present along N. Mission Blvd. There are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system 320 feet away on E. Johnson Street.

Drainage: The property is not within the Hillside-Hilltop Overlay District, and does not contain hydric soils, streamside protection areas, or FEMA floodplain.

Fire: Station 1, located at 303 W. Center St., protects this site. The property is located approximately 1.4 miles from the fire station with an anticipated drive time of approximately 5 minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The current zoning districts of RSF-4 requires **25% minimum canopy preservation.** The proposed zoning district of RI-12 requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood.**

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **6-7** for this site with a weighted score of **8**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, W. Center St.)
- Near Sewer Main (8 inch main, N. Mission Blvd.)
- Near Water Main (6 inch main, N. Mission Blvd.)
- Near Grocery Store (Ozark Natural Foods)

- Near City Park (Mount Sequoia Woods, St. Joseph Park)
- Near Paved Trail (E. Lafayette St. and E. Rebecca St. Shared Roadways)
- Near ORT Bus Stop (N. College Ave. & Trenton Blvd. | N. College Ave. & E. Lafayette)

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: ***Land Use Compatibility:*** **The subject property is surrounded by single-family homes though the existing lots are more consistent with RSF-8 zoning than RSF-4. RI-12 permits a mix of low-intensity residential types, including up to four-unit buildings, with a minimum lot width of 50 feet, which staff finds encourages compatible infill development without disrupting neighborhood scale. Staff notes that up to two accessory dwelling units are allowed by right within all residential zoning districts of the city; therefore, staff finds that permitting these additional housing types is not inconsistent with uses already permitted. Additionally, nonresidential amenities such as grocery stores, restaurants, and retail are located along North College Ave. as well as N. Mission Blvd. RI-12 permits low-intensity commercial uses such as small professional offices, retail establishments, studios, and services such as daycares with a conditional use permit. Staff finds these uses to be generally compatible with adjacent uses and notes the insertion of small-scale commercial could contribute to complete, walkable neighborhoods. RI-12 would also require a 0'-25' build-to zone which generally aligns with historic development patterns in the area. Additionally, staff finds that the size of the parcel would limit development to the maximum of two residential units. Given the lot widths and code limitations of two ADUs per lot, this would functionally allow one additional unit on the site.**

N. Mission Blvd. is designated as a neighborhood link with a proposed side path trail per the city's master street and active transportation plans. Major public investment in North Mission Blvd. was recently completed with a trail beginning approximately 1,600 feet north of the subject property which connects to Root Elementary, Gully Park and eventually back to the Razorback Greenway. This indicates that the area can likely support additional density, which is further supported by recent rezonings to RSF-8 and NSG nearby.

Long-range planning notes that the existing structure is unlikely to be eligible for state or National Register of Historic Places but That it could contribute to a historic district. While the city does not have any regulations pertaining to the demolition of historic structures in this area, long-range planning requests that the property owner and/or applicant consult with their division prior to demolition or alteration of historic structures in order to capture photo documentation of the existing building.

Land Use Plan Analysis: **Staff finds the proposed zoning to be consistent with the property's Future Land Use Map designation as a Residential Neighborhood Area. While surrounding housing is currently primarily single-family dwellings, the existing lots are largely nonconforming with current zoning. The RI-12 zoning district would establish a conforming lot that is generally in line with the residential neighborhood designation. The property has a moderate infill score of 6-7 with a weighted score of 8, indicating it is a suitable location for infill development. Infill in this area could help support Goals 1 and 3 by promoting moderate infill in an area that is walkable and has seen extensive public improvements in recent years.**

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

Finding: **Staff finds that there is sufficient justification to rezone this section of the subject property at this time. Staff finds that the property currently does not conform to its existing zoning district and that rezoning the property to RI-12 would bring the lot into conformance. RI-12 allows for mixed use developments and increased housing typologies with slightly smaller lot sizes, potentially enabling homeownership of more attainable dwelling units in an area of town with a relatively high and accessible concentration of services and amenities.**

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

Finding: **Rezoning the property from RSF-4 to RI-12 could increase development potential and its associated traffic impact on the site the rezoning would remove the current density maximum of four units per acre. However, staff find the small size of the property naturally limits development potential and that the ultimate added density is unlikely to appreciably increase traffic danger or congestion at this location.**

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

Finding: **The proposed rezoning has the potential to alter the population density since RI-12 has smaller lot sizes and a higher density allowance; however, the small size of the property would naturally limit any development potential. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

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**

RECOMMENDATION: Planning staff recommends forwarding RZN-2026-0020 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**
Date: June 22, 2026	❒ **Tabled**	☒ **Forwarded** ❒ **Denied**
Motion: CABE	"I move to forward RZN-2026-0020 to City Council with a recommendation of approval."	
Second: MADDEN		
Vote: 7-0-0		

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.07 Residential Single-Family, Four Units per Acre
  - §161.11 RI-12, Residential Intermediate, Twelve (12) Units Per Acre
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
  - Future Land Use Map
- Staff Exhibits
  - Long Range Planning Memo
- Applicant Request Letter

161.07 District RSF-4, Residential Single-Family — Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Ord. No. 6945, §5(Exh. D), 12-16-25)

161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre

(A) *Purpose.* The RI-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three- and four-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12

(D) *Bulk and Area Regulations.*

	Single-family	Two-family	Three- and four-family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two-family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building setback greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

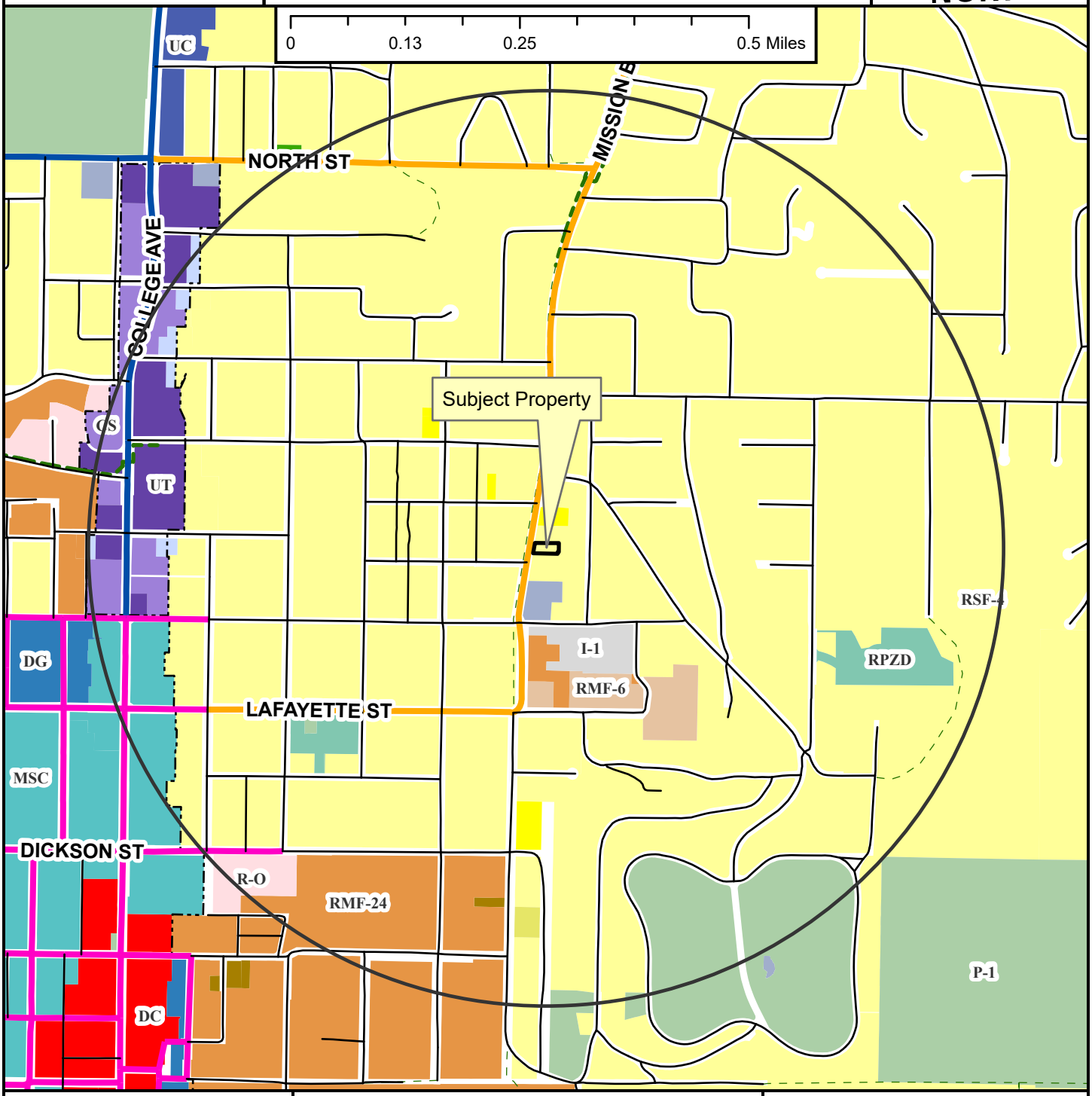
(Ord. No. 6945, §5(Exh. D), 12-16-25)

RZN-2026-0020

One Mile View

518 N MISSION BLVD

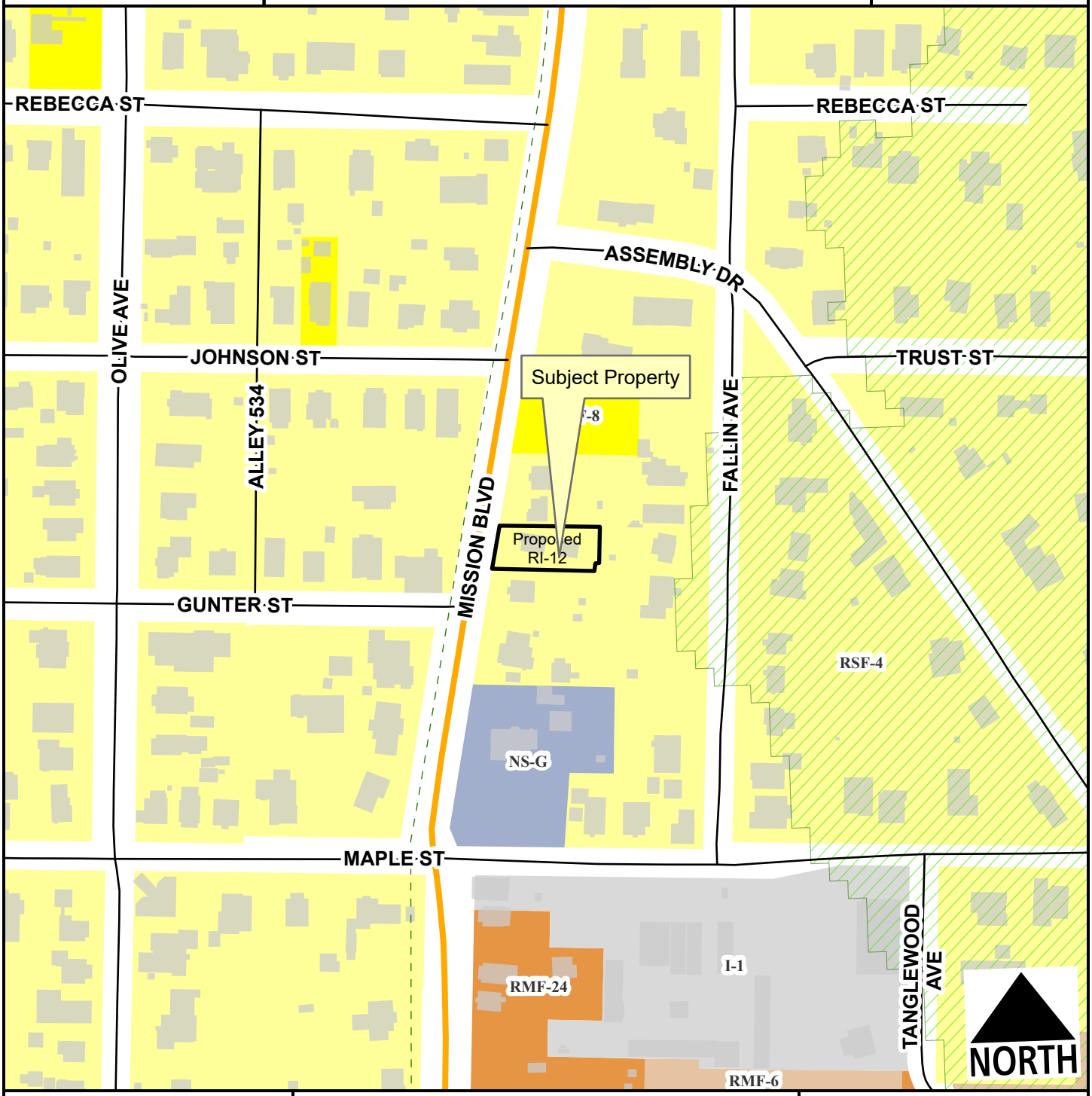
NORTH



RZN-2026-0020

Close Up View

518 N MISSION BLVD



- Neighborhood Link
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-12	0.0	0.2
RSF-4	0.2	0.0

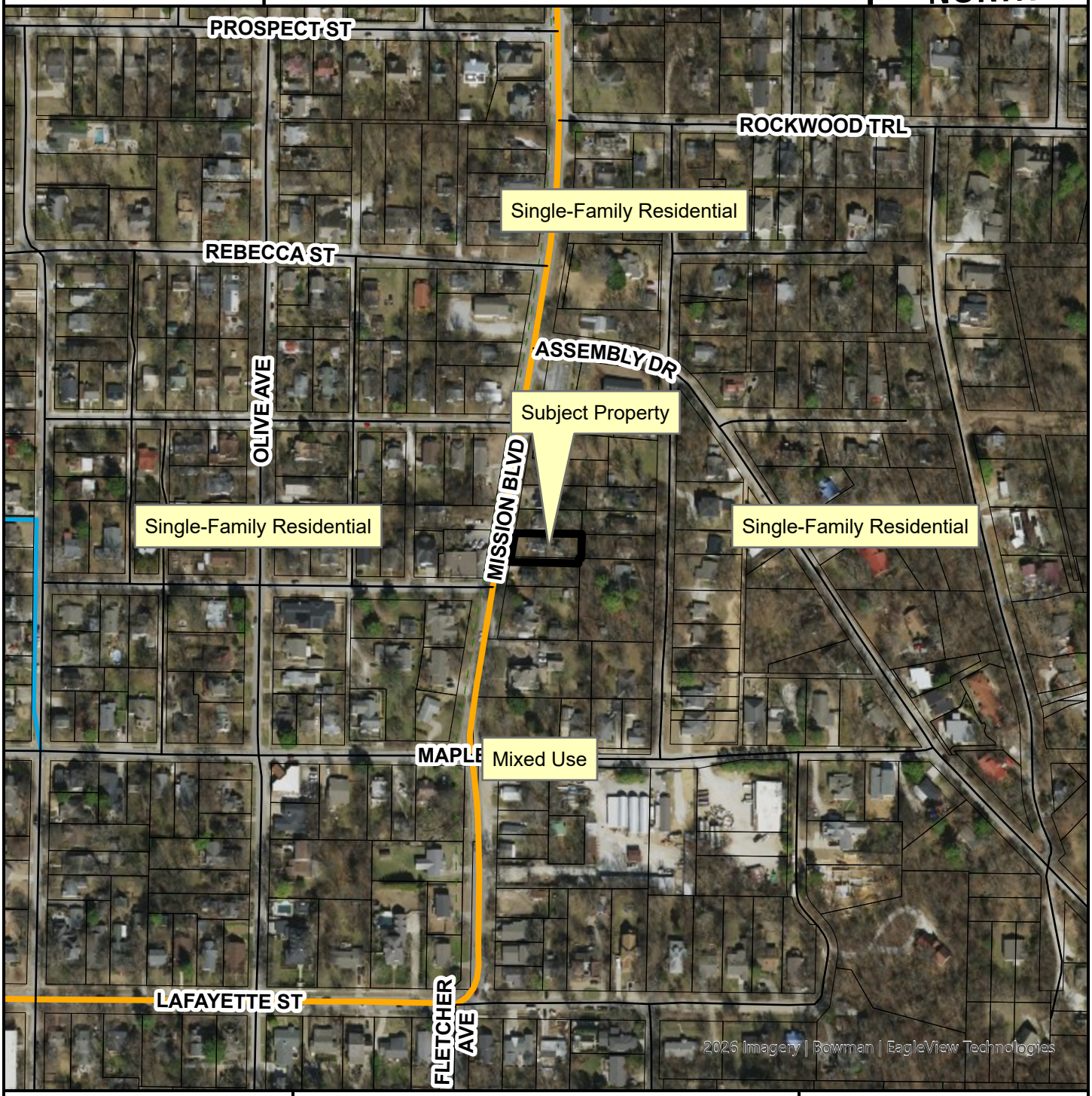
Total 0.2 ac

RZN-2026-0020

Current Land Use

518 N MISSION BLVD

NORTH



- Neighborhood Link
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

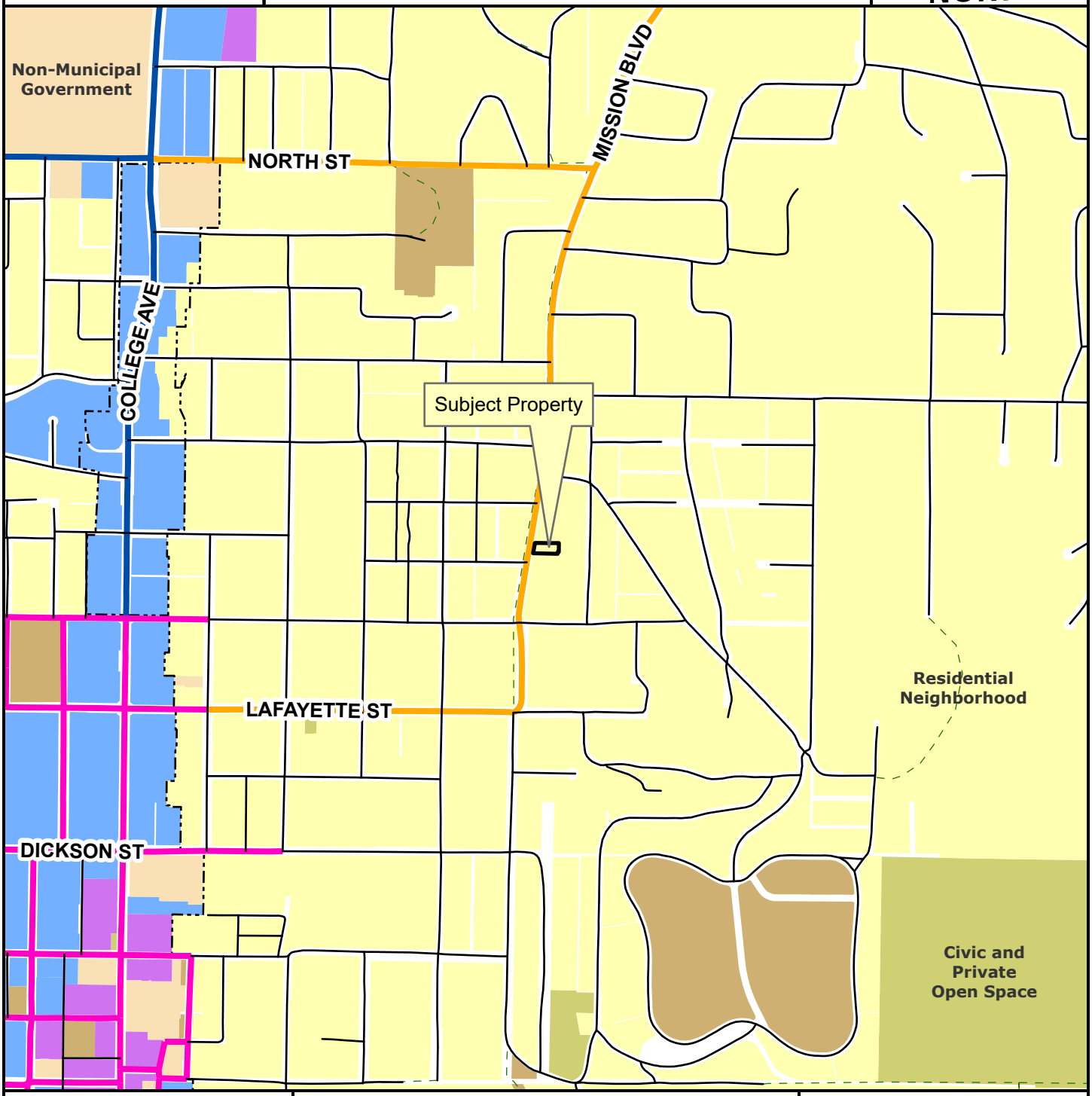
- 100-Year Floodplain
- Floodway

RZN-2026-0020

Future Land Use

518 N MISSION BLVD

NORTH



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District

Feet

0 305 610 1,220 1,830 2,440

1:10,000

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: June 22, 2026

SUBJECT: **Long Range Planning Comments Regarding RZN-2026-0020**

BACKGROUND:
The applicant requests to rezone approximately 0.20 acres from RSF-4, Residential Single-Family, Four Units per Acre to RI-12, Residential Intermediate – Twelve Units per Acre. Two long range planning documents are relevant when evaluating this request: *City Plan 2040* and the *Heritage & Historic Preservation Plan.*

City Plan 2040 (2020):
City Plan 2040 includes several relevant plan goals and objectives:

- Goal 1 – We will make appropriate infill and revitalization our highest priority.
- Goal 2 – We will discourage suburban sprawl.
- Goal 3 – We will make compact, complete, and connected development the standard.
- Goal 6 – We will create opportunities for attainable housing.
    - 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.45)

On its adoption in early 2020, *City Plan 2040* carried forward goals from prior comprehensive plans and organized them into six primary goals. The goals were meant to focus the City's efforts on appropriate infill that furthers a variety of transportation options, supports the creation of attainable housing, and limits the amount of land consumed by development on the City's periphery, often termed "suburban sprawl".

Heritage & Historic Preservation Plan (2023):
The City's *Heritage & Historic Preservation Plan* was initiated by City Plan 2040.
Heritage and Historic Preservation Master Plan Relevant Goals and Action Items

1.9	Plan Review	Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.
1.10	Demolition Ordinance	Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed.
4.9	Community Engagement: Transparency	Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.

DISCUSSION:

Zoning History:

This property is part of the original town plat from 1870. Ordinance 1747 approved on June 29, 1970 enacted a new zoning map and set of districts and zoning requirements for the city. This map shows the subject property as being zoned into the low-density "R-1" zoning district, which was subsequently translated to "RSF-4" with the adoption of the city's Unified Development Code.

City Plan 2040 and Future Land Use Plan:

This area is designated as a Residential Neighborhood area, which are "primarily residential in nature and support a wide variety of housing types of appropriate scale and context." This land use designation also encourages the incorporation of low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail or offices.[1] RI-12 would allow additional housing types by right, including up to four-family dwellings and slightly increase the density of the site. The property's location along a Neighborhood Link Street also indicates an appropriate location for higher density development. Prioritizing creating complete, compact and connected neighborhoods in areas where infrastructure already exists provides better outcomes for residents, minimizes public investment in infrastructure costs, and supports Goals 1, 2, 3, and 6 of *City Plan 2040*.

Property History:

The subject property contains a minimal traditional style single-family constructed ca. 1950, according to Washington County Tax Assessor records. The property has not been surveyed but is unlikely to be individually eligible for the National Register of Historic Places but may contribute to a district.



Since rezoning requests often precede redevelopment plans, the property owner and/or applicant should consult with Long Range & Preservation Planner prior to demolition or alteration of historic-age structures to capture photo documentation. Documentation of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

[1] City Plan 2040, 128.

Rezoning Statement:

Current Zoning of the property is RS-4, which requires a minimum lot width of 70 feet. Since the existing parcel is only 60 feet wide it is currently non-conforming.

The next two lots north and the next two lots south of this parcel are in the same situation of being zoned RS-4 and being non-conforming due to lot widths. The third lot north is zoned RSF-8, and the third lot south is zoned NS-G (with a density of 18 units per acre). The next residential property south of the NS-G property is zoned RMF-24.

By rezoning this property to RI-12 it would bring the lot into compliance for development, as RI-12 has a minimum lot width requirement of 50 feet. And with a density of 12 units per acre, it would allow 1 to 2 units (ie a duplex) to be built on the property.

The requested zoning is ideal as it brings the lot into conformance with zoning requirements, and it would be compatible and in harmony with neighboring property since the density would be above some property and below other property that has been rezoned very nearby. The permitted uses of the RI-12 zoning are residential in nature, which is not in conflict and does not adversely affect the surrounding properties which are all residential.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2210

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Planning Director

SUBJECT: **RZN-2026-0021: Rezoning (2445 N HUGHMOUNT RD/D R HORTON - NW ARKANSAS LLC, 282): Submitted by D.R. HORTON for property located at 2445 N HUGHMOUNT RD. in WARD 4. The property is zoned R-A, RESIDENTIAL, AGRICULTURAL AND NS-G, NEIGHBORHOOD SERVICES, GENERAL and contains approximately 3.78 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE.**

RECOMMENDATION:
City Planning staff recommend denial and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is in northwest Fayetteville along N. Hughmount Rd. The property was annexed into the City in 2020 (Ord. 6317) when it also received its current split-zoned designation (Ord. 6326). To honor the existing floodplain on the property, a portion of the overall request at that time was downzoned to R-A, Residential Agricultural, while another portion was upzoned to NS-G, Neighborhood Services, General, to aid in the future development of compatible, nonresidential services in the area. The subject property was recently platted with the Hughmount South subdivision (FPL-2025-0007). The property is developed with a 2,100 sq. ft. single-family home that was developed in 1994, according to Washington County records.

Request: The request is to rezone this property to RSF-8, Residential Single-Family, 8 Units per Acre.

Public Comment: Staff did not receive any public comment relating to the rezoning request.

Land Use Compatibility: Staff does not find the request to be compatible or consistent with land use planning objectives. The existing zoning regulations, NS-G, Neighborhood Services, General, and R-A, Residential Agricultural were applied at the time of a larger annexation into the City. Given the remoteness and lack of readily-available access to services and amenities to the development at the time, planners recommended and City Council adopted NS-G at the corner of the overall site, to allow for the insertion of additional neighborhood services that could, eventually, support the influx of housing that was coming into the City limits. While the site in question has remained undeveloped since 2020, the lot was only recently platted in 2025. The existing allowances on site still allow for residential uses, including single-, two-, and three- and four-family dwellings, as well as limited commercial uses, such as offices, studios, or small retail establishments that would be compatible with the residential neighborhood characteristics of the area. NS-G also has a build-to zone, which would help the developer of the site avoid the environmentally sensitive areas which currently also encumber

the area; the R-A designation overlaps the floodplain on the site.

Land Use Plan Analysis: Rezoning this entire site to RSF-8 would remove the opportunity for this site to develop in a way that is consistent with several of the City's long-term land use goals, such as providing compact, complete, and connected development, prioritizing a variety of housing types, and assembling an enduring green network. Undoing this nuanced approach to the site's zoning would run counter to several of the City's long-term land use goals, where leaving the site as-is helps enable diversity to the neighborhood which can help drive long-term economic resilience, and equitable access to vital urban resources to those who would otherwise be left without it.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 4 for this site. The following elements of the matrix contribute to the score:

- Near Sewer Main (N. Hughmount Road)
- Near Water Main (N. Hughmount Road)
- Near City Park (Clabber Creek)
- Near Paved Trail (Clabber Creek)

DISCUSSION:
At the June 22, 2026 Planning Commission meeting, a vote of 4-3-0 forwarded the request to City Council with a recommendation of approval (Commissioners Holeyfield, Madden, and Werner were opposed). Commissioners discussed the merits of the request and had conflicting reasoning for whether (or not) the site should maintain its existing zoning designation. The overall request represents a downzone, and Commissioners in favor of the request felt that residential services in this location would be far off in the distant future, arguing that there currently was not enough density to support it. Commissioners in opposition to the request found that keeping the zoning designation as is would enable more compact, complete, and connected development, and did not agree with the applicant's assertion that the build-to zone represented a hardship. No members of the public spoke at the meeting.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Planning Commission Staff Report

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2210

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2026-21 FOR APPROXIMATELY 3.78 ACRES LOCATED AT 2445 NORTH HUGHMOUNT ROAD IN WARD 4 FROM R-A, RESIDENTIAL, AGRICULTURAL AND NS-G, NEIGHBORHOOD SERVICES - GENERAL TO RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT 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 property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-A, Residential, Agricultural and NS-G, Neighborhood Services - General to RSF-8, Residential Single-Family, Eight Units per Acre.

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.

City of Fayetteville Staff Review Form

2026-2210

Item ID

7/21/2026

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

Jonathan Curth	7/2/2026	DEVELOPMENT SERVICES (620)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN-2026-0021: Rezoning (2445 N HUGHMOUNT RD/D R HORTON - NW ARKANSAS LLC, 282): Submitted by D.R. HORTON for property located at 2445 N HUGHMOUNT RD. in WARD 4. The property is zoned R-A, RESIDENTIAL, AGRICULTURAL AND NS-G, NEIGHBORHOOD SERVICES, GENERAL and contains approximately 3.78 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

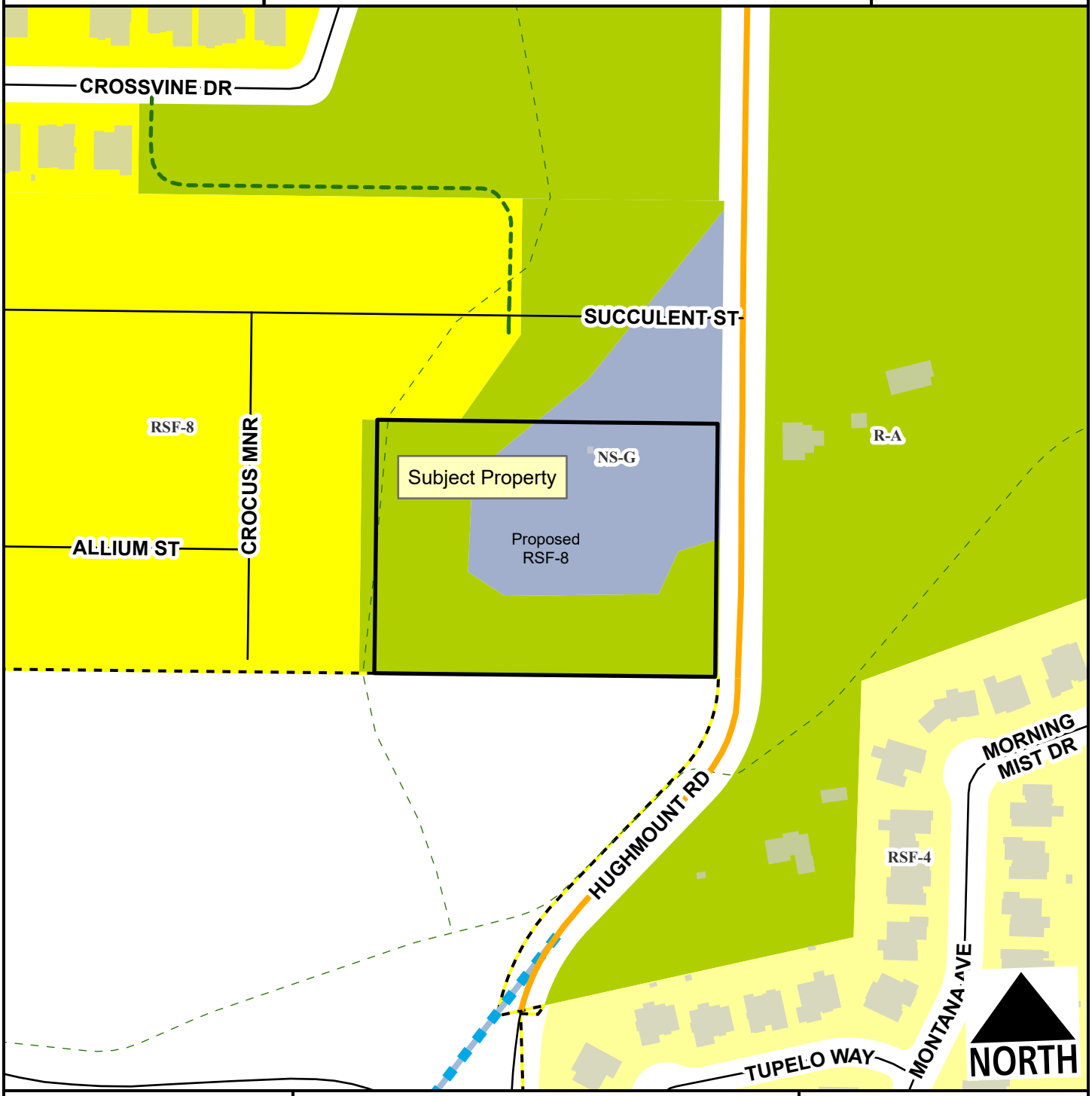
Comments:

RZN-2026-0021

Close Up View

2445 N HUGHMOUNT RD

EXHIBIT A



- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
NS-G	1.7	0.0
R-A	2.1	0.0
RSF-8	0.0	3.8

Total 3.8 ac

EXHIBIT B

Lot 52, Final Plat Hughmount South, Record Document Number 2026SP-99, Washington County, Arkansas

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: June 22, 2026 Updated with results

SUBJECT: **RZN-2026-0021: Rezoning (2445 N HUGHMOUNT RD/D R HORTON - NW ARKANSAS LLC, 282):** Submitted by D.R. HORTON for property located at 2445 N HUGHMOUNT RD. The property is zoned R-A, RESIDENTIAL, AGRICULTURAL AND NS-G, NEIGHBORHOOD SERVICES, GENERAL and contains approximately 3.78 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE.

RECOMMENDATION:
Staff recommends denial of RZN-2026-0021.

RECOMMENDED MOTION:
*"I move to forward **RZN-2026-0021** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in northwest Fayetteville along N. Hughmount Rd. The property was annexed into the City in 2020 (Ord. 6317) when it also received its current split-zoned designation (Ord. 6326). To honor the existing floodplain on the property, a portion of the overall request at that time was downzoned to R-A, Residential Agricultural, while another portion was upzoned to NS-G, Neighborhood Services, General, to aid in the future development of compatible, nonresidential services in the area. The subject property was recently platted with the Hughmount South subdivision (FPL-2025-0007). The property is developed with a 2,100 sq. ft. single-family home that was developed in 1994, according to Washington County records. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential (Under Construction)	R-A, Residential Agriculture; RSF-8, Residential Single-Family, 8 Units per Acre; NS-G, Neighborhood Services- General
South	Undeveloped	Washington County
East	Single-Family	R-A, Residential Agriculture
West	Single-Family Residential (Under Construction)	RSF-8, Residential Single-Family, 8 Units per Acre

Request: The request is to rezone this property to RSF-8, Residential Single-Family, 8 Units per Acre.

Public Comment: Staff has not received any public comment on this item to date.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has street frontage along N. Hughmount Road, which is a partially improved Neighborhood Link Street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of the development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject area. An existing 6-inch water main is present along N. Hughmount Road.

Sewer: Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present along N. Hughmount Road and along the southern part of the subject property. There are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system directly south of the subject property.

Drainage: No portion of the property lies within the Hillside-Hilltop overlay district, but the property is within a FEMA floodplain, there is a protected stream, and there are hydric soils on site.

A floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones; and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA. Streamside Protection Zones generally consists of a protected area on each side of a stream or creek. This "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 7, located at 835 N. Rupple Rd., protects this site. The property is located approximately 2.3 miles from the fire station with an anticipated driving time of approximately 6 minutes using existing streets. The anticipated response time

would be approximately 8.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district RSF-8, Residential Single-Family, 8 Units per Acre requires **20% minimum canopy preservation.** The current zoning districts R-A, Residential Agricultural and NS-G, Neighborhood Services, General require **25% and 20% minimum canopy preservation,** respectively.

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood Area and Natural Area.**

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

Natural Areas consist of lands approximating or reverting to a wilderness conditions, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, many of which are identified in the generalized enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development stormwater infrastructure for all developments. Natural Areas are prime candidates for conservation subdivision design and/or clustered development patterns.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **4** for this site with a weighted score of **4**. The following elements of the matrix contribute to the score:

- Near Sewer Main (N. Hughmount Road)
- Near Water Main (N. Hughmount Road)
- Near City Park (Clabber Creek)
- Near Paved Trail (Clabber Creek)

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: ***Land Use Compatibility:*** **Staff does not find the request to be compatible or consistent with land use planning objectives. The existing zoning regulations, NS-G, Neighborhood Services, General, and R-A, Residential Agricultural were applied at the time of a larger annexation into the City. Given the remoteness and lack of readily-available access to services and amenities to the development at the time, planners recommended and City Council adopted NS-G at the corner of the overall site, to allow for the insertion of additional neighborhood services that could, eventually, support the influx of housing that was coming into the City limits. While the site in question has remained undeveloped since 2020, the lot was only recently platted in 2025. The existing allowances on site still allow for residential uses, including single-, two-, and three- and four-family dwellings, as well as limited commercial uses, such as offices, studios, or small retail establishments that would be compatible with the residential neighborhood characteristics of the area. NS-G also has a build-to zone, which would help the developer of the site avoid the environmentally sensitive areas which currently also encumber the area; the R-A designation overlaps the floodplain on the site.**

Land Use Plan Analysis: **Rezoning this entire site to RSF-8 would remove the opportunity for this site to develop in a way that is consistent with several of the City's long-term land use goals, such as providing compact, complete, and connected development, prioritizing a variety of housing types, and assembling an enduring green network. Undoing this nuanced approach to the site's zoning would run counter to several of the City's long-term land use goals, where leaving the site as-is helps enable diversity to the neighborhood which can help drive long-term economic resilience, and equitable access to vital urban resources to those who would otherwise be left without it.**

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

Finding: **Staff finds there is not sufficient justification to rezoning this property as the applicant has requested. The lot is still developable, and the request would reduce the property's entitlement in a way that would run counter to the City's goals.**

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

Finding: **Staff finds that rezoning the property would not likely appreciably increase traffic danger and congestion since it would reflect a significant downzone but would remove the property's ability to provide nonresidential services in the future, which could contribute long term to the number of vehicle trips that would be required for this neighborhood to take.**

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

Finding: **Staff finds that rezoning this property is not likely to undesirably increase the load on public services. However, the property's current entitlement allows for prioritizing improvements in a place where expensive infrastructure extensions have already been made, rather than placing that burden elsewhere.**

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**

RECOMMENDATION: Planning staff recommends denial of RZN-2026-0021.

PLANNING COMMISSION ACTION: **Required** **YES**

Date: **June 22, 2026** ❒ **Tabled** ☒ **Forwarded** with a recommendation of approval. ❒ **Denied**

Motion: Cabe

Second: Werner

Vote: 4-3-0 (Commissioners Holeyfield, Madden, Werner in opposition)

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

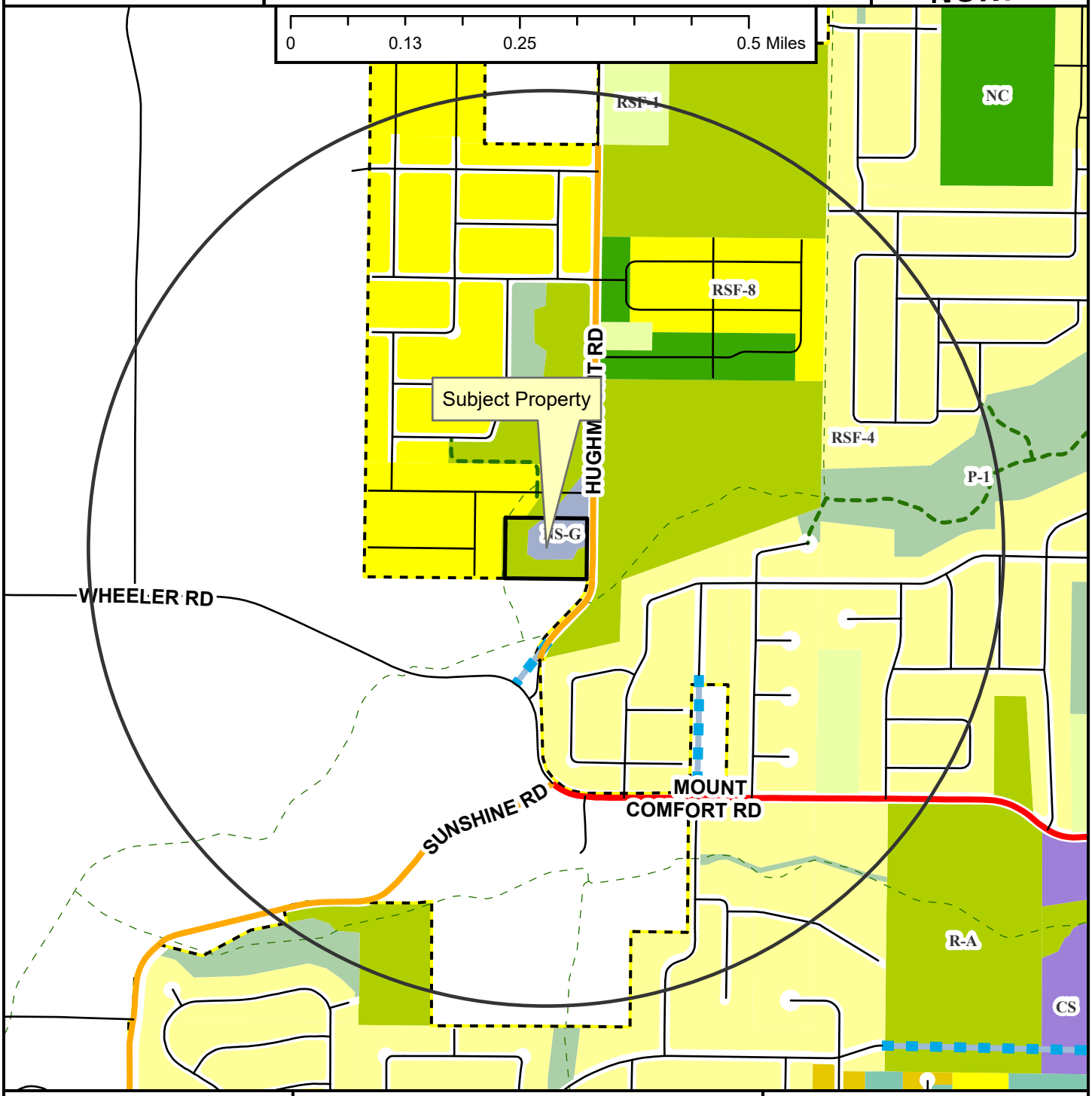
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Unified Development Code
  - §161.09 District RSF-8, Residential Single-Family — Eight (8) Units Per Acre
  - §161.03 District R-A, Residential-Agricultural
  - §161.19 NS-G, Neighborhood Services — General
- Long-Range Planning Memo
- Request Letter
- Applicant Exhibit

RZN-2026-0021

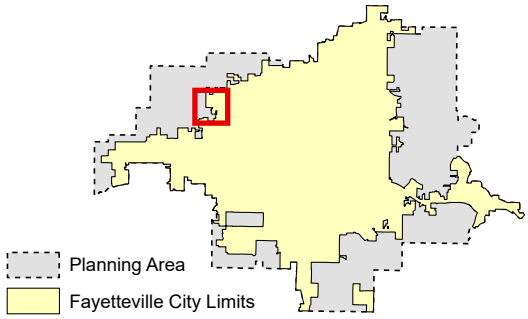
One Mile View

2445 N HUGHMOUNT RD

NORTH



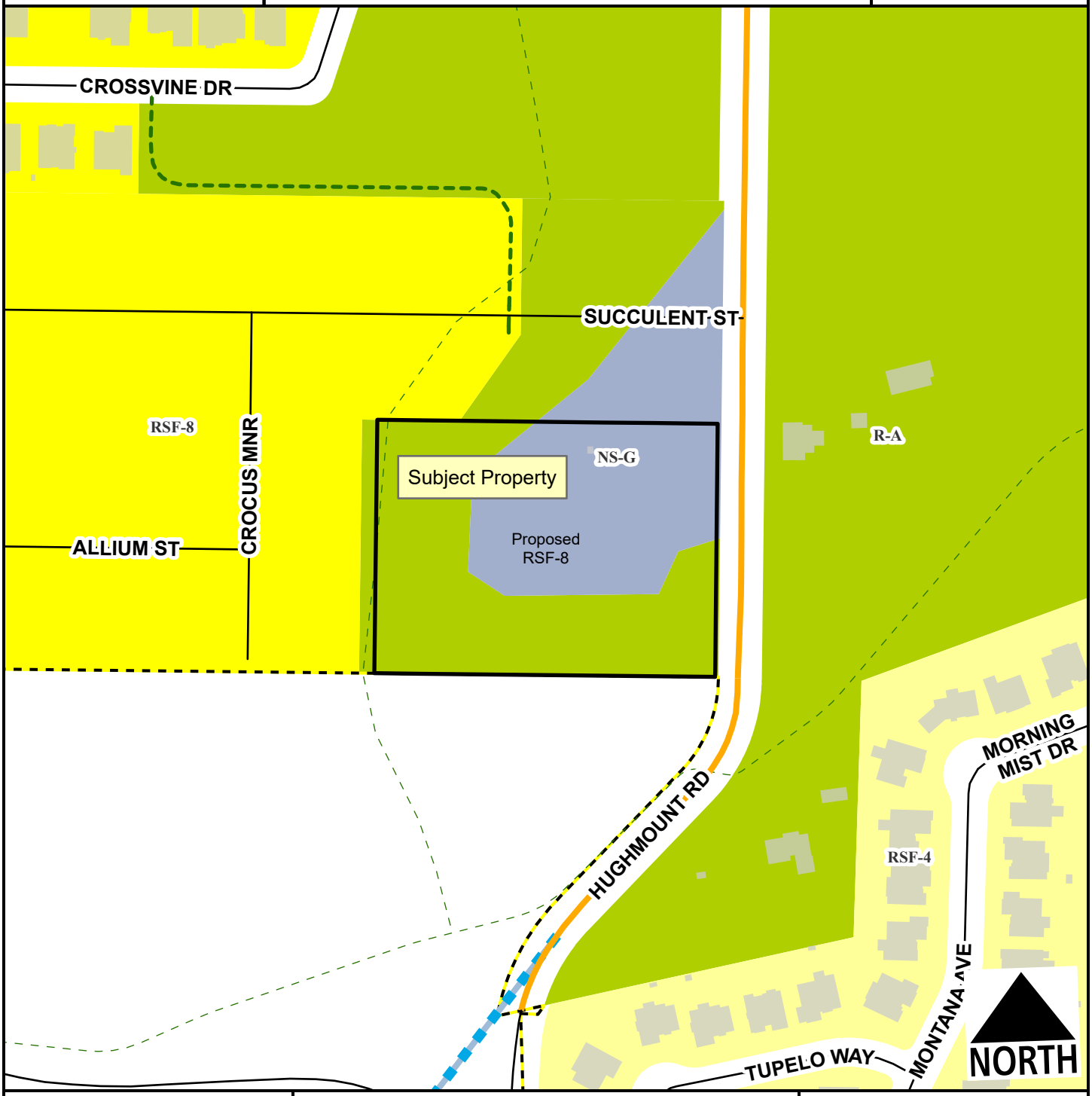
Regional Link
Neighborhood Link
Unclassified
Residential Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Fayetteville City Limits
Planning Area



RZN-2026-0021

Close Up View

2445 N HUGHMOUNT RD



- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
NS-G	1.7	0.0
R-A	2.1	0.0
RSF-8	0.0	3.8

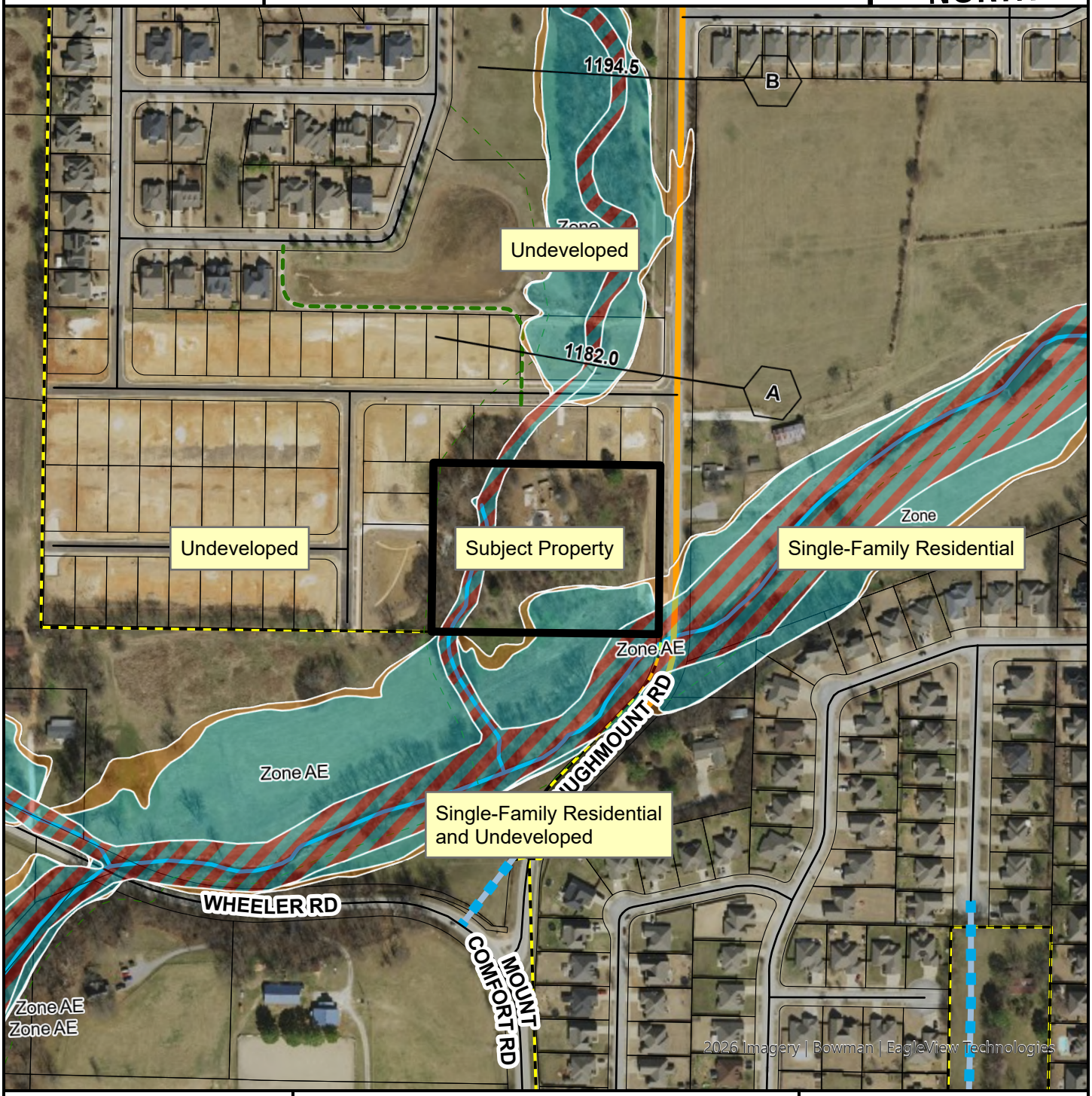
Total 3.8 ac

RZN-2026-0021

Current Land Use

2445 N HUGHMOUNT RD

NORTH



- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

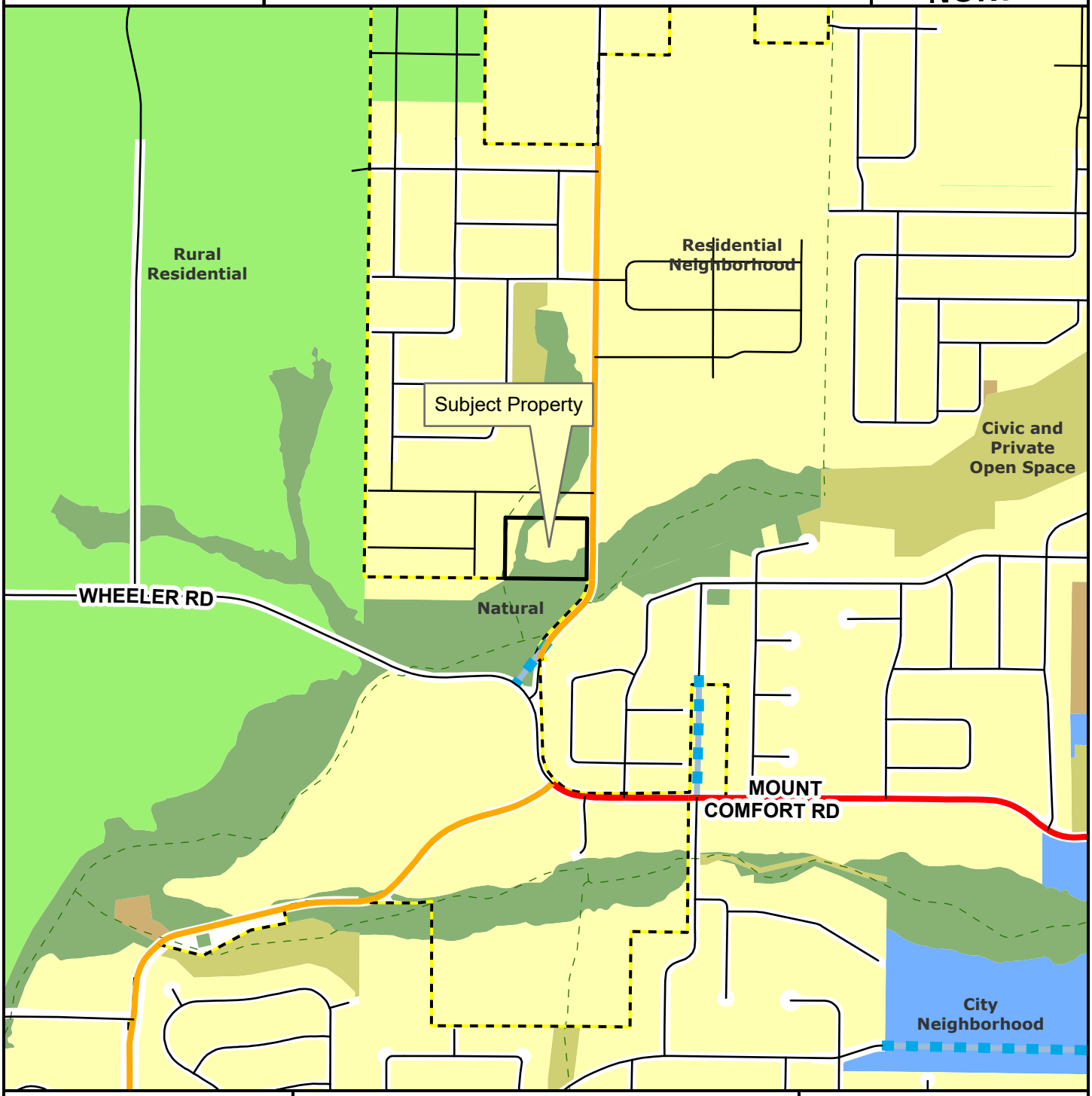
- 100-Year Floodplain
- Floodway

RZN-2026-0021

Future Land Use

2445 N HUGHMOUNT RD

NORTH



- Regional Link
- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)

Feet

0 305 610 1,220 1,830 2,440

1:10,000

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

161.09 District RSF-8, Residential Single-Family — Eight (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
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster 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 feet
Two-family	50 feet
Townhouse, no more than two (2) attached	25 feet

(2) *Lot Area Minimum.*

Single-family	5,000 square feet
Two-family	5,000 square feet

(3) *Land Area Per Dwelling Unit.*

Single-family	5,000 square feet
Two-family	5,000 square feet
Townhouse, no more than two (2) attached	2,500 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

Building Height Maximum	3 stories

(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. Accessory ground mounted solar energy systems shall not be considered buildings.

(Ord. No. 6945, §5(Exh. D), 12-16-25)

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)

(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an

additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

(Ord. No. 6945, §5(Exh. D), 12-16-25)

161.19 NS-G, Neighborhood Services — General

(A) *Purpose.* The Neighborhood Services, General District is designed to serve as a mixed-use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services District is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three- and four-family dwellings
Unit 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 45	Small scale production
Unit 48	Private dormitories

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two-family or more	3,000 square feet per dwelling unit

All other uses	None

(E) *Setback regulations.*

Front	Side	Side-Zero Lot Line*	Rear	Rear when contiguous to a single-family residential district
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	5 feet	A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet.	None	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories

(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 6945, §5(Exh. D), 12-16-25)

CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Jessie Masters, Planning Director

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: June 22, 2026

SUBJECT: **Long Range Planning Comments Regarding RZN-2026-0021**

BACKGROUND:
The applicant requests to rezone approximately 3.78 acres from R-A, Residential Agricultural and NS-G, Neighborhood Services, General to RSF-8, Residential Single-Family, Eight Units per Acre. One long range planning documents is relevant when evaluating this request: *City Plan 2040.*

City Plan 2040 (2020):
City Plan 2040 includes several relevant plan goals and objectives:

- Goal 1 – We will make appropriate infill and revitalization our highest priority.
- Goal 2 – We will discourage suburban sprawl.
- Goal 3 – We will make compact, complete, and connected development the standard.
- Goal 6 – We will create opportunities for attainable housing.
    - 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.45)

On its adoption in early 2020, *City Plan 2040* carried forward goals from prior comprehensive plans and organized them into six primary goals. The goals were meant to focus the City's efforts on appropriate infill that furthers a variety of transportation options, supports the creation of attainable housing, and limits the amount of land consumed by development on the City's periphery, often termed "suburban sprawl".

DISCUSSION:
Zoning History:
This property was annexed in 2020 (Ord. No. 6317) and assigned R-A zoning, a common approach for new annexation unless an alternative district is requested. The property was rezoned soon after to the current R-A and NS-G zoning (Ord. No. 6327).

City Plan 2040 and Future Land Use Plan:
This area is designated as a primarily a Residential Neighborhood area, which are "primarily residential in nature and support a wide variety of housing types of appropriate scale and context." There is a band of Natural area following the flood zone, roughly to the west and south, which are areas that "have limited development potential" and are "prime candidates for conservation subdivision design and/or clustered development patterns."[1]

[1] City Plan 2040, 126.

The Residential Neighborhood area designation also encourages the incorporation of low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail or offices[2] which is possible under the site's current NS-G zoning but not under the requested RSF-8 zoning. NS-G allows a variety of housing types and general business, meeting the area's goals and fulfilling goals 1,2,3 and 6 of City Plan 2040. Rezoning to RSF-8 would only accomplish a portion of the area's goals, as it would limit the area to only single-family development, moving us further away from goals.

While the applicant's letter cites that NS-G's requirement for a build-to zone is "technically and economically inefficient" due to "significant environmental constraints and the designated flood zone on the property," moving development east toward Hughmount Road within a BTZ would *avoid* the environmentally sensitive areas of the site.

A potential alternative would be to rezone the entire lot as NS-G to allow the potential for future street development mentioned by the applicant, keep diversity of housing and potential commercial uses, and allow other development and engineering regulations to control for what, if any, development occurs in the areas in a flood zone. This would unburden the applicant of navigating two zoning districts and still progress city goals 1, 2, 3, and 6 of City Plan 2040.

[2] City Plan 2040, 128.

To whom it may concern,

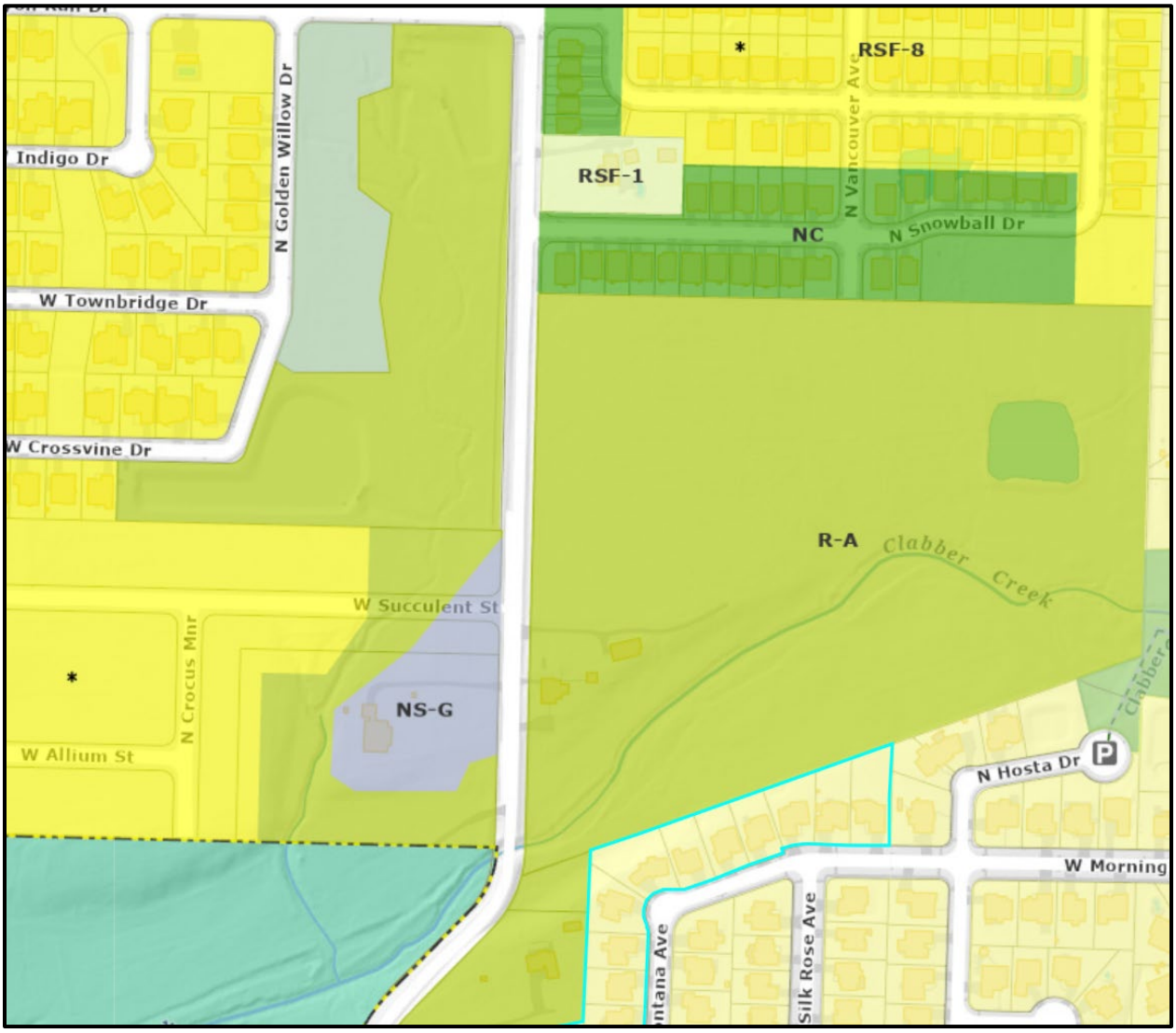
D.R. Horton is formally requesting a rezoning for the property located at Lot 52 in the Hughmount South subdivision (2445 N Hughmount Road). Currently, the parcel is split-zoned between Residential-Agricultural (R-A) and Neighborhood Services-General (NS-G), as illustrated in Exhibit A. We are seeking a rezone to Single-Family Residential (RSF-8) to bring the parcel into alignment with the established zoning of the surrounding subdivision. The current NS-G designation requires a Build-to-Zone (BTZ) along Hughmount Road. Given the significant environmental constraints and the designated flood zone on the property (see Exhibit B), the BTZ requirement is technically and economically inefficient. Transitioning the entire lot to RSF-8 would allow for a more cohesive development pattern, providing the necessary flexibility to accommodate a future entry street and optimized residential density. Should the Planning Department determine that the buildable area is insufficient for RSF-8 due to the flood zone constraints, D.R. Horton requests, in the alternative, that the property be rezoned entirely to R-A. This would resolve the current split-zoning issue while preserving the lot's existing conditions.

Best,

Nye Carnahan
Director of Construction, D.R. Horton

Exhibit A

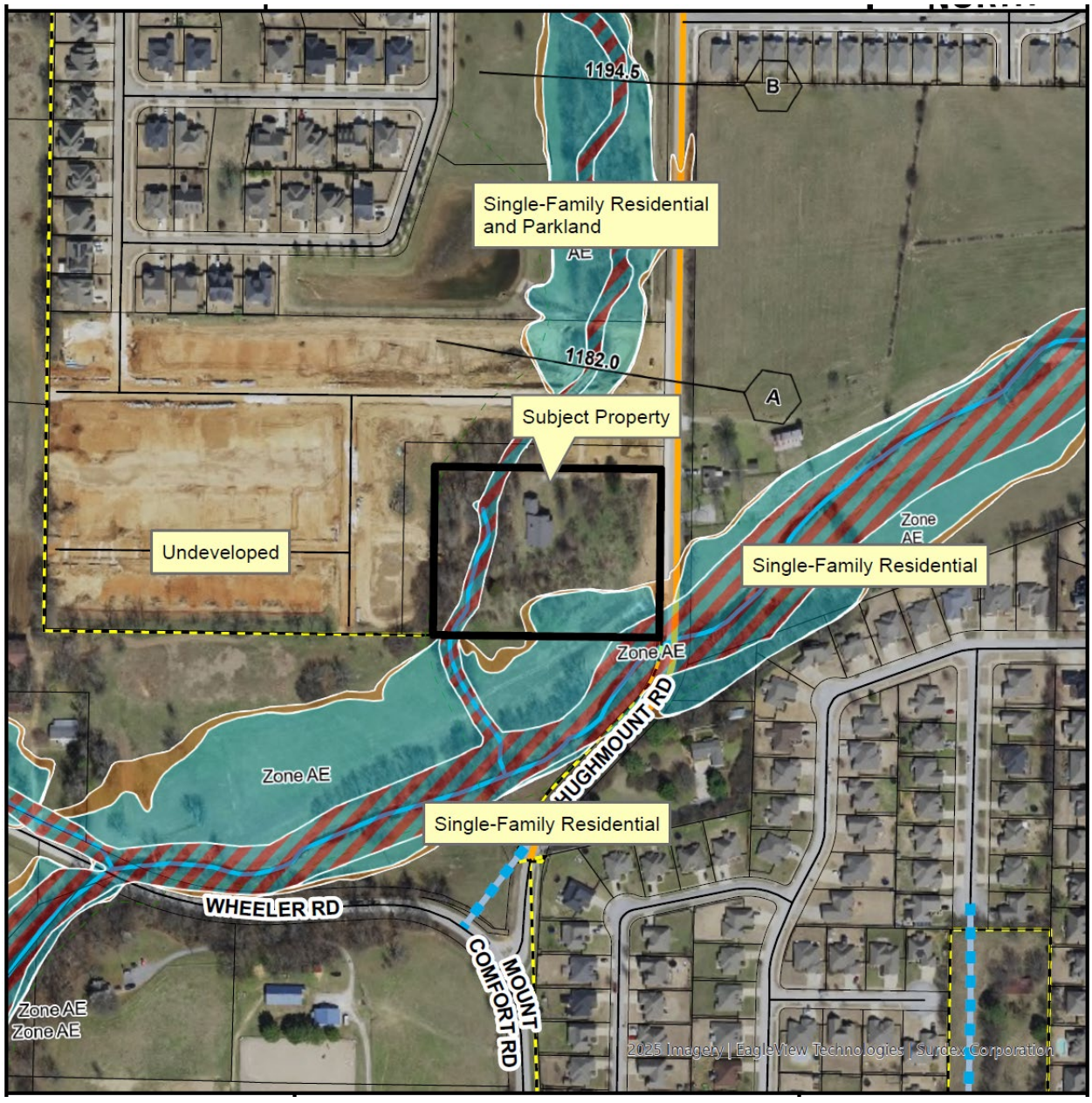
Zoning Map



2445 N Hughmount Road
Fayetteville, AR

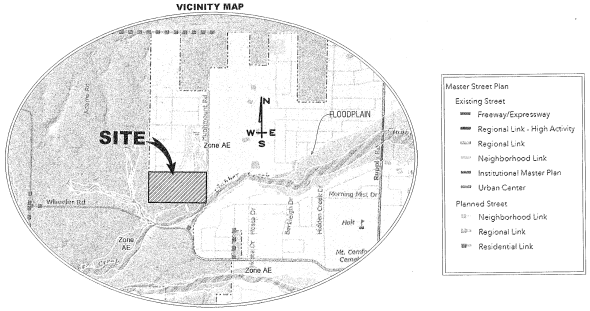
Exhibit B

Flood Zone



2445 N Hughmount Road
Fayetteville, AR

VICINITY MAP



FAYETTEVILLE, ARKANSAS

INDEX OF SHEETS

C0.0 - COVER SHEET
C1.1 - FINAL PLAT
C1.2 - MASTER RESIDENTIAL LOT GRADING PLAN
L1.0 - LANDSCAPE PLAN

FINAL PLAT FOR: HUGHMOUNT SOUTH

LOCATION:
FAYETTEVILLE, AR

OWNER/DEVELOPER:
D R HORTON - NW ARKANSAS LLC
1341 HORTON CIR
ARLINGTON, TX 76011

Certificate of Approval of Water & Sewer System:

The water distribution system and sewage collection system installed in this subdivision are hereby approved and accepted by the City of Fayetteville.

2/23/26 — Date — City Engineer

Certificate of Approval of Streets, Sidewalks, and Drainage:

The streets, sidewalks, and drainage systems installed in this subdivision are hereby approved and accepted by the City of Fayetteville.

2/23/26 — Date — City Engineer

Certificate of Approval of Park Land Dedication or Money In-lieu:

I hereby certify that this final plat complies with Section 166.04(B)(4)(1) by dedicating — acres of Parkland or paying $52,272 fees in-lieu.

Warranty deed for park land recorded as follows:
Book #: — Page #: —

2/23/2026 — Date — Parks & Recreation Representative

Certificate of Approval of Building Set-back Dimensions:

I hereby certify that all building setback dimensions shown on this plat are in accordance with the current setback requirements.

2/23/2026 — Date — Zoning & Development Administrator

Certificate of Approval for Recording:

This plat was approved administratively by the Fayetteville Planning Division on FEB. 23, 2026.

2/23/2026 — Date — Zoning Development Administrator

Certificate of Survey and Accuracy:

I hereby certify that the plan shown and described hereon is a true and correct survey and that the monuments have been placed as stated hereon as required by the subdivision regulations of the City of Fayetteville, Arkansas.

2/20/26 — Date — Registered Land Surveyor /Professional Land Surveyor

Certificate of Approval of Tree Protection & Preservation:

I hereby certify that this plat has complied with the requirements of the tree protection and preservation ordinance of the City of Fayetteville Unified Development Code.

2/23/25 — Date — Urban Forester

Certificate of Approval of Sidewalks:

Construction of all sidewalks shall be inspected by the city sidewalk and trails coordinator to comply with the city specifications. The developer shall be responsible for the construction and completion of all sidewalks shown on this final plat.

2/23/26 — Date — City Engineer

Certificate of Approval of Utility Easements:

We hereby certify that all utility easements, including cable television easements, platted in this subdivision are shown as requested and were approved by the undersigned utilities of the City of Fayetteville, Arkansas.

2-20-26 — Date — Electric

2/19/26 — Date — Gas Service

2/19/26 — Date — Telephone

2-19-26 — Date — Cable Television

2/23/26 — Date — City of Fayetteville

Certificate of Ownership & Dedication:

We, the undersigned owners, representing one hundred percent (100%) ownership of the real estate shown and described herein, do hereby dedicate for public ownership, all streets and alleys as shown on this plat for public benefit as prescribed by law. The owners also dedicate to the City of Fayetteville and to the public utility companies (including any cable television company holding a franchise granted by the City of Fayetteville) the easements as shown on this plat for the purpose of installation of new facilities and the repair of existing facilities. Also established hereby is the right of ingress and egress to said easements, the right to prohibit the erection of buildings, structures, or fences within said easements, and the right to remove or trim trees within said easements.

2/20/26 — Date — Owner

JORGENSEN + ASSOCIATES
Civil Engineering Surveying Established 1985
124 W Sunset Ridge Drive Suite 5
Fayetteville, AR 72703
Office 479.442.9127
www.jorgensenassoc.com

LEGEND

Type: SURVEYS & PLATS Fee: $30.00 1 of 4
Rec: 02/25/2026 03:04:35 PM | B. REID
Kind: PLAT
WASHINGTON COUNTY, AR
KYLE SYLVESTER, CIRCUIT CLERK
File 2026SP-99

PROJECT DETAILS

PROJECT TITLE: HUGHMOUNT SOUTH

PROJECT LOCATION: FAYETTEVILLE, AR

REVISIONS

DATE: 08/27/2025
DRAWN BY: CAZ
PROJECT # 2017109
FILE PATH: Z:\SUSD\2017109
SHEET SIZE: 22" x 34"

CERTIFICATE OF AUTHORIZATION — JORGENSEN & ASSOCIATES — No. 722 — ARKANSAS – ENGINEER

REGISTERED — STATE OF ARKANSAS — DAVID L. JORGENSEN — PROFESSIONAL LAND SURVEYOR

SHEET TITLE
COVER SHEET

SHEET NUMBER
C0.0

NOTES:

1. PLAT PAGE: #243.
2. 46 BUILDABLE LOTS, 3 NON-BUILDABLE LOTS & 1 TREE PRESERVATION / FUTURE DEVELOPMENT LOT.
3. CURRENT ZONING – RSF-8, R-A, NS-G
4. PARCEL NUMBER – 765-21247-706 & 765-21247-000
5. 1900 SIDEWALK ACCESS RAMPS WILL BE INSTALLED AT EACH STREET CORNER AS SHOWN ON THIS PLAT.
6. ALL UTILITY CROSSING SHALL BE 6 - 8" PVC PIPES BURIED MINIMUM 48" DEEP.
7. ALL DRIVEWAYS SHALL HAVE A MAXIMUM WIDTH OF 24' MEASURED AT THE RIGHT OF WAY LINE.
8. A PORTION OF SOME LOTS WITHIN THIS DEVELOPMENT HAVE SLOPES THAT ARE 15% OR GREATER.
9. A PORTION OF THIS PROPERTY IS SUBJECT TO THE 100-YEAR FLOODPLAIN AS PER FIRM #05143C0035F DATED MAY 16, 2008.
10. WHERE BUILDING SETBACKS (JOINT OVERLAP WITH UTILITY EASEMENTS OR ACCESS EASEMENTS), STRICTLY BUILDING SETBACKS SHALL BE AS PER THIS PLAT AND THE BUILDING SETBACK TABLE PROVIDED ON THIS PLAT.
11. TAPS MADE ONTO EXISTING WATER AND SEWER MAINS SHALL BE MADE BY THE CITY, PAID FOR BY THE OWNER.
12. ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND, AND ALL EXISTING UTILITIES UNDER 12 kV SHALL BE RELOCATED UNDERGROUND.
13. SITE DEVELOPMENT WILL FOLLOW THE APPROVED MASTER RESIDENTIAL LOT GRADING PLAN. EACH LOT MUST FOLLOW THE APPROVED MRLGP PREPARED BY THE ENGINEER OF RECORD FOR THIS PROJECT.
14. RIGHT OF WAY TREES TO BE PLANTED FOLLOWING CONSTRUCTION OF INDIVIDUAL HOUSES.
15. CURB CUT SEPARATION STANDARDS DO APPLY TO ALL LOTS, INCLUDING REGULATIONS ABOUT DISTANCE FROM PROPERTY LINES, OTHER DRIVEWAYS, INTERSECTIONS AND CURB RADII.
16. FIRE LANE SIGNS, AS SPECIFIED IN 2012 AFPC SECTION D103.6, SHALL BE POSTED ON ONE SIDE OF FIRE APPARATUS ACCESS ROADS MORE THAN 26 FEET WIDE AND LESS THAN 32 FEET WIDE. SIGNS MUST ALSO MEET SPACING REQUIREMENTS IN 2012 AFPC SECTION 503.3.
17. ALL LOTS SHALL MEET ACCESS MANAGEMENT STANDARDS.
18. ALL SIDEWALKS INDICATED ALONG UNBUILDABLE OR OPEN SPACE LOTS SHALL BE CONSTRUCTED BY THE DEVELOPER.
19. THE BILL OF ASSURANCE ASSOCIATED WITH THE ZONING ORDINANCE (ORD 8329), PROPERTY IS LIMITED TO A DENSITY OF SIX UNITS PER ACRE.

LEGAL DESCRIPTION:

A part of the SW1/4 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of the NW 1/4 of the SW1/4 of said Section 31, thence S02°46'51"W 1,854.64 feet to the POINT OF BEGINNING, thence S87°18'47"E 1,283.73 feet, thence S02°38'17"W 657.90 feet, thence N87°24'25"W 1,285.37 feet, thence N02°46'50"E 660.00 feet to the POINT OF BEGINNING, Containing 19.43 acres, more or less, subject to easements and right of ways of record.

OWNER/DEVELOPER:
D.R. HORTON - NW ARKANSAS LLC
1341 HORTON CIR
ARLINGTON, TX 76011

STREET RIGHT-OF-WAY & SIDEWALK TABLE					
STREET	CLASSIFICATION	RIGHT OF WAY	STREET WIDTH	SIDEWALK	GREENSPACE
N Glenmoor Dr	RESIDENTIAL LINK	52'	29'	6'	6'
W Succulent St	RESIDENTIAL LINK	52'	28'	6'	6'
N Crocus Manor	RESIDENTIAL LINK	52'	28'	6'	6'
W Allium St	RESIDENTIAL LINK	52'	28'	6'	6'
Hughmount Rd	NEIGHBORHOOD LINK	67'	31'	8'	10'

RSF-8 BUILDING SETBACKS		
FRONT	SIDE	REAR
15'	5'	5'

R-A BUILDING SETBACKS		
FRONT	SIDE	REAR
35'	20'	35'

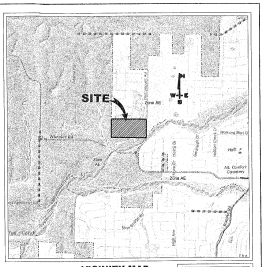
NS-G BUILDING SETBACKS			
FRONT	SIDE	SIDE-ZERO LOT LINE*	REAR	REAR WHEN CONTIGUOUS TO A SINGLE-FAMILY RESIDENTIAL DISTRICT
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	5'	A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet.	NONE	15'

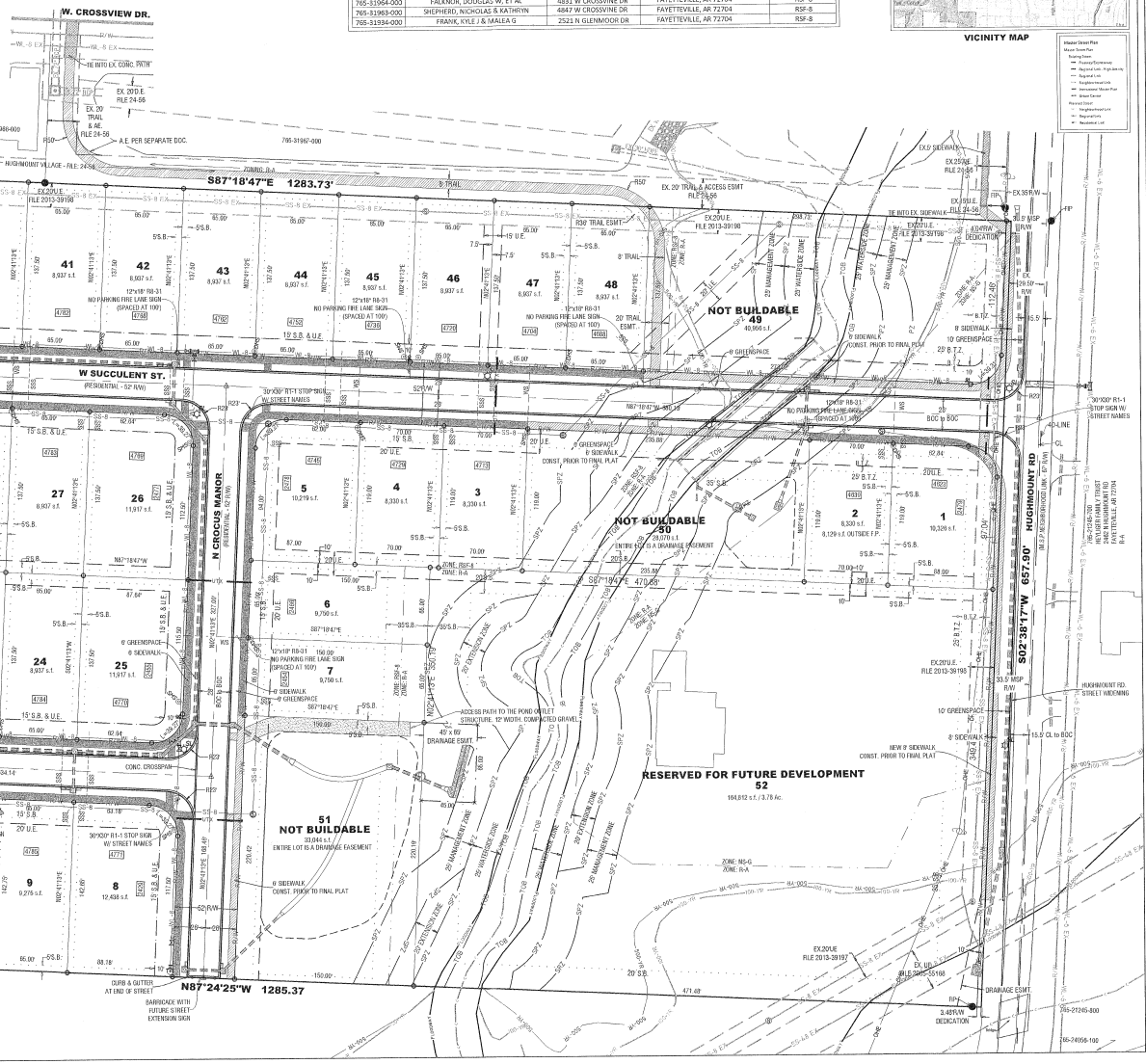
GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

PARCEL No.	OWNER NAME	MAILING ADDRESS		ZONING
765-24056-100	KILGORE, DARRELL SCOTT & NORMA CAROL	2360 N HUGHMOUNT RD	FAYETTEVILLE, AR 72704	R-A
765-21245-800	KILGORE, SCOTT & CAROL	2360 N HUGHMOUNT RD	FAYETTEVILLE, AR 72704	R-A
765-31967-000	HUGHMOUNT VILLAGE POA	1370 OLD MISSOURI RD	SPRINGDALE, AR 72764	R-A
765-31966-000	REBECCA E COMSTOCK	175 MOUNTAIN CREEK TRAIL	HOT SPRINGS NATIONAL PARK, AR 71913	RSF-8
765-31965-000	MEDLOCK, TRACEY & DEANNA	4813 W CROSSVINE DR	FAYETTEVILLE, AR 72704	RSF-8
765-31964-000	FALKNOR, DOUGLAS W, ET AL	4831 W CROSSVINE DR	FAYETTEVILLE, AR 72704	RSF-8
765-31963-000	SHEPHERD, NICHOLAS & KATHRYN	4847 W CROSSVINE DR	FAYETTEVILLE, AR 72704	RSF-8
765-31934-000	FRANK, KYLE J & MALEA G	2521 N GLENMOOR DR	FAYETTEVILLE, AR 72704	RSF-8

VICINITY MAP





JORGENSEN +ASSOCIATES
Civil Engineering Surveying Established 1985
124 W. Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office 479.442.9127
www.jorgensenassoc.com

LEGEND

- CENTERLINE MARKER
- SEWER MANHOLE
- FIRE HYDRANT
- STREET LIGHT
- POWER POLE
- EXISTING 8" SEWER LINE EX. SS-8
- PROPOSED 8" SEWER LINE
- EXISTING WATERLINE EX. W-8
- PROPOSED 8" WATER LINE W-8
- OVERHEAD ELECTRIC OHE
- CENTERLINE STREET
- BUILDING SETBACK/BTZ
- UTILITY EASEMENT
- EXISTING SIDEWALK
- SIDEWALK (BUILT W/HOMES)
- SIDEWALK (BUILT W/STREETS)
- UTILITY CROSSING UTX
- EXISTING CONTOUR
- FINISHED CONTOUR

PROJECT DETAILS

PROJECT TITLE: HUGHMOUNT SOUTH

PROJECT LOCATION: FAYETTEVILLE, AR

REVISIONS

DATE: 08/27/2025
DRAWN BY: CAZ
PROJECT # 2017109
FILE PATH: Z:\SUB\2017109
SHEET SIZE: 22" x 34"
SCALE: 1" = 50'

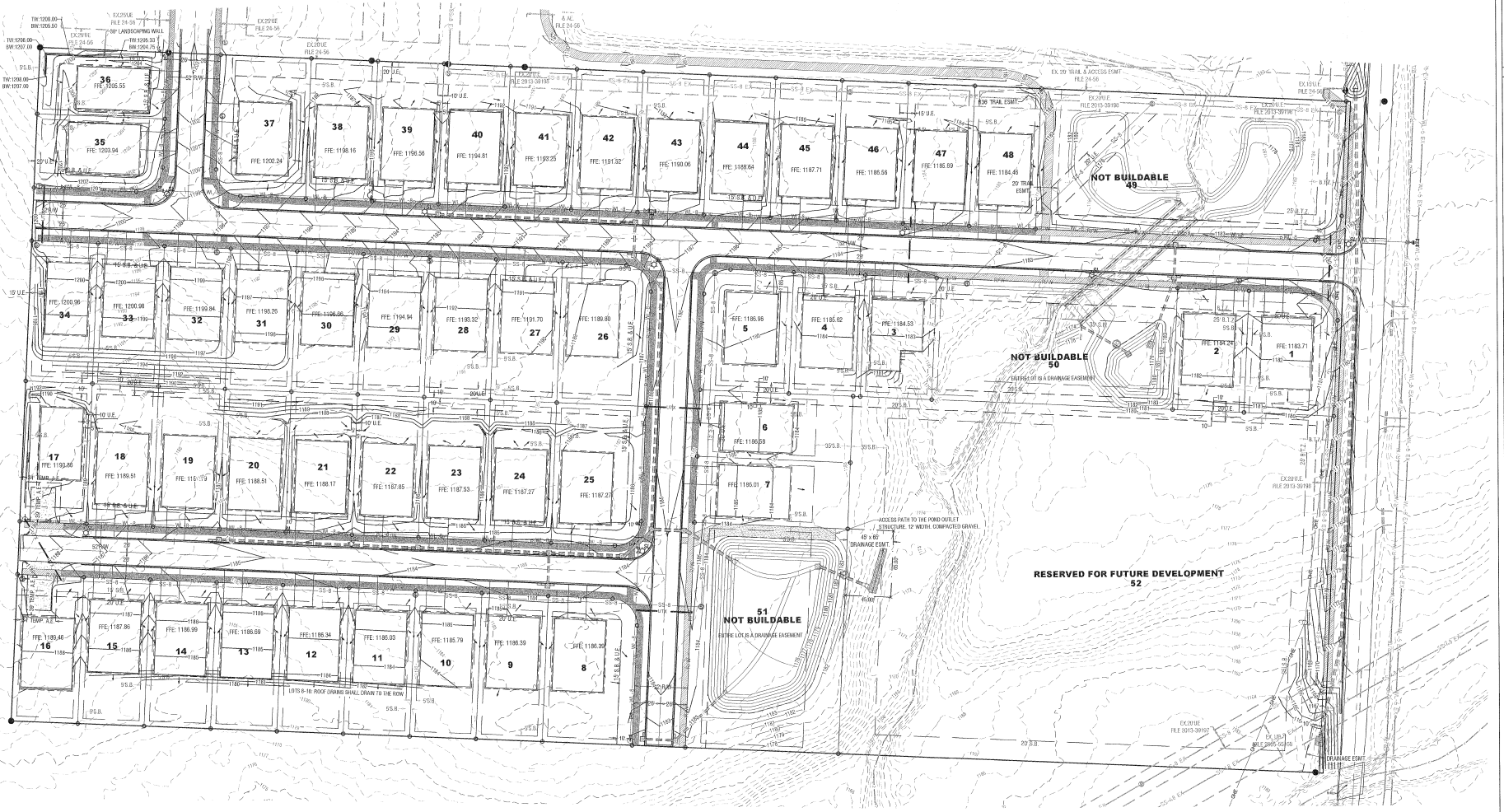
CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
ARKANSAS – ENGINEERING
No. 722

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
JOSEPH L. JORGENSEN
PRELIMINARY PLAT

SHEET TITLE
FINAL PLAT

SHEET NUMBER
C1.1

RZN-2026-0021 (D R HORTON - NW ARKANSAS LLC)
Planning Commission
June 22, 2026
Page 20 of 22



JORGENSEN +ASSOCIATES
Civil Engineering Surveying
124 W. Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office 479.442.9127
www.jorgensenassoc.com
Established 1985

LEGEND

- CENTERLINE MARKER
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PROJECT DETAILS

PROJECT TITLE:
HUGHMOUNT SOUTH

PROJECT LOCATION:
FAYETTEVILLE, AR

REVISIONS

DATE: 08/27/2025
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SHEET SIZE: 22" x 34"
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CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
No. 722
ARKANSAS – ENGINEERING

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 18060
CHARLES A. ZARDUS
01/12/2026

SHEET TITLE
MASTER RESIDENTIAL LOT GRADING PLAN

SHEET NUMBER
C1.2

CITY OF FAYETTEVILLE LANDSCAPE NOTES:

1. CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO STARTING ANY WORK. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ARKANSAS ONE-CALL TO CONFIRM ALL UTILITIES.
2. ALL PLANTS MUST BE HEALTHY, VIGOROUS AND FREE OF PESTS AND DISEASE.
3. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
4. ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED ON THE PLANT LIST.
5. ALL REQUIRED TREES SHALL BE 2" MINIMUM CALIPER, WITH A SINGLE DOMINATE CENTRAL LEADER. MULTI LEADERED TREES WILL NOT BE ACCEPTABLE WITHOUT PRIOR APPROVAL FROM URBAN FORESTRY.
6. ALL TREES MUST BE STRAIGHT TRIMMED AND FULL HEADED, UNLESS SPECIFIED OTHERWISE, AND MUST MEET ALL REQUIREMENTS SPECIFIED ON PLANS.
7. ALL TREES AND SHRUBS SHALL BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE PLANTING DETAILS.
8. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER CONSTRUCTION.
9. ALL PLANTING AREAS MUST BE COMPLETELY MULCHED WITH A 4" LAYER OF ORGANIC HARDWOOD MULCH. MULCH SHALL BE NOT BE PLACED IMMEDIATELY ADJACENT TO TREE TRUNKS, BUT SHALL BE KEPT AT LEAST 3" FROM ROOT COLLAR AT THE SOIL LINE.
10. ALL PROPOSED PLANTING AREAS COVERED BY GRASS SHALL HAVE THE SOD COMPLETELY REMOVED BEFORE PLANTING BEGINS.
11. ALL PLANTING BEDS SHALL BE CONTAINED BY EDGING MATERIAL OTHER THAN VEGETATION.
12. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION AT NO COST TO THE OWNER.
13. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
14. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING MATERIAL (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) IN ALL PLANTING AREAS AND LAWN AREAS UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE OWNER.
15. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING ON THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE ON AT THE END OF THE GUARANTEE PERIOD.
16. ANY PLANT MATERIAL WHICH DIES, TURNS BROWN, OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS.
17. NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE OF ANY LAYOUT DISCREPANCIES PRIOR TO ANY PLANTING. LOCATE ALL UTILITIES AND SITE LIGHTING CONDUITS BEFORE CONSTRUCTION BEGINS.
18. ALL DISTURBED AREAS SHALL BE SEEDED WITH A GRASS SEED MIX CONSISTING OF 70% TURF TYPE FESCUE, 20% PERENNIAL RYE, AND 10% BERMUDA GRASS AT 5 POUNDS PER 1,000 SQUARE FEET.
19. ALL AREAS TO BE SEEDED SHALL RECEIVE 4" OF TOPSOIL AND BE GRADED PER THE GRADING PLAN.
20. IRRIGATION SHALL BE EITHER AN UNDERGROUND AUTOMATIC SYSTEM OR SHALL UTILIZE HOSE BIBS EVERY 100' AS REQUIRED BY FAYETTEVILLE LANDSCAPE ORDINANCE.
21. MAINTENANCE: THE CURRENT OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR THE ONGOING MAINTENANCE OF REQUIRED LANDSCAPING.
22. REPLACEMENT LANDSCAPING: REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED SHALL BE REMOVED AND REPLACED BY THE CURRENT OWNER OF THE PROPERTY. THE OWNER SHALL HAVE 60 DAYS FROM THE RECEIPT OF WRITTEN NOTICE ISSUED BY THE CITY TO REMOVE AND REPLACE ANY REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED.
23. THREE (3) YEAR MAINTENANCE SURETY SHALL BE DEPOSITED FOR EACH REQUIRED STREET AND MITIGATION TREE.
24. PRIOR TO GRADING PERMIT, ALL TREE PRESERVATION MEASURES SHALL BE IN PLACE PER APPROVED TREE PRESERVATION PLAN.
25. PRIOR TO BUILDING PERMIT, A LANDSCAPE ESTIMATE PER APPROVED LANDSCAPE PLAN SHALL BE SUBMITTED TO URBAN FORESTRY. A PERFORMANCE LANDSCAPE SURETY IN THE AMOUNT OF 150% OF THE APPROVED LANDSCAPE ESTIMATE SHALL THEN BE SUBMITTED WITH LANDSCAPE SURETY FORM.
26. AN EASEMENT PLAT DEPICTING TREE PRESERVATION AREAS MUST BE SIGNED BY URBAN FORESTRY AND FILED PRIOR TO BUILDING PERMIT.
27. PRIOR TO CERTIFICATE OF OCCUPANCY, LANDSCAPE ARCHITECT OF RECORD SHALL PERFORM AN INSPECTION CONFIRMING THAT IMPLEMENTATION OCCURRED PER APPROVED LANDSCAPE PLAN. UPON SUCCESSFUL RESULTS AND INSPECTION, REQUEST FINAL LANDSCAPE INSPECTION BY URBAN FORESTRY.

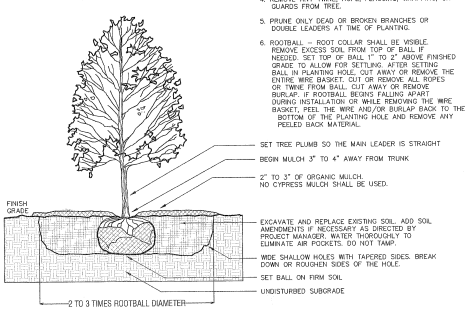
PLANT LIST (LOT, STREET & MITIGATION)

QTY	COMMON NAME/ BOTANICAL NAME	ROOT	MIN. SIZE	NOTES
40	THORNLESS HONEY LOCUST 'SHADEMASTER' Gleditsia triacanthos 'Shademaster'	B&B	2.5" CAL.	
40	BLACK OAK Quercus velutina	B&B	2.5" CAL.	
40	TULIP POPLAR TREE Liriodendron tulipifera	B&B	2.5" CAL.	
37	LITTLE LEAF LINDEN Tilia cordata	B&B	2.5" CAL.	
38	FRONTIER ELM Ulmus x 'Frontier'	B&B	2.5" CAL.	
41	WILLOW OAK Quercus phellos	B&B	2.5" CAL.	

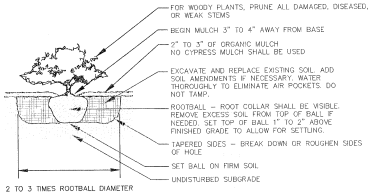
PLANT LIST (STORMWATER)

10	BALD CYPRESS Taxodium distichum	B&B	2.5" CAL.
40	VIBURNUM Viburnum species		3 GAL.
60	MILKWEED Asclepias syriaca		1 GAL.

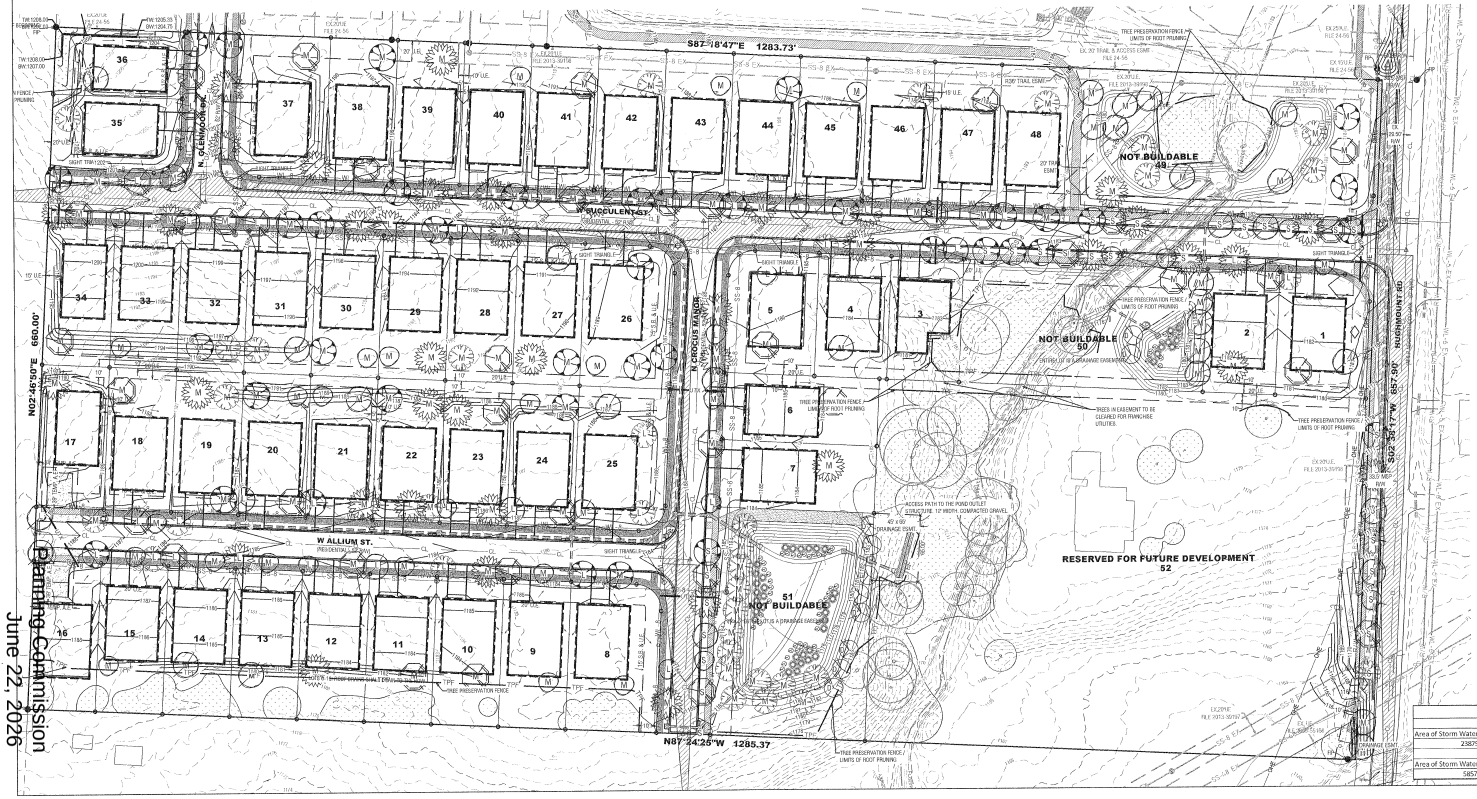
NOTES:
1. TREES SHALL BE 2" CALIPER MINIMUM.
2. THE HOLE FOR THE TREE SHALL BE EXCAVATED 2-3 TIMES THE SIZE OF THE ROOT BALL.
3. STAKE ONLY IF NECESSARY AND AS DIRECTED BY THE PROJECT MANAGER.
4. REMOVE ANY TWINE, ROPE, FLAGGING, WRAPPING, OR GUARDS FROM TREE.
5. PRUNE ONLY DEAD OR BROKEN BRANCHES OR DOUBLE LEADERS AT TIME OF PLANTING.
6. ROOTBALL – ROOT COLLAR SHALL BE VISIBLE. REMOVE EXCESS SOIL FROM TOP OF BALL IF NEEDED. SET TOP OF BALL 1" TO 2" ABOVE FINISHED GRADE TO ALLOW FOR SETTLING. AFTER SETTING BALL IN PLANTING HOLE, CUT AWAY OR REMOVE THE ENTIRE WIRE BASKET. CUT OR REMOVE ALL ROPES OR TWINE FROM BALL. CUT AWAY OR REMOVE BURLAP. IF ROOTBALL BEGINS FALLING APART DURING INSTALLATION OR WHILE REMOVING THE WIRE BASKET, PEEL THE WIRE AND/OR BURLAP BACK TO THE BOTTOM OF THE PLANTING HOLE AND REMOVE ANY PEELED BACK MATERIAL.



TREE PLANTING DETAIL
NOT TO SCALE



SHRUB PLANTING DETAIL
NOT TO SCALE



D. R. HORTON (239-9881) IS RESPONSIBLE FOR CONTACTING JOHN SCOTT OR MELISSA EVANS, THE CIY OF FAYETTEVILLE URBAN FORESTER (444-3470/444-3496), EVERY 6 MONTHS TO UPDATE THE CITY ON WHAT TREES HAVE BEEN PLANTED AT THE TIME OF C OF O AS WELL AS 3-YEAR MAINTENANCE BOND INFORMATION.

TREES WILL BE PLANTED TO AVOID ANY CONFLICTS WITH ANY STREET SIGNS.

NOTE: LOT AND MITIGATION TREES ASSOCIATED WITH BUILDABLE LOTS SHALL BE PLANTED AFTER EACH HOME IS CONSTRUCTED.

CITY LANDSCAPE REQUIREMENTS

LOT TREE LANDSCAPING (LABELED WITH AN "L"):
REQUIRED: A MINIMUM OF ONE (1) TWO-INCH CALIPER, LARGE SPECIES TREE PER LOT SHALL BE PLANTED. (CORNER LOTS REQUIRE TREES ON BOTH SIDES)
PROVIDED: ONE (1) TWO-INCH CALIPER, LARGE SPECIES TREE PER LOT
46 BUILDABLE LOTS + 7 CORNER LOTS = 55 LOT TREES

MITIGATION TREES (LABELED WITH AN "M"):
REQUIRED: 148 MITIGATION TREES (CALCULATIONS ON TREE PRESERVATION PLAN)
PROVIDED: 148 MITIGATION TREES TO BE PROVIDED

STREET TREES (LABELED WITH AN "S"
REQUIRED: 1 TREE PER 30 L.F.

LOT 49: 295 LINEAR FEET / 30=10 TREES
LOT 50: 236 LINEAR FEET / 30=8 TREES
LOT 51: 220 LINEAR FEET / 30=7 TREES
LOT 52 (MINUS EX. DRIVEWAY): 235 LINEAR FEET / 30=8 TREES

PROVIDED: 33 STREET TREES

Landscape Requirements for Stormwater Facilities (Detention Ponds)

Detention Pond 1			
Area of Storm Water Facility SQ. FT	Trees Required (Deciduous or Evergreen)	Shrubs (Large Shrubs or Small Trees 3 gal.)	Grasses (Shrubs or Grasses 1 gal.)
23875	8	32	48
Detention Pond 2			
Area of Storm Water Facility SQ. FT	Trees Required (Deciduous or Evergreen)	Shrubs (Large Shrubs or Small Trees 3 gal.)	Grasses (Shrubs or Grasses 1 gal.)
5857	2	8	12

JORGENSEN +ASSOCIATES
Civil Engineering Surveying Established 1985
124 W. Sunbridge Drive Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com

GRAPHIC SCALE
1" = 60'

LEGEND
- CENTERLINE MARKER
- SEWER MANHOLE
- FIRE HYDRANT
- EXISTING 8" SEWER LINE
- PROPOSED 8" SEWER LINE
- EXISTING WATERLINE
- PROPOSED 8" WATER LINE
- CENTERLINE STREET
- BUILDING SETBACK
- UTILITY EASEMENT
- FUTURE SIDEWALK
- SIDEWALK (BUILT W/STREETS)
- UTILITY CROSSING
- EXISTING CONTOUR
- FINISHED CONTOUR

PROJECT DETAILS

PROJECT TITLE: HUGHMOUNT SOUTH

PROJECT LOCATION: FAYETTEVILLE, AR

REVISIONS

DATE: 08/27/2025
DRAWN BY: CAZ
PROJECT # 2017109
FILE PATH: Z:\SUB\2017109
SHEET SIZE: 22" x 34"
SCALE: 1" = 60'

JAMES M. GIBSON 5004 STATE OF ARKANSAS
REGISTERED LANDSCAPE ARCHITECT
Date: 1/12/26

SHEET TITLE
LANDSCAPE PLAN

SHEET NUMBER
L1.0

RZN-2026-0021 (D R HORTON - NW ARKANSAS LLC)
Planning Commission
June 22, 2026
Page 22 of 22

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2026-2260

MEETING OF JULY 14, 2026

TO: Mayor Rawn and City Council

THROUGH: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Citlali Samano, Planner

SUBJECT: **APPEAL: RZN-2026-0018: Rezoning (1845 W WEDINGTON DR/KHOA THAI & STEPHEN SHAW WILSON, 442): Submitted by SYDNIE WILSON for property located at 1845 W WEDINGTON DR. in WARD 4. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.55 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE – URBAN**

RECOMMENDATION:
City Staff recommend approval of the rezone request as described and shown in the attached Exhibits 'A' and 'B', whereas Planning Commission voted in denial of the rezone request.

BACKGROUND:
The subject property is in west Fayetteville and is approximately ¼ mile south of the Asbell Elementary School. The property contains one parcel totaling 0.55 acres which is currently zoned RSF-4, Residential Single-Family, Four Units per Acre and contains a single-family dwelling constructed in 1951 per Washington County Assessor records but is not individually eligible for the National Register of Historic Places. The property is not subject to any overlay districts.

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate - Urban. The applicant has indicated an intent to develop infill housing towards the south end of the parcel.

Public Comment: Staff has received four public comments in opposition, citing drainage and neighborhood compatibility.

Findings: Staff finds the requested rezoning from RSF-4 to RI-U highly compatible with the surrounding neighborhood and the City Plan 2040 long-range goals. While the current RSF-4 zoning limits development to single-family homes, the proposed RI-U district allows a broader mix of housing types by-right, including single- to four-family dwellings, accessory dwelling units, cluster housing, and short-term rentals. This transition is well-suited for the site, which sits between single-family homes to the north, east, west, and south, and mixed-residential uses to northern side of Wedington Dr. Furthermore, the RI-U district's lot width, area, and building height standards are comparable to RSF-4. Both districts allow up to three stories, but the RI-U zone strictly requires a 10-foot setback from the Master Street Plan right-of-way for upper floors to preserve the existing neighborhood scale and urban form.

This rezoning directly aligns with the City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, which promotes a wide variety of housing scales. Specifically, the change supports Goal #6 by expanding housing choices and increasing neighborhood density within highly walkable areas that have strong access to transit and active transportation networks. The site's location and the surrounding development patterns are ideal for supporting this diverse, transit-oriented residential growth. Finally, while shifting from RSF-4 to RI-U may cause a minor increase in local traffic, the physical size of the property naturally limits the overall density, ensuring that any new vehicular impact remains minimal and manageable for the area.

DISCUSSION:
At the June 22, 2026, meeting, the Planning Commission voted 1-6-0 to deny the rezoning request south of Wedington Drive, following a motion to approve by Commissioner Brewer and a second by Chair Werner. The majority of the commission, including Chair Werner and Commissioners Brewer, Brink, Madden, and McGetrick, voted in dissent due to concerns over drainage issues and potential spot zoning, especially given the unknown long-term plans for the area. In response, city engineering staff clarified that specific drainage requirements are always thoroughly reviewed during the site development process and noted that capital Improvement funds could potentially be available to address regional infrastructure. However, staff emphasized that such funding would require a neighborhood-led initiative since multiple surrounding residents would need to participate. Ultimately, the commissioners maintained their dissent, officially citing the city's drainage criteria and the risks of spot zoning as their primary reasons for denying the request. One member of the public spoke regarding drainage concerns on their property that is in relation to drainage issues in the vicinity along with neighborhood compatibility concerns.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: 3. Appeal Letter, 4. Exhibit A, 5. Exhibit B, 6. Planning Commission Staff Report

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2026-2260

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2026-18 FOR APPROXIMATELY 0.55 ACRES LOCATED AT 1845 WEST WEDINGTON DRIVE IN WARD 4 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

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 property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential, Single-Family, Four Units per Acre, to RI-U, Residential Intermediate-Urban.

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.

FORMAL APPEAL REQUEST
RZN-2026-0018 | 1845 W Wedington Dr

Property: 1845 W Wedington Dr, Fayetteville, AR
Applicant: Sydnie Wilson
Property Owners: Khoa Thai and Stephen Shaw Wilson

Dear City Clerk's Office:

Pursuant to UDC §155.05(A)(1) and the form, time, and place requirements set forth in UDC §155.02(A), §155.02(B)(1), and §155.02(C)(1), I respectfully submit this written appeal of the Fayetteville Planning Commission's denial of RZN-2026-0018, heard on June 22, 2026. This appeal is filed with the City Clerk within ten working days of the Planning Commission's final action and sets out the reasons I contend the decision was in error. As the applicant, I am adversely impacted by the denial because it prevents the requested residential rezoning from moving forward to City Council despite staff's recommendation of approval and the findings in the record that the request is consistent with adopted City plans, compatible with surrounding land use patterns, and served by existing infrastructure.

RZN-2026-0018 requested rezoning of approximately 0.55 acres located at 1845 W Wedington Dr from RSF-4, Residential Single-Family, Four Units Per Acre, to RI-U, Residential Intermediate – Urban. The Planning Commission denied the request by a vote of 1-6-0.

I respectfully contend that the denial was in error because the staff report and record support approval of the requested rezoning. City staff recommended forwarding RZN-2026-0018 to City Council with a recommendation of approval. Staff found that the requested RI-U zoning is compatible with surrounding land uses and zoning patterns and is consistent with the City Plan 2040 Future Land Use Map designation of Residential Neighborhood.

The Residential Neighborhood designation supports a variety of housing types at appropriate scale and context, including single-family homes, duplexes, rowhouses, multifamily housing, and accessory dwelling units. The requested RI-U zoning remains residential in nature and does not introduce commercial zoning or an unrelated land use into the neighborhood.

The rezoning also supports City Plan 2040 goals related to infill, efficient use of existing infrastructure, discouraging suburban sprawl, and expanding housing choices. The Long Range Planning memo found that the request aligns with City Plan 2040 Goals 1, 2, and 6. The City Plan 2040 Infill Matrix further supports the request, with the property receiving a score of 8 and a weighted score of 9.5.

The subject property is served by existing public infrastructure and nearby civic amenities. Staff identified W Wedington Dr as a fully improved Neighborhood Link Street with asphalt paving, sidewalk, curb, and gutter. Public water is available through an existing 8-inch water line along W Wedington Dr, and sanitary sewer is available through an existing 6-inch sewer main along the south side of the property. The property is also near Fire Station 8, Asbell Elementary School,

the University of Arkansas campus, Eva Avenue Green Space, Lewis Soccer Complex, bicycle facilities, and Razorback Transit stops.

I acknowledge and respect the concerns raised by Planning Commissioners and the public regarding drainage, neighborhood compatibility, building form along W Wedington Dr, traffic, spot zoning, and long-term planning for the area. These are important issues that should be carefully reviewed before any development occurs.

However, I respectfully contend that those concerns do not support denial of the rezoning where staff found the requested residential district consistent with adopted plans, compatible with surrounding land use patterns, and served by existing infrastructure. Many of the concerns raised relate to future development design and technical review, not the rezoning request itself.

The rezoning request does not approve a final site plan, grading plan, drainage plan, stormwater design, building elevations, building permits, or any exemption from City development standards. Any future development would remain subject to applicable City review, including drainage, engineering, stormwater, environmental, access, parking, tree preservation, utility, and permitting requirements.

The hearing discussion also reflected that drainage concerns in the area may involve broader neighborhood infrastructure issues rather than impacts unique to this rezoning request. Staff noted that drainage improvements may involve neighborhood-led initiatives and potential Capital Improvement funds. That context supports addressing drainage through the City's infrastructure and development review processes, rather than denying a residential rezoning request that staff found consistent with adopted City policy.

The applicant's concept plan was illustrative only and showed small-scale residential infill consisting of two duplex structures, four total units, eight parking spaces, internal circulation, and access from W Wedington Dr. This concept does not constitute final development approval and does not bypass later review.

I further contend that the requested rezoning is not improper spot zoning. The City Plan 2040 Future Land Use Map already designates this area as Residential Neighborhood, which supports a variety of housing types at appropriate scale. RI-U is a residential district and is consistent with the City's adopted goals for infill, housing choice, and efficient use of existing infrastructure.

For these reasons, I respectfully request that City Council find that the Planning Commission's denial placed disproportionate weight on speculative future development concerns and broader neighborhood drainage issues, despite staff's findings that the requested rezoning is consistent with adopted plans and compatible with surrounding land use patterns.

I respectfully request that the City Clerk accept this appeal and forward the matter to the Fayetteville City Council for review pursuant to UDC §155.05(A)(1), UDC §155.02(A), UDC §155.02(B)(1), and UDC §155.02(C)(1). I ask that City Council reverse the Planning Commission's denial and approve RZN-2026-0018, consistent with staff's recommendation and the findings in the record.

Respectfully submitted,

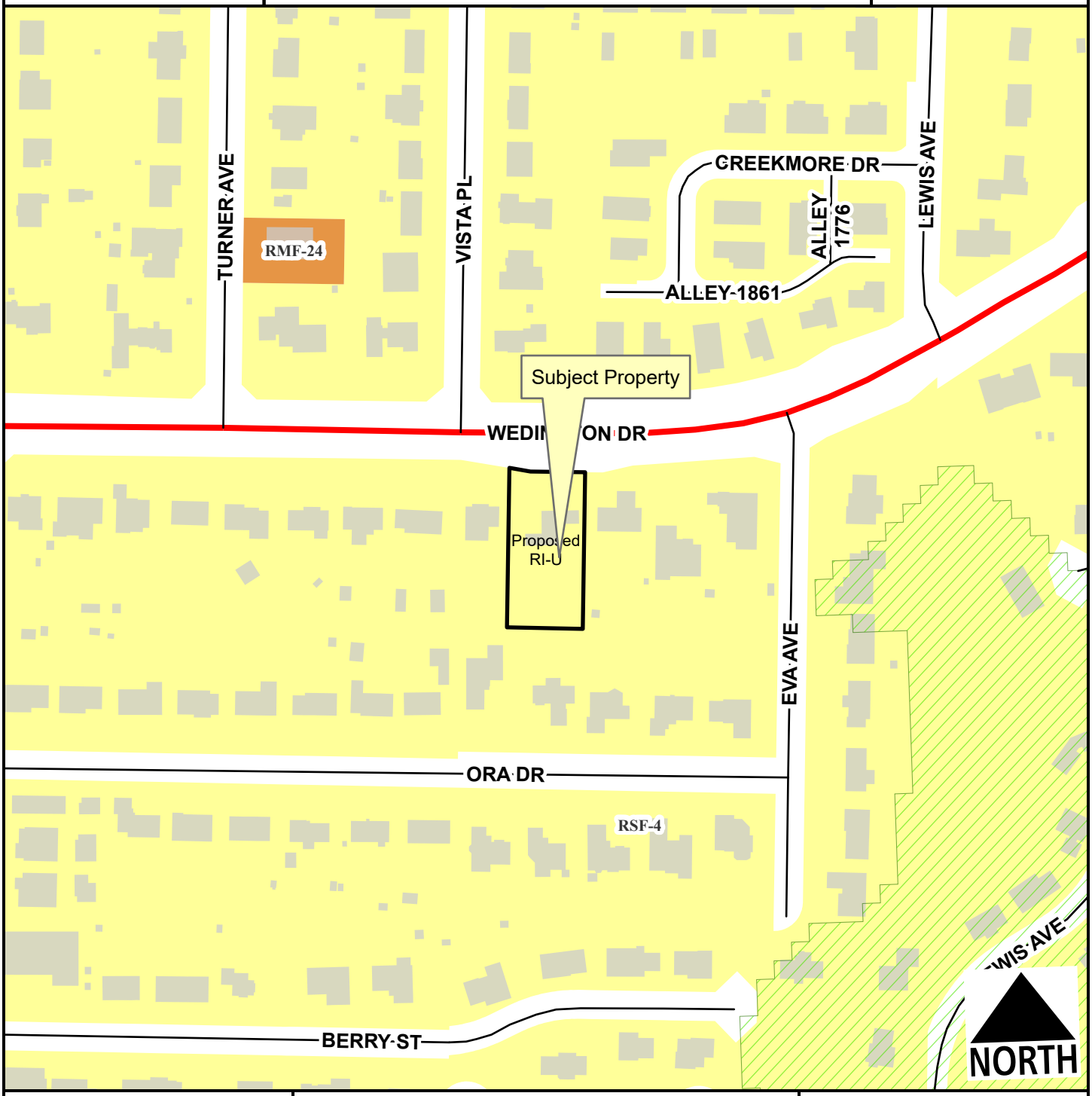
Sydnie Wilson

RZN-2026-0018

Close Up View

1845 W WEDINGTON DR

EXHIBIT A



- Regional Link
- Unclassified
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	0.5
RSF-4	0.5	0.0

Total 0.5 ac

EXHIBIT B

Legal Description:

FOR 1996: PT EAST 105 FT. LOT 2 FURTHER DESCRIBED FROM 2025-21801 AS: Lot 2, Prairie View Addition, to the City of Fayetteville, Washington County, Arkansas, as shown in Plat Record 5 at Page 66. Less and Except: 5 feet of equal width off the West side thereof. ALSO LESS AND EXCEPT: A Part of Lot 2, Prairie View Addition to the City of Fayetteville, Washington County, Arkansas, more particularly described as follows: Starting at the Northeast Corner of the NE/4 of the SW/4 of Section 8; thence South 00°18'23" West along the East line of said SW/4 of Section 8 a distance of 6.51 feet to a point; thence North 89°46'18" West a distance of 218.86 feet to a point on the existing Southerly right of way line of State Highway 112 S; thence continue North 89°46'18" along said existing right of way line a distance of 99.93 feet to a point; thence North 89°51'29" West along said existing right of way line a distance of 169.59 feet to a point on the east line of lot 2, Prairie View Addition for the point of beginning; thence South 00°07'43" West along said Lot line a distance of 26.21 feet to a point on the proposed Southerly right of way line of State Highway 112s; thence North 89°50'50" West along said proposed right of way line a distance of 73.27 feet to a point; thence North 81°00'34" West along said proposed right of way line a distance of 31.85 feet to a point; thence North 00°01'24" East a distance of 21.71 feet to a point on said existing right of way line of State Highway 112 S; thence South 89°37'55" East along said existing right of way line a distance of 104.80 feet to the point of beginning and containing 2,689 square feet more or less.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Citlali Samano, Planner

MEETING DATE: June, 2026 Updated with PC results

SUBJECT: **RZN-2026-0018: Rezoning (1845 W WEDINGTON DR/KHOA THAI & STEPHEN SHAW WILSON, 442):** Submitted by SYDNIE WILSON for property located at 1845 W WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.55 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE – URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2026-0018** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2026-0018** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in west Fayetteville and is approximately ¼ mile south of the Asbell Elementary School. The property contains one parcel totaling 0.55 acres which is currently zoned RSF-4, Residential Single-Family, Four Units per Acre and contains a single-family dwelling constructed in 1951 per Washington County Assessor records but is not individually eligible for the National Register of Historic Places. The property is not subject to any overlay districts. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units Per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units Per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units Per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units Per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate - Urban. The applicant has indicated an intent to develop infill housing towards the south end of the parcel.

Public Comment: Staff has three public comments in opposition, citing drainage and neighborhood compatibility.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along West Wedington Dr. West Wedington Dr is a fully improved Neighborhood Link Street with asphalt paving, sidewalk, curb and gutter. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject property. There is an existing 8-inch water to the south side of West Wedington Dr.

Sewer: Sanitary Sewer is available to the subject property. There is an existing 6-inch sewer main along the south side of the subject property.

Drainage: There are no known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system. No portions of the subject area lie within the Hillside-Hilltop Overlay District. No portion of the subject area lie within a FEMA floodplain. No protected streams are present in the subject area. Hydric soils are present in the subject area. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Fire: Station 8, located at 2266 W Deane St., protects this site. The property is located approximately 0.9 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The current zoning district of zoned RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation.** The proposed zoning district of zoned RI-U, Residential Intermediate - Urban, requires **15% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood.**

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **8** for this site with a weighted score of **9.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #8, 2266 W Deane St)
- Near Sewer Main (6 in gravity line, south of subject property)
- Near Water Main (8 in lines along W Wedington Dr)
- Near Public School (Asbell Elementary School)
- Near U of A Campus
- Near City Park (Eva Avenue Green Space and Lewis Soccer Complex)
- Near Paved Trail (On-street bicycle facility along W Lawson St)
- Near Razorback Bus Stop (Wedington & Sang – Inbound and Outbound)

Finding: ***Land Use Compatibility:*** **Staff finds that the requested rezoning is compatible with surrounding land uses and zoning patterns. The current RSF-4 zoning permits single-family residential development, while the proposed RI-U zoning allows for a broader range of mixed-residential uses, including singe-, two-, three-, and four-family dwellings, accessory dwelling units, cluster housing, and short-term rentals. The RI-U district is intended to follow an Urban Form development pattern, emphasizing building placement, scale, and orientation that are compatible with walkable, neighborhood-oriented environments. Given the property's proximity to existing single-family development to the north, east, and west, and mixed-residential uses to the south, staff finds that rezoning to RI-U would provide an appropriate and compatible transition between surrounding land uses. Additionally, the lot width, lot area, and building height standards of the RI-U district are comparable to those of RSF-4. While both districts allow up to three stories, RI-U permits this height only when buildings or portions of buildings are set back more than 10 ft from the Master Street Plan right-of-way, ensuring compatibility with the surrounding neighborhood.**

Land Use Plan Analysis: **The proposed zoning is consistent with the City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, which supports a wide variety of housing types at an appropriate scale. Rezoning the property from RSF-4 to RI-U supports City Plan 2040 Goal #6 by expanding housing choices and encouraging a mix of housing types and densities in walkable areas with access to transit and active transportation networks. The subject site is in a highly walkable area with available transit service. The site's location and surrounding development pattern support**

continued residential use with a mix of housing types, and the proposed rezoning advances the City's long-range land use and housing objectives.

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

Finding: **Staff finds that there is sufficient justification for rezoning the subject property from RSF-4 to RI-U. Staff finds that the proposed rezoning is compatible with surrounding properties and consistent with the City's future land use plans.**

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

Finding: **A rezoning from RSF-4 to RI-U may increase local traffic, though the property's size naturally limits overall density.**

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

Finding: **The RI-U zoning district does have by-right residential uses and could increase the population density in this area. The overall property has access to existing water and sanitary sewer as well as fully-improved streets. Any development on this site will be responsible for increasing sewer capacity as needed.**

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**

RECOMMENDATION: Planning staff recommends forwarding RZN-2026-0018 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 22, 2026	❒ **Tabled**	❒ **Forwarded**	■ **Denied**
Motion: Brewer	-1 public comment particularly regarding drainage for the area and neighborhood compatibility.		
Second: Werner	-City staff noted City funds may be available through Capital improvement funds but would require a neighborhood-led initiative to include multiple neighbors in the vicinity.		
Vote: 1-6-0	-Commissioners Madden, McGetrick, Brewer, Werner, and Brink expressed concerns of drainage and spot zoning in connection to long-term plans for this area.		

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

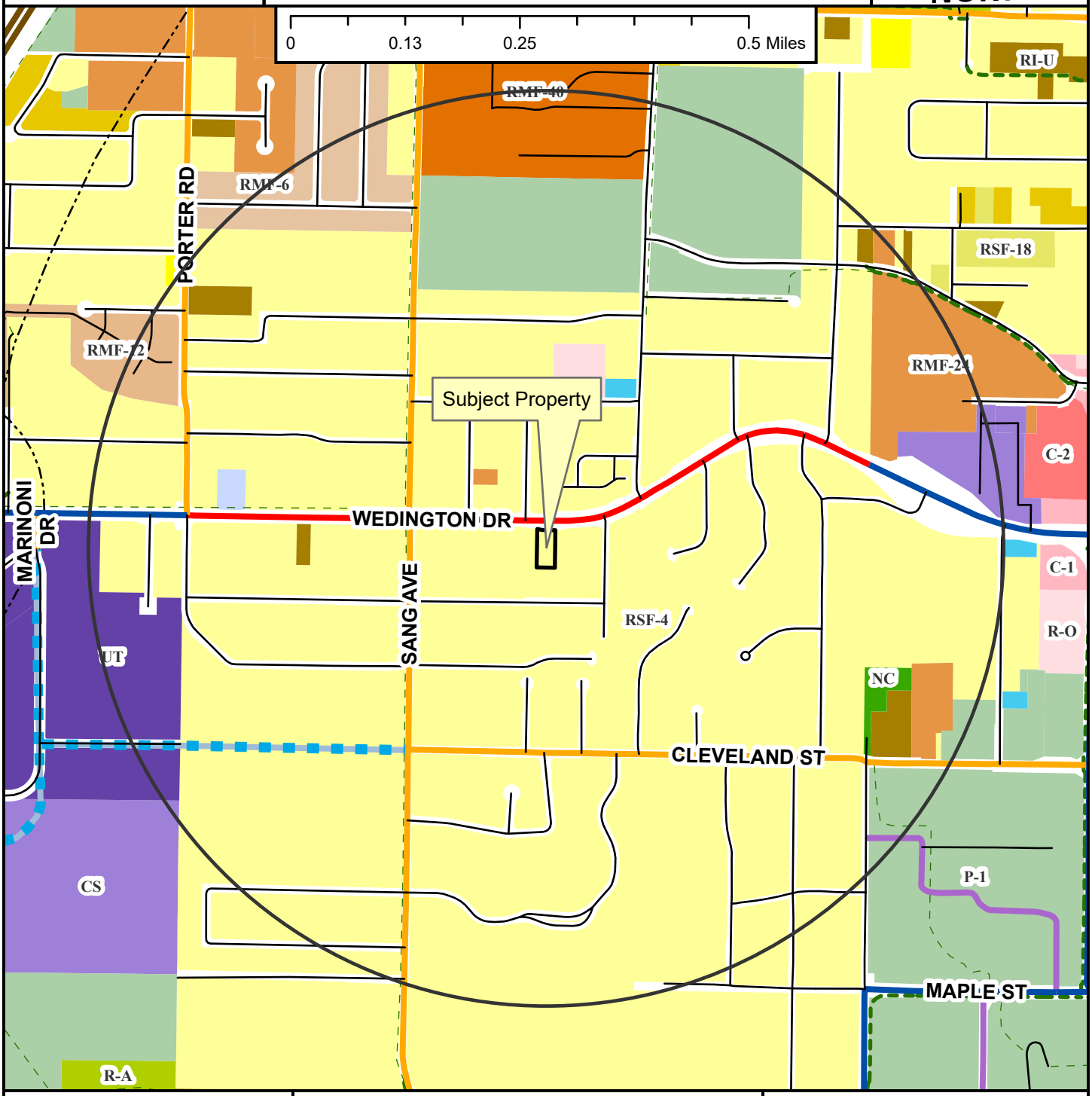
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
  - Future Land Use Map
- Unified Development Code
  - §161.07 District RSF-4, Residential Single-Family, Four Units per Acre
  - §161.12 District, RI-U, Residential Intermediate - Urban
- Staff Exhibits
  - Long-Range Planning Memo
- Applicant Exhibits
  - Request Letter
  - Preliminary Site Exhibit
- Public Comments

RZN-2026-0018

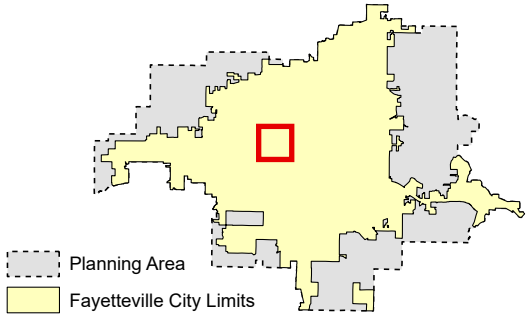
One Mile View

1845 W WEDINGTON DR

NORTH



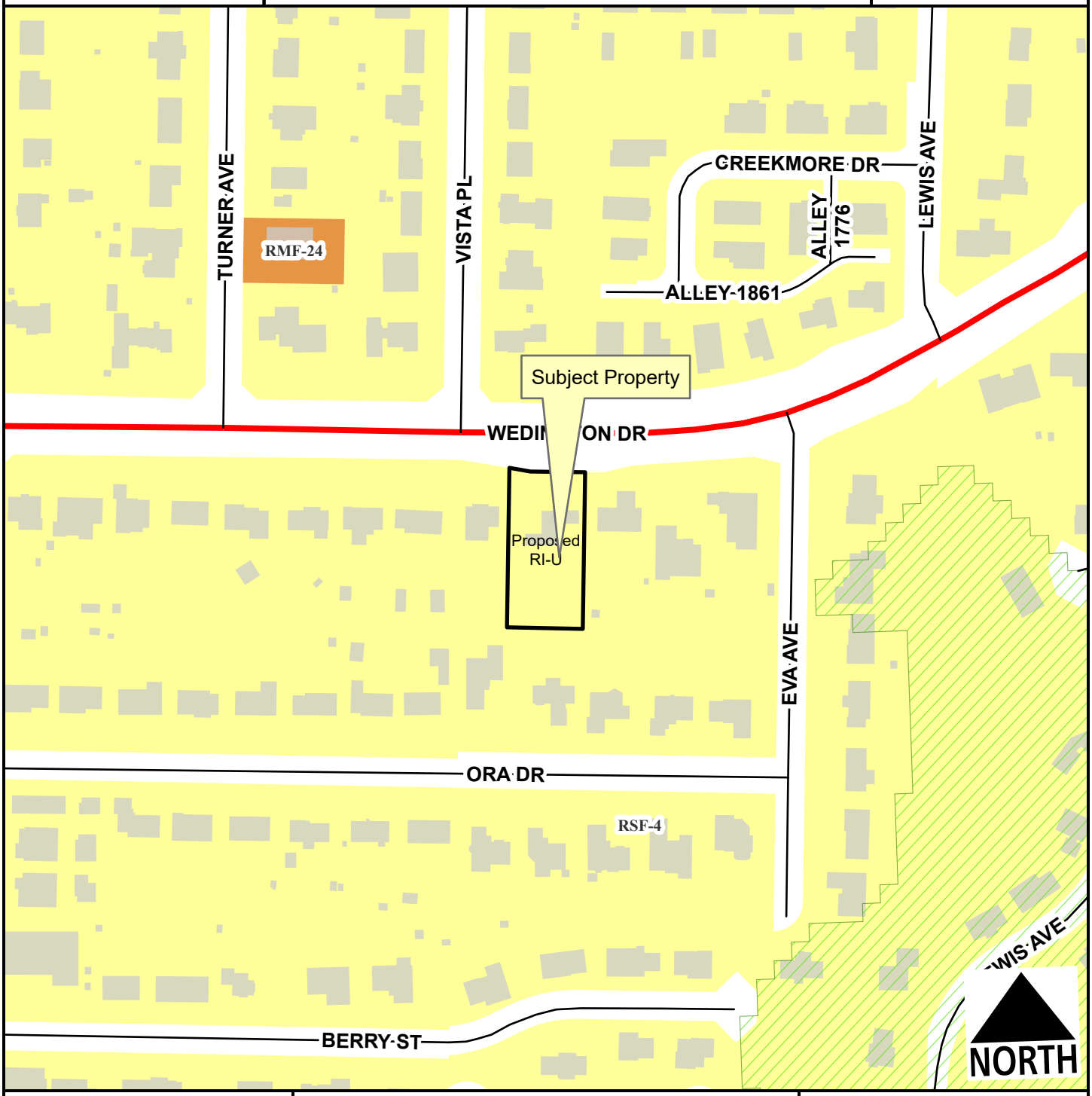
Regional Link
Neighborhood Link
Institutional Master Plan
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Design Overlay District
Fayetteville City Limits
Planning Area



RZN-2026-0018

Close Up View

1845 W WEDINGTON DR



- Regional Link
- Unclassified
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	0.5
RSF-4	0.5	0.0

Total 0.5 ac

RZN-2026-0018

Current Land Use

1845 W WEDINGTON DR

NORTH



- Regional Link
- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

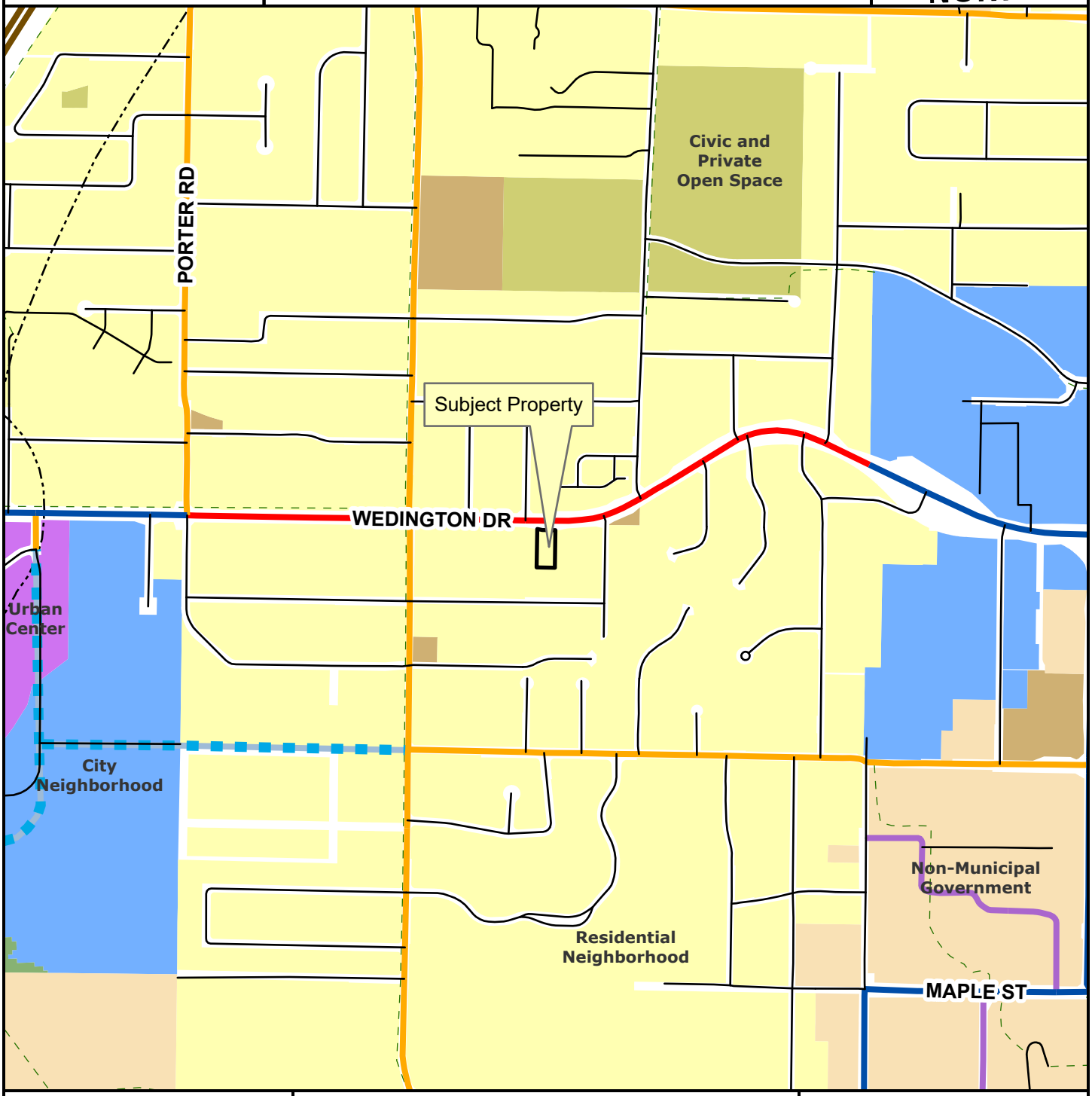
- 100-Year Floodplain
- Floodway

RZN-2026-0018

Future Land Use

1845 W WEDINGTON DR

NORTH



Regional Link
Neighborhood Link
Institutional Master Plan
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link
Planned Residential Link
Planning Area
Fayetteville City Limits
Trail (Proposed)
Design Overlay District

Feet

0 305 610 1,220 1,830 2,440

1:10,000

City Neighborhood
Civic Institutional
Civic and Private Open Space
Industrial
Natural
Non-Municipal Government
Residential Neighborhood
Rural Residential
Urban Center

161.07 - District RSF-4, Residential Single-Family — Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings
Units per acre	4 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Ord. No. 6945, §5(Exh. D), 12-16-25)

161.12 - District RI-U, Residential Intermediate — Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three- and four-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two-family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front	None	5 feet	5 feet	12 feet

property, line and a line 25 feet from the front property line.				

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building setback greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 6945, §5(Exh. D), 12-16-25)

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Citlali Samano, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: June 22, 2026

SUBJECT: **Long Range Planning Comments Regarding RZN-2026-0018**

BACKGROUND:
The applicant requests to rezone approximately 0.55 acres from RSF-4, Residential Single-Family, Four Units Per Acre to RI-U, Residential Intermediate - Urban. Two long range planning documents are relevant when evaluating this request: *City Plan 2040* and the *Heritage & Historic Preservation Plan.*

City Plan 2040 (2020):
City Plan 2040 includes several relevant plan goals and objectives:

- Goal 1 – We will make appropriate infill and revitalization our highest priority.
- Goal 2 – We will discourage suburban sprawl.
- Goal 3 – We will make compact, complete, and connected development the standard.
- Goal 6 – We will create opportunities for attainable housing.
    - 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.45)

On its adoption in early 2020, *City Plan 2040* carried forward goals from prior comprehensive plans and organized them into six primary goals. The goals were meant to focus the City's efforts on appropriate infill that furthers a variety of transportation options, supports the creation of attainable housing, and limits the amount of land consumed by development on the City's periphery, often termed "suburban sprawl".

Heritage & Historic Preservation Plan (2023):
The City's *Heritage & Historic Preservation Plan* was initiated by City Plan 2040.
Heritage and Historic Preservation Master Plan Relevant Goals and Action Items

1.9	Plan Review	Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.
1.10	Demolition Ordinance	Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed.
4.9	Community Engagement: Transparency	Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.

DISCUSSION:

Zoning History:

This property was annexed in 1956 with Ord. No. 1121. Ordinance 1747 approved on June 29, 1970 enacted a new zoning map and set of districts and zoning requirements for the city. This map shows the subject property as being zoned into the low-density "R-1" zoning district, which was subsequently translated to "RSF-4" with the adoption of the city's Unified Development Code.

City Plan 2040 and Future Land Use Plan:

This area is designated as a Residential Neighborhood area, which are "primarily residential in nature and support a wide variety of housing types of appropriate scale and context." This land use designation also encourages the incorporation of low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail or offices.[1] The request aligns with this designation by diversifying the housing types permitted beyond single-family by right and allowing additional residential types and some limited business uses by conditional use. The request aligns with goals 1, 2, and 6 of City Plan 2040 by creating opportunities for denser development in an area that is already served by infrastructure.

Property History:

The subject property contains a single-family dwelling constructed ca. 1951, according to Washington County Tax Assessor records. The property is of historic age and has not yet been captured by the citywide historic property survey. The property is likely not individually eligible for inclusion on the National Register of Historic Places, however many features of the building were obscured due to overgrowth of vegetation.

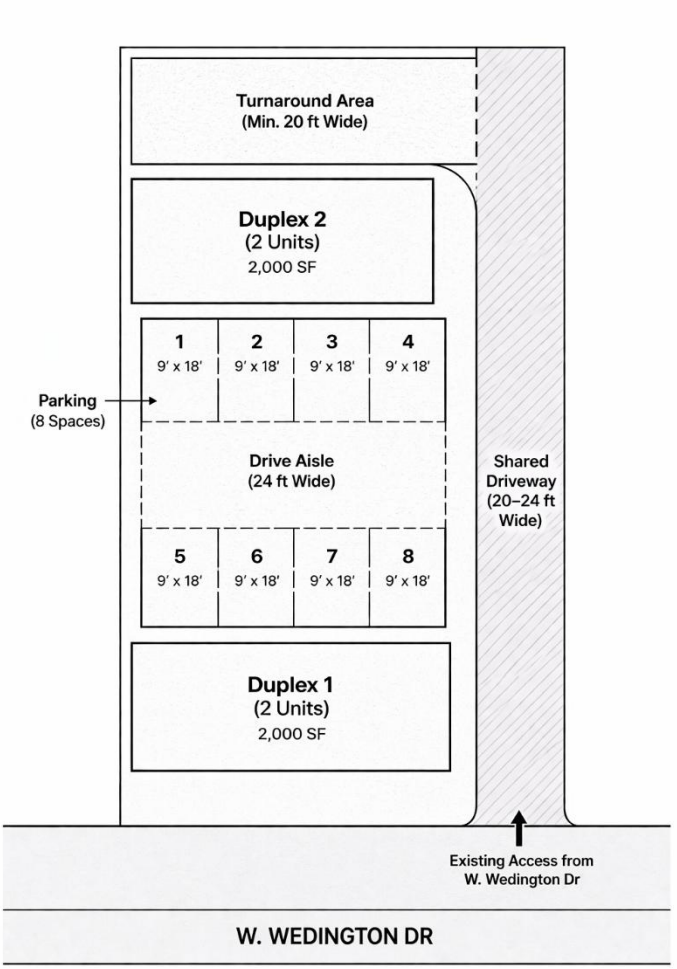
Since rezoning requests often precede redevelopment plans, the property owner and/or applicant should consult with Long Range & Preservation Planner prior to demolition or alteration of historic-age structures to capture photo documentation. Documentation of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

[1] City Plan 2040, 128.

EXHIBIT 1 – CONCEPTUAL SITE PLAN

Description:

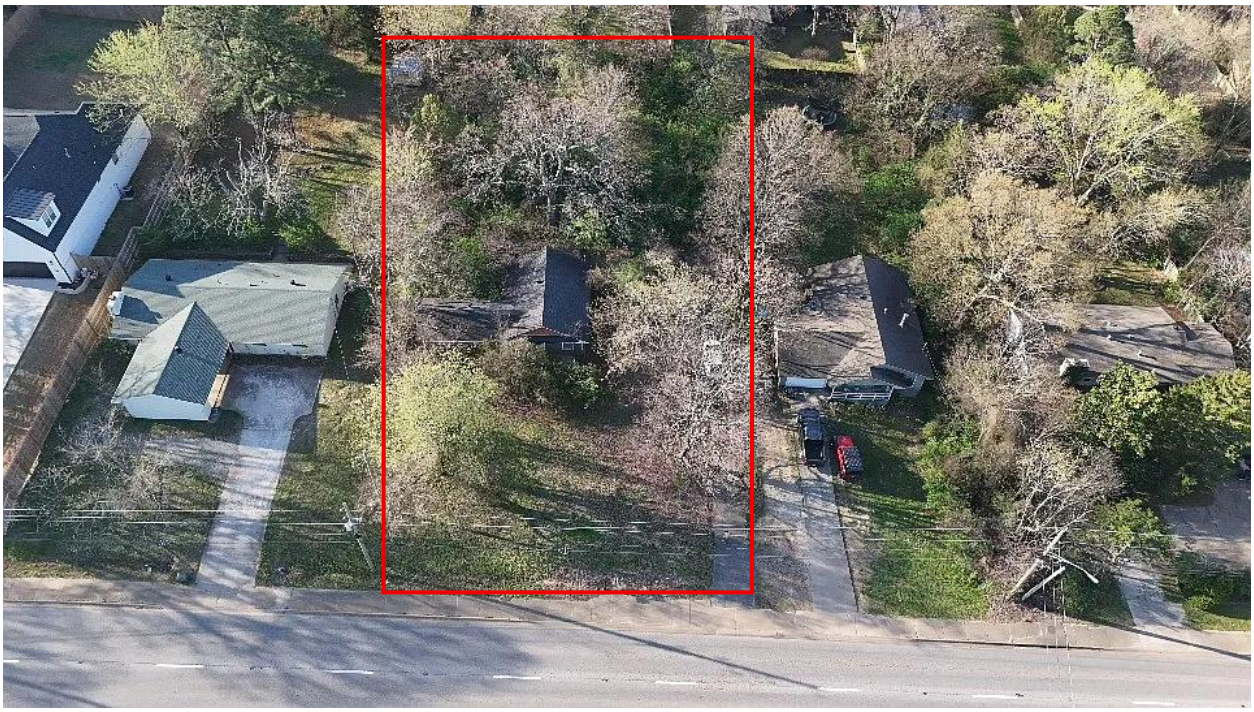
The following conceptual site plan illustrates the proposed layout of two duplex structures (four total units), including parking, internal circulation, and access from W. Wedington Drive.



Conceptual layout is shown for illustrative purposes only.

EXHIBIT 2 – AERIAL MAP (SUBJECT PROPERTY)

Description:
Aerial imagery showing the subject property in relation to surrounding parcels and W. Wedington Drive.



1845 W Wedington – Subject Property

06/12/2026

In-Person Comment

Neta Winston

1903 W Wedington Dr

In **opposition** of rezoning request, citing drainage concerns and general compatibility with single-family residential zoning in the adjacent vicinity and neighborhood character concerns.

From: Kayla Gilbertson <kaylagilbertson215@gmail.com>
Sent: Wednesday, June 17, 2026 10:27 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: City File No.: RZN-2026-0018

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, my name is Kayla Gilbertson. My grandmother, Sherry M Gilbertson, owns 2000 W Wedington Drive. Yesterday I was made aware that you guys are planning to rezone 1845 W Wedington Drive to put in various apartments and surround them with concrete affecting the drainage system. Additionally, removing all of the beautiful trees of scenery with walls and concrete. My grandma has had this house my entire 22 years of living. My grandfather and her husband died when I was a toddler and this home is all I have to remember of him and all these changes have been affecting her health. I don't want her to ever feel like she is by herself but the new buildings will make visiting and caring for her difficult. Since I was a toddler, I have stayed with her every single weekend until I was 18. When I hit 18 I was living with her for about a year. I got my own place after moving out but still live super close and come over at least once a week. Seeing that I am now 22 and am living at her house again for about a year now. My grandmother worked in the federal government as a Civil Rights Attorney and has taken a retirement job in Palau. I am taking care of her house while she is gone and was distraught to find these buildings are going to be built during her time apart. It is her time to relax after working for so long. She loves her house and has worked hard to make it look as beautiful as it is today.

We have always had trouble with flooding ever since Wedington increased from two lanes to four lanes. Everytime it rains, I would always have to come to assist her, even in the middle of the night because of how dangerous the drainage system currently is in this neighborhood. She has spent thousands and thousands of dollars to try to make it where it doesn't flood every time it rains. She just recently had to put in a new drainage system which destroyed our driveway. She has had zero help from Fayetteville and these buildings will be another reason for all the flooding in our neighborhood. All the houses around us flood. If all of this concrete goes in, then the flooding will be more horrible than it already is. Not only is our house flooding, but I know there's an older lady at 1857 W Weddington who is also struggling with flooding. She gets it pushed into her yard from all four directions and this will be way worse if you remove all the trees and fill that area with concrete.

Please don't destroy our neighborhood. There are apartments all over fayetteville. It doesn't need to be all of fayetteville. Don't let my grandma come home to more flooding and a concrete, treeless set of apartments that she can see from her yard. These apartments can go with all the other apartments in Fayetteville. Our neighborhood is beautiful just the way it is. Everyone has worked hard on our homes and we don't deserve this. Please reconsider.

To: Planning Shared <planning@fayetteville-ar.gov>
Subject: I oppose Rezoning of 1845 Wedington

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I live at 1794 W Ora, Fayetteville. I oppose rezoning of the lot at 1845 Wedington from RSF-4 to RI-U, city file number RZN-2026-0018. I want to keep my neighborhood's character as is.

The construction at the end of my street that has put at least six dwellings in what was once a single home lot has only emphasized to me that this is a poor use of space. I want homes in my neighborhood to attract homeowners interested in longevity and ties to their communities, not housing designed to stack transient students upon one another in order to maximize rent profits.

I oppose this rezoning.

Shannon Raley
479-466-8876
1794 W Ora Dr, Fayetteville, AR 72701

Board, Committee, and Commission Advertisement

The advertisement for open vacancies can be viewed on the Fayetteville Government Channel (Cox Channel 216 and AT&T Channel 99) and on our website by visiting www.fayetteville-ar.gov.

Black Heritage Preservation Commission

- One Unexpired Member at Large Term Ending December 31, 2027

Civil Service Commission

- One Unexpired Public at Large Term Ending March 31, 2031.

Fayetteville Arts Council

- One Unexpired Arts and Cultural Community Resident Term Ending June 30, 2027

Historic District Commission

- One Unexpired Member at Large Term Ending June 30, 2029

Planning Commission

- One Unexpired Citizen at Large Term Ending March 31, 2027

Town and Gown Advisory Board

- One Ward 1, 3, or 4 Representative Term Ending September 30, 2028

Urban Forestry Advisory Board

- One Unexpired Land Development Representative Term Ending December 31, 2027

Application Deadline

All applications must be received by 5:00 p.m. on Friday, July 24, 2026.

Applications will not be accepted after the deadline.

All volunteers must reside within the Fayetteville city limits. A separate application must be submitted for each board, committee or commission for which you wish to be considered. Applications may be submitted online via the website to cityclerk@fayetteville-ar.gov, or they may be printed, completed, and mailed to:

Office of the City Clerk Treasurer
113 West Mountain Street
Fayetteville, AR 72701
Please contact us by phone at 479-575-8323 or by email at cityclerk@fayetteville-ar.gov