

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



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

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
May 19, 2015**

A meeting of the Fayetteville City Council was held on May 19, 2015 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

Agenda Additions

A. Consent

1. Approval of the May 5, 2015, 2015 City Council meeting minutes.

APPROVED

2. **Rainmaker Sales, Inc.** A resolution to authorize the purchase of an expansion poly trailer from Rainmaker Sales, Inc. of Shawnee, Oklahoma in the amount of \$6,000.00 plus applicable sales taxes for use by the water and sewer operations division, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 102-15

B. Unfinished Business

C. New Business

1. **RZN 15-5033 (232 W. Ash St./Koutroumbis):** An ordinance rezoning that property described in Rezoning Petition RZN 15-5033, for approximately 0.30 acres, located at 232 W. Ash Street from RSF-4, Residential Single Family, 4 units per acre to RMF-12, Residential Multi Family, 12 Units per Acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5770

2. **VAC 15-5020 (2288 N. Hidden Creek Dr./Kennedy):** An ordinance approving VAC 15-5020 submitted by Jeremy Kennedy for property located at 2288 N. Hidden Creek Drive to vacate a portion of an existing utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5771

3. **RZN 15-4965 (South end of Ruppel Rd./Ruppel Road Extension Corridor):** An ordinance rezoning that property described in Rezoning Petition RZN 15-4965, for approximately 642 acres, located at the southern end of Ruppel Road from R-A, Residential-Agriculture; RSF-1, Residential Single Family One Unit per Acre; RSF-4, Residential Single Family Four Units per Acre; and RSF-8, Residential Single Family Eight Units per Acre to NC, Neighborhood Conservation; CS, Community Services, UT, Urban Thoroughfare; and R-A, Residential Agricultural.

THIS ORDINANCE WAS LEFT ON THE FIRST READING

4. **RZN 15-5004 (South end of Pumpkin Ridge Dr./Falling Waters) Appeal:** An ordinance rezoning that property described in Rezoning Petition RZN 15-5004, for approximately 17.37 acres, located south of Pumpkin Ridge Road from R-A, Residential-Agriculture to RSF-2, Residential Single Family, 2 Units per Acre.

THIS ORDINANCE WAS LEFT ON THE FIRST READING

5. **Amendment of the Master Street Plan:** A resolution to amend the Master Street Plan by removing a bridge connection on Raven Lane over Clabber Creek south of Crystal Springs Phase III.

THIS RESOLUTION WAS TABLED TO THE JUNE 16, 2015 CITY COUNCIL MEETING

6. **Amend §162.01 (B)(2) To Add “Landscape Contracting Business”:** An ordinance amending Unified Development Code §162.01 (b)(2) to add “Landscape Contracting Business” as a use allowed by conditional use permit in all zoning.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5772

7. **Amend §167.04 (J)(3) Off-Site Forestation:** An ordinance to amend § 167.04 (J)(3) *Off-site forestation* to authorize the City Council to allow forestation within a nearby city park or public right of way if determined by the City Council to be in the best interests of our citizens.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5773

8. **Amend Article IX Telecommunications Board:** An ordinance to amend Article IX Telecommunications Board of the Code of Fayetteville to conform changes in state law and to clarify definitions and duties of the board.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5774

Announcements

City Council Agenda Session Presentations

1. CH2M Annual Report, Billy Ammons

City Council Tour

Adjournment: 7:27 p.m.

Subject:		Roll			
<i>Alderman La Tour was absent</i>	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	<i>Absent</i>			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Mayor Jordan	✓			

8-0

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

Subject:	Consent				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Tennant</i>			
<i>Minutes Approved</i> <i>passed</i> <i>102-15</i>	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	La Tour	<i>Absent</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Mayor Jordan				

7-0

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

Subject:	RZN 15-5033 (232 W. ASH ST./KOUTROUMBIS)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Petty</i>	<i>Gray</i>		
Seconded:		<i>Long</i>	<i>Marsh</i>		
C. 1 New Business <i>passed</i> 5770	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Mayor Jordan				
		<i>7-0</i>	<i>7-0</i>	<i>6-1</i>	

Subject:	VAC 15-5020 (2288 N. HIDDEN CREEK DR./KENNEDY)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Marsh</i>	<i>Marsh</i>		
Seconded:		<i>Gray</i>	<i>Long</i>	✓	
C. 2 New Business <i>passed</i> 5771	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓		
	Mayor Jordan				
		<i>7-0</i>	<i>7-0</i>	<i>7-0</i>	

Subject:	RZN 15-4965 (SOUTH END OF RUPPLE RD./RUPPLE ROAD EXTENSION CORRIDOR)				
Motion To:					
Motion By:					
Seconded:					
C. 3 New Business <i>Left on</i> <i>the</i> <i>First</i> <i>Reading</i>	Tennant				
	Schoppmeyer				
	La Tour	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Mayor Jordan				

Subject:	RZN 15-5004 (SOUTH END OF PUMPKIN RIDGE DR./FALLING WATERS) APPEAL				
Motion To:					
Motion By:					
Seconded:					
C. 4 New Business <i>Left on</i> <i>the</i> <i>First</i> <i>Reading</i>	Tennant				
	Schoppmeyer				
	La Tour	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Mayor Jordan				

Subject:	AMENDMENT OF THE MASTER STREET PLAN				
Motion To:		<i>Table to</i> <i>6-16-15</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>Marsh</i>			
C. 5 New Business <i>Tabled</i> <i>to:</i> <i>June</i> <i>16, 2015</i>	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	<i>absent</i>			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Mayor Jordan				

7-0

Subject:	AMEND §162.01 (B)(2) TO ADD "LANDSCAPE CONTRACTING BUSINESS"				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Long</i>	<i>Tennant</i>		
Seconded:		<i>Marsh</i>	<i>Long</i>		
C. 6 New Business <i>passed</i> <i>5772</i>	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Mayor Jordan				

7-0

7-0

7-0

Subject:		AMEND § 167.04 (J)(3) OFF-SITE FORESTATION			
Motion To:		2nd Read	Amend Section B	3rd Read	Pass
Motion By:		Gray	Marsh	Long	
Seconded:		Marsh	Petty	Marsh	
C. 7 New Business <u>passed</u> 5773	Tennant	✓	✓	✓	✓
	Schoppmeyer	✓	Absent during the vote	✓	✓
	La Tour	Absent	Absent	Absent	Absent
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Mayor Jordan				
		7-0	6-0	7-0	7-0

Subject:		AMEND ARTICLE IX TELECOMMUNICATIONS BOARD			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Marsh	Gray		
Seconded:		Gray	Marsh		
C. 8 New Business <u>passed</u> 5774	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	Absent	Absent	Absent	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: May 20, 2015

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of May 19, 2015

1. Expansion poly trailer from Rainmaker Sales, Inc. of Shawnee, Oklahoma in the amount of \$6,000.00 plus applicable sales taxes for use by the Water and Sewer Operations Division, and to approve a budget adjustment.
2. An ordinance to amend § 167.04 (J)(3) *Off-site forestation* to authorize the City Council to allow forestation within a nearby city park or public right of way if determined by the City Council to be in the best interests of our citizens.
3. An ordinance to amend Article IX Telecommunications Board of the Code of Fayetteville to conform to changes in state law and to clarify definitions and duties of the board.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, May 19, 2015

5:30 PM

City Hall Room 219

City Council Meeting

*Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4*

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions:****A. Consent:****A. 1** [2014-0503](#)

APPROVAL OF THE MAY 5, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 [2015-0231](#)

RAINMAKER SALES, INC.

A RESOLUTION TO AUTHORIZE THE PURCHASE OF AN EXPANSION POLY TRAILER FROM RAINMAKER SALES, INC. OF SHAWNEE, OKLAHOMA IN THE AMOUNT OF \$6,000.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[SRP 4-30-15 WSWD trailer 9215](#)

[4-28-15 BA - Galvanized Pipe Rehab-Trailer](#)

B. Unfinished Business: None**C. New Business:**

C. 1 [2015-0234](#)**RZN 15-5033 (232 W. ASH ST./KOUTROUMBIS)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5033, FOR APPROXIMATELY 0.30 ACRES, LOCATED AT 232 W. ASH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE

Attachments:[15-5033 CC Exhibits](#)[15-5033 RZN Staff Report copy](#)**C. 2** [2015-0230](#)**VAC 15-5020 (2288 N. HIDDEN CREEK DR./KENNEDY)**

AN ORDINANCE APPROVING VAC 15-5020 SUBMITTED BY JEREMY KENNEDY FOR PROPERTY LOCATED AT 2288 N. HIDDEN CREEK DRIVE TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT

Attachments:[15-5020 CC EX A & B](#)[15-5020 Full Packet](#)[15-5020 CC ORD](#)**C. 3** [2015-0228](#)**RZN 15-4965 (SOUTH END OF RUPPLE RD./RUPPLE ROAD EXTENSION CORRIDOR)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-4965, FOR APPROXIMATELY 642 ACRES, LOCATED AT THE SOUTHERN END OF RUPPLE ROAD FROM R-A, RESIDENTIAL-AGRICULTURE; RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE; and RSF-8, RESIDENTIAL SINGLE FAMILY EIGHT UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; CS, COMMUNITY SERVICES, UT, URBAN THOROUGHFARE; and R-A, RESIDENTIAL AGRICULTURAL

Attachments:[15-4965 CC EX A](#)[15-4965 CC reports](#)

C. 4 [2015-0232](#)**RZN 15-5004 (SOUTH END OF PUMPKIN RIDGE DR./FALLING WATERS) APPEAL**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5004, FOR APPROXIMATELY 17.37 ACRES, LOCATED SOUTH OF PUMPKIN RIDGE ROAD FROM R-A, RESIDENTIAL-AGRICULTURE TO RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE

Attachments:[15-5004 CC EX A & B](#)[15-5004 Full Packet](#)**C. 5** [2015-0229](#)**AMENDMENT OF THE MASTER STREET PLAN**

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY REMOVING A BRIDGE CONNECTION ON RAVEN LANE OVER CLABBER CREEK SOUTH OF CRYSTAL SPRINGS PHASE III

Attachments:[Ex A](#)[15-5035 Full Packet](#)[Additional 2006 Development Staff Report Crystal Springs](#)**C. 6** [2015-0202](#)**AMEND §162.01 (B)(2) TO ADD “LANDSCAPE CONTRACTING BUSINESS”**

AN ORDINANCE AMENDING UNIFIED DEVELOPMENT CODE §162.01 (B)(2) TO ADD “LANDSCAPE CONTRACTING BUSINESS” AS A USE ALLOWED BY CONDITIONAL USE PERMIT IN ALL ZONING DISTRICTS

Attachments:[Agenda Item](#)

C. 7 [2015-0233](#)**AMEND § 167.04 (J)(3) OFF-SITE FORESTATION**

AN ORDINANCE TO AMEND § 167.04 (J)(3) *OFF-SITE FORESTATION* TO AUTHORIZE THE CITY COUNCIL TO ALLOW FORESTATION WITHIN A NEARBY CITY PARK IF DETERMINED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF OUR CITIZENS

Attachments:[2015-0233 - Chapter 167 - off-site forestation amendment](#)[2015-0233 - Attachment - Existing Ordinance Language](#)**C. 8** [2015-0235](#)**AMEND ARTICLE IX TELECOMMUNICATIONS BOARD**

AN ORDINANCE TO AMEND ARTICLE IX TELECOMMUNICATIONS BOARD OF THE CODE OF FAYETTEVILLE TO CONFORM TO CHANGES IN STATE LAW AND TO CLARIFY DEFINITIONS AND DUTIES OF THE BOARD

Attachments:[Telecomm Board - Ex A](#)[2015-0235 Telecommunications Board Ordinance Revision Item](#)**D. City Council Agenda Session Presentations:****D. 1** [2015-0227](#)

AGENDA SESSION PRESENTATION - CH2M ANNUAL REPORT,
BILLY AMMONS

E. City Council Tour:**F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

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

Old business and new business.

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

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

Courtesy and respect.

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

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

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

RESOLUTION NO. 113-06

**A RESOLUTION TO GRANT THE APPEAL OF THE
APPROVAL OF PPL 06-1977 (CRYSTAL SPRINGS IV) AND
TO APPROVE PPL 06-1977 AS SLIGHTLY MODIFIED BY
THE CITY COUNCIL**

WHEREAS, Raven Lane is a collector street on the Master Street Plan and should provide sufficient north/south connectivity between Mt. Comfort Road and Crystal Drive without the need to connect Woodlark Lane, a residential street; and

WHEREAS, the neighborhood served by Woodlark, Quail, Dove, Meadowlark and Raven has requested that Woodlark not be connected to the north through its current cul-de-sac.

**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 grants the appeal of the approval of Preliminary Plat 06-1977 (Crystal Springs Phase IV), but approves a slightly modified Preliminary Plat for PPL 06-1977 (Crystal Springs Phase IV) which removes the street connection from the north end of Woodlark to Street B between lots 33 and 34, but retains a five foot wide sidewalk connection at this location. An additional condition of approval to PPL 06-1977 is also added which requires the construction of the bridge crossing Clabber Creek to the north to be completed and accepted by the City with Phase I and II of the subdivision and prior to the construction of any house within the subdivision.

PASSED and APPROVED this 20th day of June, 2006.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning 

Date: May 12, 2006

Subject: Alderman Appeal of Crystal Springs IV (PPL 06-1977)

RECOMMENDATION

Staff recommended and the Planning Commission approved with a vote of 7-2-0 a preliminary plat for Crystal Springs Subdivision Phase IV (PPL 06-1977), with conditions of approval as noted in the staff report.

BACKGROUND

A masterplan of development for the overall Crystal Springs Development has been in place since the early 1990s. Almost every phase of Crystal Springs Development has been appealed or challenged; all have been upheld (or amended) by the City Council as meeting applicable city ordinances. Phase I consisted of 112 lots accessed off of Salem Road, in an area that was in the county at the time of submittal in 1993. With this initial phase, the developer donated approximately 20 acres to the Fayetteville School District, on which Holcomb Elementary is now located. An additional 15.45 acres was dedicated in 1994 to the City for parkland; the Parks and Recreation Board and Planning Commission accepted land that would meet the requirements for a total of 575 single family residential lots in all of the future Crystal Springs phases. Gary Hampton Softball Field complex was constructed in 2000-2001 on this property, and is enjoyed by the neighborhoods that have since developed in this rapidly growing area. Crystal Springs II and III have been developed/platted north of Clabber Creek, and consist of 14 and 101 lots, respectively.

The applicant received approval by the Planning Commission of PPL 06-1977 for Crystal Springs IV, the final phase of a planned residential development north of Mount Comfort Road, south of Clabber Creek. This final phase consists of 273 single family lots on 85 acres, to be constructed in six (6) phases. Based on the amount of lots proposed and future traffic generation, staff recommended significant off-site improvements to be constructed as part of this project. Most significantly, this includes a crossing of Clabber Creek to the north, which will distribute traffic and thereby decrease dependency of use on Mount Comfort Road, which is an unimproved street at this time. This bridge crossing is anticipated to be close to \$500,000 in cost, and will include trail crossings along Clabber Creek. No cost-share by the city for this significant street improvement is recommended by staff. Other off-site improvements recommended include an assessment for a turn lane at Raven Lane and Mount Comfort Road, the removal of existing

temporary cul-de-sacs and installation of curb, gutter, sidewalk, etc. to make adequate street connections and the installation (at the developer's cost) of four (4) speed tables within Birdhaven Terrace Subdivision, south of the planned development to alleviate any future speeding within the established neighborhood. Two streets within Birdhaven Terrace currently provide access to the subject 85-acre parcel, including the Collector Street Raven Lane, and will be continued into the development in the first phase, which contains a maximum of 58 lots. Staff's recommendation to the Planning Commission also included the Clabber Creek crossing to occur at minimum with the second phase of development, which ensures that a maximum of 58 homes (and the traffic generated therefrom) can be constructed before the north connection is completed.

DISCUSSION

Staff has spoken with numerous residents in this area, primarily those residing in Bird Haven Terrace to the south of Crystal Springs IV or on Gooseberry Lane. The resounding concern has been the detrimental impact of through traffic within the established neighborhood and expected congestion and delays on Mount Comfort Road without significant improvements. Staff recognized the impact on these neighborhoods, and made recommendations to the Planning Commission for the developer to make improvements which would be considered roughly proportional to the impact of the development, as required by city ordinance. Five persons spoke at the Planning Commission meeting, and all written comments are included in the attached reports.

The Planning Commission also questioned staff as to future improvements of Mount Comfort Road. As noted at recent Street Committee meetings, a bond program for improvements to streets, including Mt. Comfort Road, is being discussed. This is a decision to be made by the City Council and ultimately by voters, however, and can not be depended upon as of right now to occur. At this time, staff is recommending assessments for most developments that have an impact on Mount Comfort Road and are not contributing in other ways to alleviate the impact that additional traffic created by their proposal is having on existing infrastructure. This decision to take assessments instead of piecemeal improvements along Mt. Comfort is relatively recent, and is in part an effort to plan for comprehensive improvements to Mt. Comfort Road as has been discussed in meetings with the Street Committee. It must be noted, however, that staff does not at this time depend whatsoever on planned improvements by the City to offset the contributions a developer must make. Our ordinances direct us to recommend to the Planning Commission the improvement that would be proportional to the development requested. A future Capital project to improve Mt. Comfort Road may be forthcoming, and may not. With that in mind, staff recommended significant improvements for this development to increase connectivity between neighborhoods and decrease dependency upon Mt. Comfort Road as the only means of east-west access in the area.

BUDGET IMPACT

None.



THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of May 08, 2006

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
Matt Casey, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: May 3, 2006

PPL 06-1977: Preliminary Plat (CRYSTAL SPRINGS IV, 285): Submitted by MEL MILHOLLAND for property located at N OF MT. COMFORT RD., AT THE N END OF RAVEN LANE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 85.18 acres. The request is for a residential subdivision with 273 single-family lots.
Planner: SUZANNE MORGAN

Findings:

Property: The subject property contains approximately 85.18 acres located north of Bird Haven Terrace, north of Mount Comfort Road. This property is zoned RSF-4. The applicant proposes to create a 273 single-family lot subdivision (with an additional unbuildable lot), a density of 3.2 units per acre, within six phases of development. A bridge connection is proposed to Raven Lane within Crystal Springs Phase III, which cost and construction is the burden of the developer. A masterplan of the overall Crystal Springs development, including this property, has been in place since the early 1990s. This developer, with the initial phase of Crystal Springs, donated land for parks and schools in this area.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Single family residential (Crystal Springs Phase III), Clabber Creek	RSF-4
South	Single family residential (Bird Haven Terrace, Mt Comfort Addition, Crofton Manor)	RSF-4
East	Golf Course	RSF-1
West	Vacant – Pasture	RSF-1

Water and Sewer: Water and sewer lines shall be extended to serve the proposed development.

Adjacent Master Street Plan Streets: Raven Lane, a Collector Street. Staff finds that the extension of Raven Lane is compliant with the Master Street Plan, as is the east-west Collector Street which will provide a future connection to McClaren Drive within Salem Heights Subdivision.

Right-of-way to be dedicated: The majority of interior streets are proposed to be 42' rights-of-way with a 24' wide street and 4' sidewalks on both sides. Streets A, C, and D are 50' rights-of-way with 28' wide streets and sidewalks on both sides. The two interior Collector Streets (a portion of Street H and Raven Lane) will be dedicated with 70' right-of-way. Raven Lane is proposed to be extended between Crystal Springs Phase III and Phase IV through property owned by Crystal Springs LTD Partnership. Right-of-way for this street/bridge connection shall be dedicated by separate document prior to recordation of Phase II.

Phasing:

As proposed by the developer, the Phasing of the subdivision will occur with the following number of lots and street connections to existing infrastructure:

Phase	Number of Lots	Number of Street Connections to Existing Streets	Stub-outs to the east and west for future street connections
I	58	2 (Raven Lane & Woodlark Lane)	1 (East)
II	19	1 (Raven Lane connection to the north)	0
III	43	0	0
IV	58	0	1 (East)
V	35	0	0
VI	61	0	2 (West)

Staff finds that the number of street connections made for each phase are adequate for the volume of traffic generated by the lots proposed.

Connectivity:

To the South (Phase I):

Two street connections are proposed to the south, through Bird Haven Terrace Subdivision. The right-of-way for Woodlark Lane and Raven Lane were platted to the property line which would allow future right-of-way extension to the north. The connection to these streets has been shown. The existing cul-de-sacs shall be removed by the developer.

Staff requested that the applicant explore the possibility of a street connection onto Gooseberry Lane located within Mount Comfort Addition, which would require the dedication of right-of-way on either side of the existing cul-de-sac. Staff received a petition from the neighbors within this subdivision stating their disagreement to a street connection; however, this petition did not include the signatures of the owners on either side of the cul-de-sac. The applicant stated that an informal discussion with Mr. Strange and Mr. Thompson who, according to the applicant, indicate a negative attitude to any development. Staff has met with the owners to discuss this connection, and Mr. Strange did attend one Subdivision Committee meeting and expressed his disagreement with a street connection to Gooseberry Drive. Another street connection would further disperse traffic in the area. Should the adjoining property owners agree to sell property to allow this street connection, staff would recommend such a connection.

A street connection to Kenswick Avenue, located to the southwest of property within Crofton Manor Subdivision, will alleviate the volume of traffic through Bird Haven Subdivision.

Kenswick Ave. was platted to be extended to the north. Staff recommended that the applicant obtain right-of-way to connect Street B to Kenswick Ave. prior to the recordation of an initial Phase of this development, also stating that if the applicant provides this connection to Kenswick Avenue, a connection to Gooseberry Lane is less desirable. Since the Subdivision Committee meeting on March 30, 2006, staff has met with the owner of the property to the west through which the street connection to Kenswick Avenue would occur. The owner has stated his opposition in this connection and submitted a letter regarding the matter (see attached).

To the West (Phase VI):

The applicant has provided two street connections to the west. The southern connection can eventually connect to Kenswick Ave. within the Crofton Manor Subdivision, just off-site of the property. The second western stub-out is shown as a Collector Street, per the Master Street Plan. This street will align with McClaren Drive, located within the Salem Heights Subdivision, at Salem Road.

To the North (Phase II):

The applicant proposes to construct Raven Street, a Collector Street, across Clabber Creek. The street will make a connection with the constructed Raven Lane within Crystal Springs Phase III. Staff recommends that this street connection occur no later than Phase II in order to provide sufficient connectivity to the north and potentially relieve some traffic exiting through Bird Haven Terrace onto Mount Comfort Road. Another connection to the north is not desirable, due to the presence of significant floodplain and floodway.

To the East (Phase I and IV):

Two street stub-outs are provided to the east – at the southeast and northeast corners of the subdivision. The property to the north and east is currently developed for a golf course. However, it may not remain undeveloped for this use and this amenity is not being utilized as a main feature within this subdivision with homes directed toward views of the golf course. If ever developed, traffic would have the ability to access the property via Deane Solomon Road and through the proposed subdivision. The street connection at the northeast corner of the property will provide a street connection to the north when the adjacent property develops.

Traffic Calming: The applicant shall install two speed tables on both Raven Lane and Woodlark Lane at a location specified by the Transportation Division.

Street Improvements: The applicant has submitted a traffic study to evaluate the effect of the additional 273 lots on the existing infrastructure. After review of the traffic study and current traffic demands, staff recommends the following street improvements:

- a. If the applicant is able to secure right-of-way for a connection to Kenswick Avenue in Crofton Manor Subdivision, the street connection of a 28' street with curb, gutter, storm drains, sidewalks and street lights shall be constructed with Phase VI of the development. The off-site dedication of 50' right-of-way by separate document should occur prior to the recordation of Phase VI.
- b. The installation of 4 speed tables (2 on Raven Lane and 2 on Woodlark Lane) to provide traffic calming. These speed tables shall be installed at a location approved by the Transportation Department prior to recordation of Phase I of the subdivision.
- c. The developer shall pay an assessment in the amount of \$9,405.00 for a left turn

- lane on Raven Lane for traffic accessing onto Mount Comfort prior to the recordation of Phase I.
- d. Construction of a bridge or crossing over Clabber Creek to connect the proposed subdivision to Crystal Springs Phase III to be completed prior to the recordation of Phase II of Crystal Springs Phase IV.
 - e. The developer shall be responsible for the removal of the existing cul-de-sacs on Raven Lane and Woodlark Lane, into which the new streets will connect, and the extension of a minimum 28' street, curb, gutter, storm drain, and sidewalk (6' on Raven Lane and 4' on Woodlark Lane) to the cut-point as shown on the plat. The sidewalk shall extend beyond the cut point to tie into the existing sidewalk. The applicant shall reconstruct the existing driveways to connect to the new street, along with all soil, grass, etc. to reconstruct these yards.

Staff is not recommending additional off-site improvements on Mount Comfort Road due to the significant cost associated with the construction of a crossing over Clabber Creek, for which a cost-share is not recommended. The applicant's engineer has estimated that the cost of the bridge will be from \$488,000 to \$560,000. This connection will alleviate traffic on Mount Comfort Road and will be utilized by residents in the area to move north and south.

Tree Preservation:

Existing:	9.9%
Preserved:	5.8%
Required:	9.9%
Mitigation:	Required – 350 trees

Parks: On July 15th 1994 a deed for 15.45 acres was received from Crystal Springs Limited Partnership satisfying the park land dedication requirements for this development. Below is a break down of the banked park land.

- o Phase I – Lots 1-112 = 112 units x .025 = 2.8 acres
- o Phase II – Lots 113-127 = 14 units x .025 = .35 acres
- o Phase III – Lots 128-229 = 101 units x .025 = 2.525 acres
- o Phase IV – 274 SF units proposed x .025 = 6.85

Total Used = 12.525 acres - 2.925 acres remains.

*Land calculations are based the 1994 ordinance amount of .025 acres per single family Unit.

Clabber Creek Trail is identified on the Fayetteville Alternative Transportation and Trail Plan and is shown along the northern part of this development. The developer has agreed to donate all the land between the flood plain lines from the west property line to the east property line prior to approval of final plat. Additional land may be necessary to provide an at-grade trail crossing at Raven Lane. The additional land shall be approved by the Trails Coordinator.

Public Comment: Many neighbors attended the Subdivision Committee meetings, voicing concerns regarding the project. The Planning Division has received numerous petitions, comments, post cards, and letters from surrounding property owners who are in opposition to the proposed development with most concerns addressing the increase in traffic and connections onto Woodlark Lane, Raven Lane and Goosberry Lane. These comments are available at the Planning Division.

Background: This project was heard at the March 30, 2006 Subdivision Committee. It was tabled at this meeting to address the comments regarding the phasing, connectivity, street design, and other plat comments. The Subdivision Committee considered this preliminary plat again on April 27, 2006 at which meeting it was forwarded to the Planning Commission with recommendations. The discussion by the Subdivision Committee included the routing of construction traffic through Crystal Springs Phase III to avoid Bird Haven Terrace, the possibility of requiring repair to Raven Lane and Woodlark Lane if damaged during construction, the proposed block lengths, and traffic circulation around the proposed landscape islands on Raven Lane.

Recommendation: Staff recommends approval of PPL 06-1977 subject to the following conditions:

Conditions of Approval:

1. Planning Commission determination of appropriate street connectivity. *Staff finds that the dedication of right-of-way to provide a street connection from Street B to Kenswick Avenue in Crofton Manor prior to the recordation of Phase II is essential to provide sufficient connectivity to Mount Comfort Road for this amount of lots. Staff finds that all other street connections are adequate.*
The Subdivision Committee recommended in favor of the proposed street connectivity.
2. Planning Commission determination of street improvements. *Staff recommends the following street improvements:*
 - a. *If the applicant is able to secure right-of-way for a connection to Kenswick Avenue in Crofton Manor Subdivision, the street connection of a 28' street with curb, gutter, storm drains, sidewalks and street lights shall be constructed with Phase VI of the development. The off-site dedication of 50' right-of-way by separate document should occur prior to the recordation of Phase VI.*
 - b. *The installation of 4 speed tables (2 on Raven Lane and 2 on Woodlark Lane) to provide traffic calming. These speed tables shall be installed at a location approved by the Transportation Department prior to recordation of Phase I.*
 - c. *The developer shall pay an assessment in the amount of \$9,405.00 for a left turn lane on Raven Lane for traffic accessing onto Mount Comfort prior to the recordation of Phase I.*
 - d. *Construction of a bridge or crossing over Clabber Creek to connect the proposed subdivision to Crystal Springs Phase III to be completed prior to the recordation of Phase II of Crystal Springs Phase IV.*
 - e. *The developer shall be responsible for the removal of the existing cul-de-sacs on Raven Lane and Woodlark Lane, into which the new streets will connect, and the extension of a minimum 28' street, curb, gutter, storm drain, and sidewalk (6' on Raven Lane and 4' on Woodlark Lane) to the cut-point as shown on the plat. The sidewalk shall extend beyond the cut point to tie into the existing sidewalk. The applicant shall reconstruct the existing driveways to connect to the new street, along with all soil, grass, etc. to reconstruct these yards.*

Staff is not recommending additional off-site improvements on Mount Comfort Road due to the significant cost associated with the construction of a crossing over Clabber Creek, for which a cost-share is not recommended. The applicant's engineer has estimated that

the cost of the bridge will be from \$488,000 to \$560,000. This connection will alleviate traffic on Mount Comfort Road and will be utilized by residents in the area to move north and south.

The Subdivision Committee recommended in favor of street improvements as listed above.

3. Planning Commission determination of appropriate phasing of the development. *Staff recommends in favor of the phase lines in relationship to street connectivity.*
The Subdivision Committee recommended in favor of the proposed phasing of the development.
4. ~~Planning Commission determination of a waiver of the maximum 1400' block length requirement for the eastern block on Street 'C', which is approximately 1520' in length. Staff recommends the requested waiver, finding that the two proposed eastern street connections to the existing golf course are adequate for future development connections.~~
Street 'F' shall extend to the east property line (a new stubout).
5. Raven Lane is proposed to be extended between Crystal Springs Phase III and Phase IV through property owned by Crystal Springs LTD Partnership. The complete construction and acceptance of a bridge or crossing over Clabber Creek and the dedication of right-of-way for this portion of Raven Lane by separate document is required prior to recordation of Phase II.
6. Construction traffic other than passenger vehicles is encouraged not to access the property through Woodlark Lane and Raven Lane. Temporary barricades shall be installed at the terminus of the existing streets to discourage construction traffic access. Once sufficient access has been established from the north, no construction traffic shall access the sight from residential streets to the south.
7. The applicant shall repair any damage of existing streets caused by vehicular traffic generated by the construction of this subdivision.
8. The applicant shall submit a guarantee (letter of credit, bond, or cash) of \$1,000 per lot prior to the recordation of the final plat for contributions to an interim solution to wastewater capacity concerns in the Owl Creek/Hamestring Creek basin, if the improvement is required. Final determination of the contribution shall be made by the City Engineer.
9. Sidewalks along all Collector Streets within the Subdivision shall be constructed (not guaranteed) prior to recordation of the final plat for each Phase.
10. The applicant shall provide a separate filed document dedicating off-site drainage easements to the detention pond prior to recordation of the final plat. The P.O.A. shall be responsible for maintenance of the required detention pond.
11. No lots shall access the east-west Collector Street or Raven Lane (a Collector Street) if an interior street may be accessed. A note shall be included on the final plat to indicate this requirement. Lots required to access these Collector Streets are encouraged to utilize shared drives to decrease curb cuts on the Collector Street.

12. Clabber Creek Trail is identified on the Fayetteville Alternative Transportation and Trail Plan and is shown along the northern part of this development. The developer has agreed to donate all the land between the floodplain lines from the west property line to the east property line prior to approval of final plat. Additional land may be necessary to provide an at-grade trail crossing at Raven Lane. The additional land and location of the trail under the creek crossing shall be approved by the Trails Coordinator.
13. Mitigation is required in the amount of 350 (2) inch caliper large. Staff is recommending the Residential On-Site Mitigation Option. An on-site mitigation plan must be submitted at time of Final Plat for review and approval by the Urban Forester.
14. A 3-year maintenance and monitoring bond in the amount of \$87,500 will be required for these trees.
15. The P.O.A. shall be responsible for the maintenance of the landscape islands and Lot 77, an unbuildable lot.
16. The developer shall install a centerline between the two proposed landscape islands on Raven Lane and north to the intersection of Street 'B' and Raven Lane in order to delineate traffic lanes.
17. Street lights shall be installed or guaranteed with a maximum separation of 300 feet along all streets within each Phase prior to recordation of the final plat for that Phase.
18. Subdivision area signage shall be permitted in accordance with applicable city codes.
19. Signs shall be installed at each street stub-out to indicate the future extension of the right-of-way (including the stub-out provided on Raven Lane at the southeast corner of the property) prior to recordation of the final plat of each Phase. (Coordinate with the Transportation Division.)
20. All lots shall be platted in conformance with the RSF-4 bulk and area regulations. It is inconclusive whether all lots meet the lot width requirements at the right-of-way and building setback lines. Note the lot width at the 25' building setback on the plat for those lots that are either located on a curve or cul-de-sac and have less than 70' lot width. (See lots 24-26, 61, 78, 85, 96, 97, 109, 110, 148-150, 179, 192, 196, 197, 200, 201, 233.)
21. In addition to those items within the conditions of approval that must be addressed on the proposed plat, modify the plat to address the following comments prior to construction plan review:
 - a. Revise the note regarding improvements to Woodlark Lane and Raven Lane to include all requirements set forth in condition of approval 4e, which requires some improvements to extend beyond the cut point.
 - b. Building setbacks applied to corner lots are as follows: a 25' front BSB adjacent to the right-of-way and an 8' side BSB (or greater if a utility easement) on the remaining two property lines. Revise the building setback lines on all corner lots to meet this requirement.
 - c. Verify that all lots are of sufficient size for home construction (see lots 16, 20 and

- 108 specifically).
- d. The GIS Division will review the revised plat to ensure that the State Plane Coordinates are correct. Please modify if necessary. (Coordinate with Planning Staff.)
 - e. Show the location of the all streets identified on the Master Street Plan on the vicinity map.
 - f. Identify the west building setback line of lot 148 as a drainage easement, as it appears to be.

Standard Conditions of Approval:

- 22. All street names and addresses shall be approved by the 911 coordinator.
- 23. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
- 24. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
- 25. All overhead electric lines under 12Kv shall be relocated underground. All proposed utilities shall be located underground.
- 26. Preliminary Plat approval shall be valid for one calendar year.

Additional conditions:

- a. Motion to Strike Condition #4 as written and in stead require
- b. a street stub-out at Street 'F'. Motion: Ostrum; Second: Myres Vote: 9-0-0
- c. _____

Planning Commission Action:

☒ Approved ☐ Denied ☐ Tabled

Meeting Date: May 08, 2006

Comments:

Motion to approve: Graves

Second: Trumbo

Vote: 7-2-0 w/ Anthes & Myres voting no.

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature _____

Date _____

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: *EVERETT L. EVANS*

Address: *2340 Gooseberry Ln,*

City: *Fayetteville, AR.*

Phone: *479-442-5109*

E mail: *everettevans@sbc Global.net*

ADM 15-5035 Submitted by Bettie Patuck

Wayland Harris
2397 Woodlark Lane
Fayetteville, AR 72704
Phone 479-521-6269

May 11, 2015

Mayor Lioneld Jordan
125 West Mountain Street
Fayetteville, Arkansas 72701

Dear Mayor Jordan,

I am writing concerning ADM 15-5035 before the Fayetteville City Council on your May 19, 2015. This item is concerning the Crystal Springs S/D, PH. IV, 285. I am referencing the documents that resolved this issue concerning the Crystal Springs IV subdivision development in 2006. The documents can be found in the City of Fayetteville, AR files.

Currently the subdivision developer has not met the current agreement agreed upon by Crystal Springs Developer and the Birdhaven Addition homeowners immediately south of the Crystal Springs IV development. The agreement was for a bridge to be built across Clabber Creek and it would be completed before any building started in Crystal Springs IV south of Clabber Creek. As of this date, no bridge has been built or even started. The agreement, also, stated that Woodlark Lane would not be opened up into Crystal Springs IV except for a five foot wide sidewalk (current cul de sac would remain a cul de sac).

Howard Davis, Managing Partner, Crystal Springs Ltd. Partnership is proposing an Amendment to Master Street Plan Map. They are proposing as part of this change to eliminate the cul de sac and making Woodlark Lane into a through street.

The above changes requested returns the Crystal Springs IV to the original development plan that was repealed by Resolution No. 113-06. I oppose any change or modification to the Woodlark Lane cul de sac now and in the future. I oppose any and all other changes being proposed or considered for Crystal Springs IV until the bridge across Clabber Creek is built as

agreed to in the appeal dated June 20, 2006 and all the property for building Emil Drive is owned by the Howard Davis, Managing Partner, Crystal Springs Ltd. Partnership.

All the conditions that justified the original appeal in 2006 still exists and will impact the Birdhaven addition.

Thanks,

A handwritten signature in black ink, appearing to read 'Wayland Harris', written in a cursive style.

Wayland Harris

Refer to follow documents:

Resolution No. 113-06 Approved: June 20, 2006

Letter to appeal PPL 06-1977 from Lioneld Jordan to Sondra Smith Dated May 11, 2006

Branson, Lisa

From: Fulcher, Jesse
Sent: Wednesday, May 13, 2015 3:46 PM
To: Branson, Lisa; McCoy, Dee
Cc: Pate, Jeremy
Subject: FW: Council meeting for MSP Amendment

FYI.

-----Original Message-----

From: Melvin Milholland [mailto:mmilholand@aol.com]
Sent: Wednesday, May 13, 2015 3:39 PM
To: Fulcher, Jesse
Cc: Crystal Springs I V Howard Davis; Crystal Springd I V Gerald Johnson; Peters & Assoc Engineers, Inc Traffic Study: Ernie 101 ; M C O Sam; Milholland Pat Company; MCO Robt Office
Subject: Council meeting for MSP Amendment

Mr Howsrd David respectfully request this item be rescheduled for the June 16 City Council meeting.
Please contact me at 601-5087 if any questions.

Respectfully submitted,

Melvin Milholland, PE, PLS
Milholland Engineers & Surveyors
205 West Center
Fayetteville, AR. 72701
479-443-4724 Office
479-443-4707 Fax
479-601-5087 Cell
www.MCOEngr.com
MMilholand@aol.com

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



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

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
May 5, 2015**

A meeting of the Fayetteville City Council was held on May 5, 2015 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Martin Schoppmeyer, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Justin Tennant

Pledge of Allegiance:

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Quarterly Financial Report - 1st Quarter 2015, Paul Becker, Chief Financial Officer

Paul Becker, Finance Director gave a brief summary of the 1st Quarter Financial Report for 2015.

Alderman La Tour: Taking in consideration every fee or dollar we bring in from taxes, user fees and fines from the public, how many dollars do we receive in one budget year?

Paul Becker: Roughly, \$120 million in total.

Alderman La Tour: Would that include grants coming in from federal sources?

Paul Becker: Yes.

Alderman La Tour: We spend that in a year?

Paul Becker: It depends. If we have bond issues, we can over that. We still have some outstanding bond issues that we did. That revenue is generated and we collect it in one year and our expenditures are not in sync with that so we are still spending down bond money for the street program. We are still spending money from the parking fund in that project. Sometimes we are going into reserves, but those reserves were either generated previously due to more revenue or less expenditures than we had expected, or bond issues. The biggest gap between them are outstanding bond issues.

Alderman La Tour: How much money do we have in reserve balances at the end of April in all the funds?

Paul Becker: It would be about \$40 million.

A discussion followed about fund balances.

Alderman La Tour: Which bank do we do business with?

Paul Becker: We do business with several banks. Our primary deposit bank is Arvest. We have banking arrangements with the Bank of Fayetteville. Our investment funds are with Simmons. We have accounts with First Security.

Agenda Additions: None

Consent:

Approval of the April 21, 2015 City Council meeting minutes.

Approved

2015 Community Development Block Grant (CDBG) Agreement: A resolution to authorize the Mayor to execute the Community Development Block Grant (CDBG) Agreement for 2015 when received in the amount of \$574,209.00 and to approve the 2015 Action Plan.

Resolution 91-15 as recorded in the office of the City Clerk

Amend Resolution No. 191-14: A resolution to amend Resolution No. 191-14 concerning the purchase of two (2) International 7300 dump trucks with Henderson belly plows from Summit Truck Group of Lowell, Arkansas for use by the Transportation Division.

Resolution 92-15 as recorded in the office of the City Clerk

Williams Tractor of Fayetteville: A resolution to authorize the purchase of one (1) Bobcat Toolcat utility vehicle from Williams Tractor of Fayetteville in the amount of \$51,763.00 plus any applicable taxes, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Parks and Recreation Department.

Resolution 93-15 as recorded in the office of the City Clerk

Scott Equipment of Springdale: A resolution to authorize the purchase of a Gradall XL3100 IV 4x2 Excavator Truck from Scott Equipment of Springdale, Arkansas in the amount of \$313,324.00 pursuant to a National Joint Powers Alliance cooperative purchasing agreement for use by the Transportation Services Department.

Resolution 94-15 as recorded in the office of the City Clerk

Bid #15-22 Truck Centers of Arkansas: A resolution to award Bid #15-22 and authorize the purchase of three (3) Freightliner Dump Trucks from Truck Centers of Arkansas in the total amount of \$368,232.00 for use by the Water and Sewer Operations Division and the Transportation Services Department, and to approve a budget adjustment.

Resolution 95-15 as recorded in the office of the City Clerk

Bid #15-29 Hutchens Construction: A resolution to award Bid #15-29 and authorize the purchase of Cold Asphalt Concrete from Hutchens Construction for a unit price of \$105.00 per ton as needed through the end of 2015.

Resolution 96-15 as recorded in the office of the City Clerk

Amend Resolution No. 05-15: A resolution to amend Resolution No. 05-15 concerning the Transportation Division Overlay/Sidewalk Projects list for 2015.

Resolution 97-15 as recorded in the office of the City Clerk

Garver, LLC Task Order No. 2: A resolution to approve Task Order No. 2 with Garver, LLC for design work, bidding services, construction phase services, materials testing and closeout services associated with the Airport Terminal Apron Rehabilitation Project in an amount not to exceed \$73,000.00, and to approve a budget adjustment.

Resolution 98-15 as recorded in the office of the City Clerk

Arkansas Department of Aeronautics Grant: A resolution to authorize application for an Arkansas Department of Aeronautics 90/10 grant in an amount up to \$500,000.00 for rehabilitation of the Airport Terminal Parking Apron, with the final amount contingent on the actual cost of the project based on competitive bidding.

Resolution 99-15 as recorded in the office of the City Clerk

Bright Investments, LLC: A resolution to approve the Performance Bond of Bright Investments, LLC to guarantee construction of required sidewalk improvements along Armstrong Avenue by the end of 2017.

Resolution 100-15 as recorded in the office of the City Clerk

Alderman Marsh moved to accept the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Tennant was absent.

Unfinished Business:

Amend §33.329 Eligibility of Citizen Volunteers: An ordinance to amend §33.329 Eligibility of Citizen Volunteers to Serve on City Boards, Commissions and Committees to remove the restriction on the number of consecutive terms a citizen may serve. *At the April 7, 2015 City Council meeting this ordinance was left on the First Reading. At the April 21, 2015 City Council meeting this ordinance was left on the second reading.*

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long: I feel we have an arbitrary rule on the City Council. As a governing body that is elected in the City of Fayetteville we can choose from whatever the pool of applicants is that we want to appoint to our Boards and Commissions. It seems arbitrary to limit ourselves in accepting qualified applicants and telling others that we may not want to engage them on that level by saying that we won't take your application. The City of Fayetteville should change that limitation and be able to accept those applications.

Alderman La Tour: I like the idea of free exchange of ideas and the idea of fresh blood on these committees. I don't want the committees to be dominated by people who are professional committee members and that is what I fear lifting this restriction will do. I want everyone to be able to participate, not just a select few. I don't want to remove those restrictions that make it difficult for new comers to get onto those committees. We should have a broad range of ideas in thinking. Serving two terms is plenty time to influence policy.

Alderman Gray: I have served as Chair on the Nominating Committee for many years. I can't think of a time when it created a huge problem. Whenever a person does have to stay out their term, it gives them the opportunity to look at some other committees they can serve. I want to see it stay as it is.

Alderman Kinion: I am currently the Chairman of the Nominating Committee. This was tough for me because I don't like restrictions. This is different than an elected position, it is an appointed position for individuals. By having this restriction in place it prevents cronyism. It allows individuals the opportunity to have new ideas come forth in the long term activity of some very powerful committees. The individual who takes a term off can still serve in other positions. They bring experience from a previous committee to a new committee in order to make that committee reenergized or to bring in some new ideas. We always have a very large number of applicants for our committees. By having this turn over we are building a larger community of experience throughout the community that is very engaged, experienced, and knowledgeable. I can't support the change.

Alderman Marsh: We are limiting people to two terms. These are four year terms, so that's eight years on a committee. I think that is a good long time for someone to serve. We have almost 75,000 residents of this community. We have a huge pool of applicants to choose from. It is good to have a broad diverse group of people for ideas and have new perspectives. I am not going to support the change.

Loraine O'Neal, 3001 West Wedington Drive spoke in opposition of the ordinance.

Jeff, 920 North Leverett Avenue spoke in opposition of the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 1-6. Alderman Long voting yes. Alderman Petty, Schoppmeyer, La Tour, Gray, Marsh, and Kinion voting no. Alderman Tennant was absent.

This Ordinance Failed

Amend §72.03 Parking Prohibited in Certain Places: An ordinance to amend §72.03 Parking Prohibited in Certain Places of the Fayetteville Code by enacting a new subsection to prohibit parking on a city street in front of and blocking a mailbox. *At the April 7, 2015 City Council meeting this ordinance was left on the First Reading. At the April 21, 2015 City Council meeting this ordinance was left on the second reading.*

The new amended ordinance title is:

Enact §72.19 Parking Blocking a Mailbox Prohibited: An ordinance to enact §72.19 Parking Blocking a Mailbox Prohibited.

City Attorney Kit Williams: Before we go to the third reading, we had a suggestion at the last City Council meeting by Alderman Petty to slightly amend the penalty provision to lower the penalty to \$15.00 instead of \$70.00.

Alderman La Tour: I support the amendment. I don't like the whole procedure because I don't think there is a real big problem. I would like to see individuals work it out among themselves and apply postal regulations to protect the integrity of postal delivery.

Alderman Marsh: I like the amendment. I was uncomfortable with the high fee of \$70.00. It would have been a stiff penalty when we don't have signage or prohibitive curb markings at each incident.

Alderman Long: I appreciate the amendment from Alderman Petty. It is a good idea and I am open to discussing changes to the ordinance to make it better.

Alderman Gray: I spoke to my postal person and he would be in support of this amendment. We have heard from our Police Department saying they think it would be helpful if there was an ordinance.

Alderman Long moved to amend the ordinance penalty section. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

City Attorney Kit Williams read the amended ordinance.

Alderman Petty: The next item on the agenda is allowing the Traffic Superintendent to paint curbs or erect signs to indicate a no parking zone. The language says where necessary. If this ordinance didn't pass, would the Traffic Superintendent be allowed to create a no parking zone next to a mailbox?

City Attorney Kit Williams: I would say not. The Traffic Superintendent can only place no parking signs or curb markings where the City Council has already approved it. The Traffic Superintendent can designate certain streets sometimes for particular reasons as no parking areas, but he can't say throughout the city, no parking in front of mailboxes.

Alderman Petty: As lawmakers we have the notion of subsidiary with our laws. There are certain problems that are federal, state, or local and have to be handled at their level. There are some problems that have to be handled at a neighborhood level. The letters we have received have been in support of the ordinance and every incident up to this point has been addressed among the neighbors. It makes me wonder if that just can't continue to happen that way. Has there been any conversations about including a three strike rule in the enforcement policy?

Greg Tabor, Chief of Police: We haven't had any specific conversations about how we would enforce this. We try to not limit an officer's discretion. We leave each traffic offense, ticket or arrest up to that particular officer at the time based on the circumstances. An officer is going to give a lot of warnings in this situation. I don't think their first reaction will be to write a ticket.

Mayor Jordan reiterated Chief Tabor's statement.

Alderman Petty: I appreciate the explanation and I am comfortable supporting it.

City Attorney Kit Williams stated he would like to amend the ordinance for grammatical usage.

Alderman Petty moved to amend the ordinance for grammatical usage as proposed by the City Attorney. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

Peter Tonnessen, 3500 Hearthstone Drive: If there isn't going to be signage or painted lines, who gets to decide where the mailbox goes?

City Attorney Kit Williams: I'm not aware of regulations on that.

Alderman Kinion: In my neighborhood there was discussion on this due to mailboxes being moved from the door to the street. We contacted the postmaster and that was not a federal regulation. It is not regulated to that degree. There are neighborhoods putting in the neighborhood boxes because that is the preference of the postal service.

The intent is to prevent a person from continually blocking a mailbox. There are individuals who depend on the service of the U.S. Postal Service for their income checks and pharmaceutical deliveries. Out of regards for these type of instances I think it is alright to support this.

Loraine O'Neal, 3001 West Wedington Drive spoke in opposition of the ordinance. She believes this is a single neighborhood issue and is concerned about possible litigation if the city does not respond appropriately.

Mayor Jordan: Chief Tabor spoke to us two weeks ago and said he had about 20 complaints.

Greg Tabor, Chief of Police: When I ran the numbers we had about 20 complaint calls in the last year. I didn't specifically look at where they were at.

Alderman La Tour: What did you do to rectify that when you got a complaint?

Greg Tabor, Chief of Police: Our dispatchers tell them there is nothing illegal against that and there is nothing we can do. If they still insist on an officer, then an officer will tell the complainant that we can't do anything.

Laura Phillips, 2055 South Cline stated she had this situation happen recently where neighbors were parked in front of her mailbox and driveway. She spoke in favor of the ordinance.

Hunter Hampton, 920 North Leverett Avenue spoke in favor of the ordinance.

Alderman La Tour: I'm all for people not blocking mailboxes and driveways. If someone blocks your driveway, that is already in our code. Most college parties take place at night, not between the hours of 8:00 a.m. and 5:00 p.m. We aren't painting the curb or putting up signs. I'm afraid people will get caught by this and they have no way of knowing they shouldn't do it. If it is repetitive, then they know they are being impolite. I am concerned about the everyday person who runs into a house for five minutes and parks in front of the mailbox. We are putting people at risk of fines and run-ins with the law without much notice and that concerns me greatly. We are taking a big risk for a little benefit.

Alderman Gray: I'm all about education. This is a chance that we have to educate our public on the fact that we now have an ordinance. There won't be any reason for folks to ignore the fact there is a mailbox there. I appreciate what Chief Tabor has said about the warning notices. I think our policemen will be generous in providing those warning notices to people.

This problem is not just on the west side of town or the university area. We keep talking about neighbors working this out, but I believe some of the folks that complained said they tried to work it out with their neighbors. If they had an ordinance to show to that neighbor it would be helpful. I will be supportive of this.

City Attorney Kit Williams read the entire ordinance therefore there was no need to suspend the rules.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman La Tour voting no. Alderman Tennant was absent.

Ordinance 5764 as Recorded in the office of the City Clerk

New Business:

Amend §72.34 Parking Signs or Curb Markings Required: An ordinance to amend §72.34 **Parking Signs or Curb Markings Required** of the Fayetteville Code to authorize the traffic superintendent to erect signs or paint curbs indicating a no parking zone where necessary.

City Attorney Kit Williams read the ordinance.

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

Alderman La Tour: Who is performing those functions currently?

Jeremy Pate, Director of Development Services: The Traffic Superintendent makes the judgment call currently about curb markings. Every year you all approve a contract with a company that goes about the city doing paint markings. The parallel parking spots are handled by the Parking Division. Our Fire Department identifies fire hydrants that need to be painted.

Alderman La Tour: We are empowering someone else now to perform those same functions that other departments are already performing?

Jeremy Pate, Director of Development Services: The Traffic Superintendent has control over any of the street markings under the current code.

Alderman La Tour: Who is our Traffic Superintendent?

Jeremy Pate, Director of Development Services: Terry Gulley

Alderman La Tour: Currently, without this new ordinance, you are empowered right now to go out and see an area that needs some painting and paint it if you feel it's necessary?

Terry Gulley, Transportation Services Director: We have a contract each year and we do about \$40,000.00 to \$50,000.00 worth of paint marking which replaces all the line markings on the streets. We do not go around and paint so many feet from an intersection or near stop signs. This has been brought up to mostly correct the ability to do so if needed. It was not to plan on adding a lot to it because I don't have that in my budget. We have to address that if the need were to arise.

Alderman Kinion: In my understanding this is a remedy. If we do not correct what we have in our language it could be that the city would be required to go to every place and paint every one of these places. This is not some new idea to confuse.

Loraine O'Neal, 3001 West Wedington Drive: How will this impact the budget of the City of Fayetteville?

Mayor Jordan: If this passes he would decide where they would go. It wouldn't necessarily be an impact if he decides that we don't need them in certain places.

City Attorney Kit Williams: It will actually keep the budget from having to be increased. This empowers the Traffic Superintendent to use his discretion and good judgment and not be required to paint up the entire town at a much higher cost.

Peter Tonnessen, 3500 Hearthstone Drive requested clarification of the proposed ordinance.

A discussion followed about painting curbs and erecting signage.

City Attorney Kit Williams: This ordinance will prevent the city from having to paint a bunch of curbs. If we don't change this it's going to require a tremendous amount of money and no judgment by the Traffic Superintendent to do a whole bunch of painting many places where it would not ever be needed.

Alderman La Tour: I trust Terry Gulley. I don't know who is going to take his place when he retires. I would like to see some language limiting the discretion of the Parking Superintendent. I would like to see language saying he has to justify from a traffic flow perspective.

Mayor Jordan: What amendment would you like to add?

Alderman La Tour: I would like it to say the Parking Superintendent has to justify it from a parking or traffic flow perspective.

Alderman Kinion: This is not giving the superintendent the authority to haphazardly go out and mark non-parking zones. This is saying if there is an area that is zoned non-parking, he has the authority to either paint it or not paint it.

A discussion followed about the Traffic Superintendent's authority to be able to paint or erect signs.

Alderman Long: This isn't just about mailboxes. You can go down many streets and drive up to a stop sign and 30 feet from a stop sign according to our current ordinance should be painted. They are not painted. The City of Fayetteville is not in compliance and doesn't have the budget to be in compliance. This corrects that situation.

City Attorney Kit Williams explained the title and code section of the ordinance. He stated, whenever the Fayetteville Code imposes a parking time limit or prohibits or limits parking or stopping on any street or part of street, the Traffic Superintendent shall be authorized where necessary to erect signs or to paint curb markings on such street or part of street giving notice thereof.

Alderman La Tour: I'm happy to hear that.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5765 as Recorded in the office of the City Clerk

VAC 15-5001 (4301/4331 N. Waterside CT./Sims-Renner Office Building): An ordinance approving VAC 15-5001 submitted by Bates & Associates for property located at 4301/4331 N. Waterside Court to vacate an access easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 9-0 in favor. Staff is recommending approval.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5766 as Recorded in the office of the City Clerk

Amend §116.02 Door to Door Solicitation: An ordinance amending §116.02 Door to Door Solicitation at private residences (D)(4) of the Fayetteville Code in order to provide an improved and expedited background check process for applicants and to declare an emergency.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval with an Emergency Clause due to safety.

Alderman La Tour: When we are talking about Door to Door Solicitation we are talking about commercial solicitations, correct?

Jeremy Pate: Correct.

Alderman La Tour: Not political solicitations?

Jeremy Pate: Correct. There is a long list of exemptions. Girl Scouts are included.

Alderman La Tour: Are referendum or petitions exempt?

Jeremy Pate: Correct.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Alderman Gray moved to approve an Emergency Clause. Alderman Marsh seconded the motion. Upon roll call the Emergency Clause passed 7-0. Alderman Tennant was absent.

Emergency Clause Approved

Ordinance 5767 as Recorded in the office of the City Clerk

Amend §178.03 (E) and (F): An ordinance amending §178.03 (E) and (F) of the Unified Development Code to remove pre-approved sidewalk vendor locations in front of the Walton Arts Center as agreed upon in Resolution 118-04, and to streamline the approval process for alternative locations.

City Attorney Kit Williams read the ordinance.

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

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams stated the resolution number written in the ordinance as 118-04 is a scrivener's error. The lease agreement was in 2014, not 2004 and should be written 118-14.

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

Ordinance 5768 as Recorded in the office of the City Clerk

Affiliated Computer Services, Inc.: An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of two (2) Kodak I4200 scanners from Affiliated Computer Services, Inc. of Dallas, Texas in the total amount of \$19,884.00 plus applicable sales taxes for use by the office of the City Clerk/Treasurer.

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director gave a brief description of the ordinance. He stated the IT Department needed new scanners to be purchased for compatibility with the current City of Fayetteville software. He stated the scanners are used to store and retrieve historical documents.

Alderman La Tour: I would vote for gold plated scanners for that department. Those ladies work harder than anybody else in this city that I have ever seen in both private and public world. My hat goes off to Mrs. Smith and her staff. They deserve the best equipment we can buy.

Mayor Jordan: Thank you, John.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5769 as Recorded in the office of the City Clerk

Express City Council Intent to Develop Invasive Plant Species Policy: A resolution to express the City Council's intent to develop policies or ordinances to discourage the spread of invasive plant species.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. He stated staff is requesting the City Council to assist in determining whether to study and develop an invasive plant species policy or ordinance.

Peter Nierengarten, Sustainability & Resilience Director stated the amount of time for the study would take between six to eight months and would have a recommendation ready for City Council by the end of the year. He stated it would take about 300 to 400 hours of staff time to complete.

Alderman La Tour: How many of our staff members would be working on this project?

Peter Nierengarten: We anticipate two to three staff from my department, with input from the Planning Department, Urban Forestry in our Parks & Recreation Department.

Alderman La Tour: How many people?

Peter Nierengarten: We would probably have about five staff. None of us would be working full time on the project.

Alderman La Tour: I would like to go on record that I would like to support this proposal, but I can't support something that would be coercive. I want something that would be educational and persuasive, but nothing that would impose some sort of sanction or penalty if someone plants the wrong plant in their front yard.

Peter Nierengarten: That would be part of our research in looking at how other communities have dealt with this.

Mayor Jordan: Alderman La Tour, right now we are just trying to get a study going and then we will bring you what we come up with.

Alderman Long: I am supportive of this. One of the people that we are going to seek input from is commercial nurseries. Are facilities like Lowes, Home Depot and Wal-Mart considered commercial nurseries?

City Attorney Kit Williams: They are zoned in commercial zones and have a nursery. If they wanted input on this they could.

Jeremy Pate: This is not intended to be an exclusive list. Anyone involved within this realm of work we would try to get input from.

Alderman Kinion: This has taken hundreds of hours of volunteer time from our committees that have been involved in managing invasive species across our city and developing awareness of invasive species. When I was approached to look at the information, it was with a great deal of respect of the broad input we have from individuals that have given their time. Thank you to the volunteers and the hours they have put in on this. Thank you to city staff that will be working on this as a result of the volunteer hours from these committees.

Alderman Gray: I have been educated about this. I would like for you to look down at the Yvonne Richardson Community Center. There are huge honeysuckles. You can't see any of the beauty around the community center because of the bush honeysuckle. This is an intent to develop a policy which is a very responsible thing to do.

Alderman Marsh: I am thankful to see this coming forward and it is badly needed. We need a comprehensive community based approach. I have a lot of faith in our staff to look at the data and get a good amount of input from the various stakeholders and help us to develop an effective strategy for managing this problem in our community.

Russell Black, Westwood Gardens spoke in favor of the resolution. He stated this should be approached from an educational understanding and a continued effort to point out the detriments of the invasive plants.

Bob Caulk, Ward 1 spoke in favor of the resolution. He stated the City of Fayetteville owns a lot of land and needs to think about how they are going to manage invasive plants on their property.

Jeff Hampton, 920 North Leverett Avenue spoke in favor of the resolution.

Luca Flesh, 280 South Hill Avenue, Biology & Outdoor Education Teacher spoke in favor of the resolution.

Pete Heinzelmann, Fayetteville citizen spoke in favor of the resolution. He stated bush honeysuckle is at least 90% of the problem that is occurring in Fayetteville. He stated a policy is needed to protect the natural and native environment, to prevent beautiful views from being blocked, and to develop a program to deal with the invasive species.

Peter Tonnessen, 3500 Hearthstone Drive spoke in favor of the resolution.

Loraine O'Neal, 3001 West Wedington Drive stated the policy should be developed, but believes 300 to 400 staff hours is excessive.

Don Steinkraus, U of A Professor and Chair of the Urban Forestry spoke in favor of the resolution.

Sarah Lewis, Fayetteville resident spoke in favor of the resolution.

Kyle Smith, 2801 West Dove Drive stated the objections to this will most likely be about property rights. He stated what we do on our own property impacts the neighborhoods and the entire community around us. He stated decisions need to be based on sound science and that requires data.

Aubrey Shepherd stated not all honeysuckle is bad. He stated a person needs to know there are a couple of really important native species.

Alderman Petty moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 6-1. Alderman La Tour voting no. Alderman Tennant was absent.

Resolution 101-15 as recorded in the office of the City Clerk

Announcements:

Jeremy Pate, Director of Development Services: First Thursday on the square is May 7, 2015 from 5:30 to 9:00 p.m.

There will be several public events coming up this weekend. The University of Arkansas is having their graduation commencement ceremonies. There is a baseball home series. Foam Fest will be on Dickson Street.

There will be a Mayor's Town Hall meeting on May 11, 2015 at St. Paul's Episcopal Church, 224 East Street at 7:00 p.m.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 7:45 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

RZN- 15-4965 (South End of Ruppel Road)
Handed out at the 5-19-15 City Council meeting

Sloan Property Summary of Observations 5/13/15:

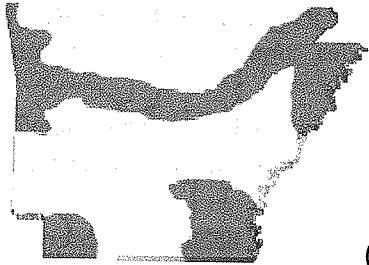
- Investigated area of "green space" (as shown on figure presented by individual commenting on proposed rezoning) on May 13, 2015. Weather conditions were cool (58°F) with light rain.
- Area appeared to be utilized as a hayfield and would best be described as an "improved pasture/hayfield" that supported the following species: tall fescue (*Schedonorus arundinaceus*), broom-sedge (*Andropogon virginicus*), bluegrass (*Poa* sp.), and orchard grass (*Dactylis glomerata*). Tall fescue was the dominant species, comprising 50 percent or more of the site, followed by broom-sedge.
- Observations were made of small wetland areas within the site, which supported the following species: Caric sedges (*Carex* sp.), swamp smartweed (*Persicaria hydropiperoides*), and water primrose (*Ludwigia* sp.).
- No observations were made of herpetofauna, however, habitat was observed that would likely support several species of frogs, including northern crawfish frog (*Lithobates areolatus circulosus*). A number of crawfish burrows were noted within the area and the general habitat, while not pristine, would likely support the species, especially if a population were known to exist nearby.
- The following species of fauna were observed during field observations: Northern Bobwhite, Dickcissel, and Red-winged Blackbird.
- In summary, the area supports a hayfield with very little species diversity in regards to the vegetative community; however, it probably supports several species of fauna that are common to the area (and utilize either disturbed habitat or grasslands). In addition, the area likely supports northern crawfish frog considering that the species is known to occur nearby.

General view of site.



General notes:

- Crawfish frog is not a protected species. It is not federally listed as threatened or endangered, nor is it a proposed candidate. Globally ranked as G4T4 (species apparently secure, subspecies apparently secure)
- Crawfish frog is not common in NWA (see species range map below)

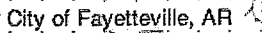


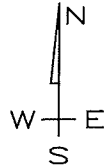
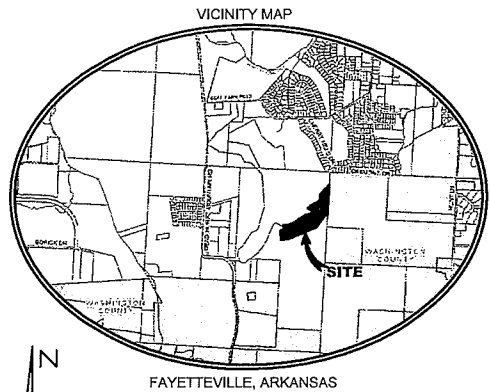
(Map taken from HerpsOfArkansas.com on 5/14/15)

- Arkansas state rank S2 (imperiled/very rare within the state) but not listed as Threatened or Endangered by Arkansas Natural Heritage Commission or Arkansas Game and Fish Commission
- Missouri state rank S3 (rare to uncommon)

Information obtained from HerpsOfArkansas.com and NatureServe.org on 5/14/15.

RZN 15-5004 (South End of Pumpkin Ridge Dr.

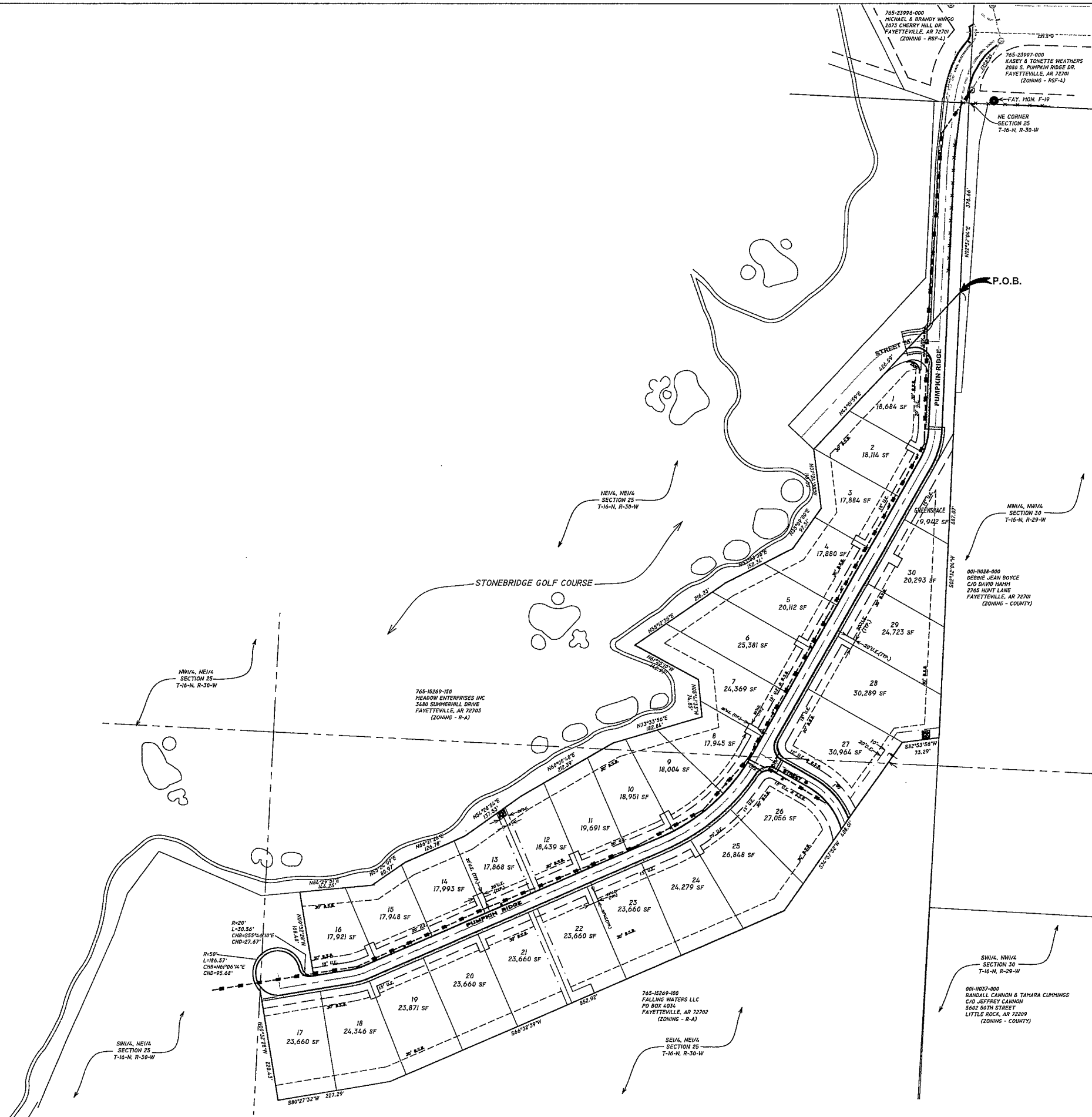
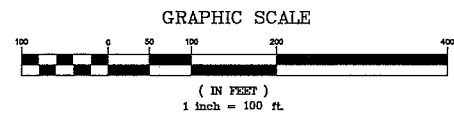




PART OF THE NE1/4 OF SECTION 25, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID SECTION 25 THENCE S02°32'04"W 376.64 FEET TO THE P.O.B.; THENCE S02°32'04"W 887.07 FEET, THENCE S82°53'56"W 73.29 FEET, THENCE S14°57'52"W 408.01 FEET, THENCE S66°32'39"W 852.92 FEET, THENCE S80°27'32"W 227.29 FEET, THENCE S09°52'28"W 220.43 FEET, THENCE ALONG A CURVE TO THE RIGHT 186.57, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND A CHORD BEARING AND DISTANCE OF N61°06'14"E 95.68 FEET, THENCE ALONG A CURVE TO THE LEFT 30.56 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET AND A CHORD BEARING AND DISTANCE OF S55°44'10"E 27.47 FEET, THENCE N09°12'28"W 146.48 FEET, THENCE N44°29'51"E 144.25 FEET, THENCE N55°24'09"E 80.97 FEET, THENCE N46°21'24"E 126.78 FEET, THENCE N54°28'54"E 137.53 FEET, THENCE N60°03'48"E 212.39 FEET, THENCE N73°13'56"E 182.84 FEET, THENCE N03°41'33"W 74.85 FEET, THENCE N46°25'10"W 142.97 FEET, THENCE N55°12'30"E 216.23 FEET, THENCE N63°03'30"E 152.34 FEET, THENCE N35°09'00"E 97.51 FEET, THENCE N07°24'00"W 118.60 FEET, THENCE N43°01'59"E 426.59 FEET TO THE P.O.B.; CONTAINING 17.37 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

NOTES:

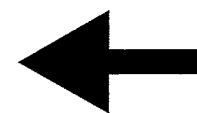
- 1) PARCEL #765-15269-100
- 2) CURRENT ZONING = R-A
- 3) THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #0514.3C0240F DATED APRIL 2, 2008



PREPARED BY JORGENSEN & ASSOCIATES ESTABLISHED 1985 CIVIL ENGINEERING SURVEYING	
124 W. SUNBRIDGE SUITE 5, FAYETTEVILLE, AR 72703 PH (479) 442-9127 FAX (479) 592-4607	
LEGEND	
X CALCULATED POINT	
O FOUND RAILROAD SPIKE	
O SET IRON PIN & CAP	
P POWER POLE	
A CENTERLINE MARKER	
S NEW SEWER MANHOLE	
H NEW FIRE HYDRANT	
SL STREET LIGHT	
EXISTING 8" SEWER LINE	
PROPOSED 8" SEWER LINE	
EXISTING WATERLINE	
PROPOSED 8" WATER LINE	
CENTERLINE STREET	
BUILDING SETBACK	
UTILITY EASEMENT	
NEW 5' SIDEWALK	
UTILITY CROSSING	
EXISTING CONTOUR	
PROJECT DETAILS	
PROJECT TITLE: FALLING WATERS SUBDIVISION	
PROJECT LOCATION: FAYETTEVILLE, AR	
REVISIONS	
DATE: 2-15-15 DRAWN BY: SEM PROJECT # 2013113 215UB02013113/FALLING WATERS SHEET SIZE: 24" x 36" SCALE: 1"=100'	
SHEET TITLE	
REZONING	
SHEET NUMBER	
1	1



City sign located at Cherry Hills/Pumpkin Ridge
at Proposed Street Connection.
The sign was installed in 2004 at the time of final
plat of Stonebridge Meadows Phase 2.



Sign located at Cherry Hills/Pumpkin Ridge
at proposed street connection.
The sign was installed in 2006 and still existing.

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, May 12, 2015

4:30 PM

City Hall Room 326

City Council

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

A. 1 [2014-0503](#)

APPROVAL OF THE MAY 5, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 [2015-0231](#)

RAINMAKER SALES, INC.

A RESOLUTION TO AUTHORIZE THE PURCHASE OF AN EXPANSION POLY TRAILER FROM RAINMAKER SALES, INC. OF SHAWNEE, OKLAHOMA IN THE AMOUNT OF \$6,000.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[SRP 4-30-15 WSWD trailer 9215](#)

[4-28-15 BA - Galvanized Pipe Rehab-Trailer](#)

B. Unfinished Business:

C. New Business:

C. 1 [2015-0234](#)

RZN 15-5033 (232 W.ASJ ST./KOUTROUMBIS)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5033, FOR APPROXIMATELY 0.30 ACRES, LOCATED AT 232 W. ASH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE

Attachments:

[15-5033 CC Exhibits](#)

[15-5033 RZN Staff Report copy](#)

C. 2 [2015-0230](#)

VAC 15-5020 (2288 N. HIDDEN CREEK DR./KENNEDY)

AN ORDINANCE APPROVING VAC 15-5020 SUBMITTED BY JEREMY KENNEDY FOR PROPERTY LOCATED AT 2288 N. HIDDEN CREEK DRIVE TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT

Attachments:

[15-5020 CC EX A & B](#)

[15-5020 Full Packet](#)

[15-5020 CC ORD](#)

C. 3 [2015-0228](#)

RZN 15-4965 (SOUTH END OF RUPPLE RD./RUPPLE ROAD EXTENSION CORRIDOR)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-4965, FOR APPROXIMATELY 642 ACRES, LOCATED AT THE SOUTHERN END OF RUPPLE ROAD FROM R-A, RESIDENTIAL-AGRICULTURE; RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE; and RSF-8, RESIDENTIAL SINGLE FAMILY EIGHT UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; CS, COMMUNITY SERVICES, UT, URBAN THOROUGHFARE; and R-A, RESIDENTIAL AGRICULTURAL

Attachments:

[15-4965 CC EX A](#)

[15-4965 CC reports](#)

C. 4 [2015-0232](#)

RZN 15-5004 (SOUTH END OF PUMPKIN RIDGE DR./FALLING WATERS) APPEAL

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5004, FOR APPROXIMATELY 17.37 ACRES, LOCATED SOUTH OF PUMPKIN RIDGE ROAD FROM R-A, RESIDENTIAL-AGRICULTURE TO RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE

Attachments:

[15-5004 CC EX A & B](#)

[15-5004 Full Packet](#)

C. 5 [2015-0229](#)

AMENDMENT OF THE MASTER STREET PLAN APPEAL

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY REMOVING A BRIDGE CONNECTION ON RAVEN LANE OVER CLABBER CREEK SOUTH OF CRYSTAL SPRINGS PHASE III

Attachments:

[Ex A](#)

[15-5035 Full Packet](#)

C. 6 [2015-0202](#)

AMEND §162.01 (B)(2) TO ADD “LANDSCAPE CONTRACTING BUSINESS”

AN ORDINANCE AMENDING UNIFIED DEVELOPMENT CODE §162.01 (B)(2) TO ADD “LANDSCAPE CONTRACTING BUSINESS” AS A USE ALLOWED BY CONDITIONAL USE PERMIT IN ALL ZONING DISTRICTS

Attachments:

[Agenda Item](#)

C. 7 [2015-0233](#)

AMEND § 167.04 (J)(3) OFF-SITE FORESTATION

AN ORDINANCE TO AMEND § 167.04 (J)(3) *OFF-SITE FORESTATION* TO AUTHORIZE THE CITY COUNCIL TO ALLOW FORESTATION WITHIN A NEARBY CITY PARK IF DETERMINED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF OUR CITIZENS

Attachments:

[2015-0233 - Chapter 167 - off-site forestation amendment](#)

[2015-0233 - Attachment - Existing Ordinance Language](#)

C. 8 [2015-0235](#)

AMEND ARTICLE IX TELECOMMUNICATIONS BOARD

AN ORDINANCE TO AMEND ARTICLE IX TELECOMMUNICATIONS BOARD OF THE CODE OF FAYETTEVILLE TO CONFORM TO CHANGES IN STATE LAW AND TO CLARIFY DEFINITIONS AND DUTIES OF THE BOARD

Attachments:

[Telecomm Board - Ex A](#)

[2015-0235 Telecommunications Board Ordinance Revision Item](#)

D. City Council Agenda Session Presentations:

D. 1 [2015-0227](#)

AGENDA SESSION PRESENTATION - CH2M ANNUAL REPORT,
BILLY AMMONS

E. City Council Tour:

F. Announcements:

G. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

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

Old business and new business.

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

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

Courtesy and respect.

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

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

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



City of Fayetteville, Arkansas

Tentative Agenda
May 19, 2015
113 West Mountain Road, Suite 8 of 208
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0231

Agenda Date: 5/19/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 2

RAINMAKER SALES, INC.

A RESOLUTION TO AUTHORIZE THE PURCHASE OF AN EXPANSION POLY TRAILER FROM RAINMAKER SALES, INC. OF SHAWNEE, OKLAHOMA IN THE AMOUNT OF \$6,000.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of an expansion poly trailer from Rainmaker Sales, Inc. of Shawnee, Oklahoma in the amount of \$6,000.00 plus applicable sales taxes for use by the Water and Sewer Operations Division.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution and made a part hereof.

City of Fayetteville Staff Review Form

2015-0231

Legistar File ID

5/19/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks / Sara Glenn

4/30/2015

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

That City Council approve the purchase of one expansion poly trailer in the amount of \$6,585 (including tax) from Rainmaker Sales of Shawnee, OK, and approve a budget adjustment to move funds to Fleet's expense account.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02080.2015

Other Equipment

Project Number

Project Title

Budgeted Item? No

Current Budget \$ 473,000.00

Funds Obligated \$ 247,654.00

Current Balance \$ 225,346.00

Does item have a cost? Yes

Item Cost \$ 6,585.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 6,700.00

Remaining Budget \$ 225,461.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 19, 2015

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: April 30, 2015
SUBJECT: Purchase of one expansion Poly Trailer for Water & Sewer

RECOMMENDATION:

That City Council approve the purchase of one expansion Poly trailer in the amount of \$6,585 from Rainmaker Sales of Shawnee, OK, and approve a budget adjustment to move funds from W&S project to Fleet's expense account.

BACKGROUND:

W&S has funds available in the Water System Rehabilitation/Replacement Project to upgrade/replace pipe in the City water system. This trailer is needed to haul and dispense poly pipe for the new boring machine.

DISCUSSION:

This type trailer is required for the safe and efficient handling and installation of large diameter rolls of 2" to 4" poly pipe. The rolls of poly pipe are extremely heavy and cumbersome with the largest rolls (500' length) weighing approximately 1,200 lbs. This trailer carries and helps to dispense the pipe as needed.

This purchase will be presented to the Equipment Committee on May 12, 2015.

BUDGET/STAFF IMPACT:

There are sufficient funds in the budget for this purchase on both the capital and operating sides

Attachments:

PO – Purchase Requisition
BA – Budget Adjustment
Quote sheet

City of Fayetteville - Purchase Order Request (PO)

(Not a Purchase Order)

All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.

Purchase shall not be made until an actual PO has been issued.

Requestion No.:										Date: 4/30/2015	
P.O Number:											
Vendor #:		Vendor Name:		RAINMAKER SALES				Mail ☐ YES ☒ NO		Registrar#: 2015-0231	
Address:		FOB Point:		Ship to code:		Taxable ☒ YES ☐ NO		Expected Delivery Date:			
City:		State:		Zip Code:		Requester's Employee #: 1940		Quoted Attached ☒ YES ☐ NO		Extension:	
Requester: Barbara Olsen		Account Number		Project Sub#		Inventory #		Fixed Asset #			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost						
1	PTCRL non-tilt poly trailer for 1"	1	ea	5,500.00	\$5,500.00	02080.2015 709215					
2	to 4" pipe, to be unit 9215, fixed				\$0.00						
3	asset #709215				\$0.00						
4					\$0.00						
5					\$0.00						
6					\$0.00						
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
*	Shipping/Handling	1	Lot	500.00	\$500.00						
Special Instructions:											
Subtotal: \$6,000.00 Tax: \$585.00 Total: \$6,585.00											

Approvals:

Mayor: _____

Chief Financial Officer: _____

Dispatch Manager: _____

Department Director: _____

Budget Director: _____

Utilities Manager: _____

Purchasing Manager: _____

IT Director: _____

Other:  _____

City of Fayetteville, Arkansas

Purchasing Department

Request and Quotations Form - Revised 8/25/2005

Amount	Quote Requirements	Notes
\$1000-\$2499.99	3 Verbal Quotes	Please put vendor names and quote amount in comment section of your P-Card/PO request. Please write "sole source" if it applies.
\$2500-\$20,000	3 Written Quotes	Purchases \$2500 and up cannot be processed by using a P-Card, you MUST USE A PO. Please make sure that your quotes are attached to your PO Request before you send it to Purchasing.
\$20,000 - above	Contact Purchasing Division	Formal Bid Process - Contact Purchasing Division

Quote Number: _____
Your records only

GL Account Number: 9700.1920.5802.00, 02080.2015

Date: 4/27/2015

Purchase Order Number: _____

Please use a P-Card if possible. Only order after request is approved (P-Cards) or after obtaining a PO Number first.

Date Needed: 5/4/2015

Department: Operations - Fleet Operations

Taken By: Jeffrey Mince at W&S

Description of Item (s):

Poly trailer to use for hauling and dispensing 2" to 4" poly pipe.

Quantity: one

Vendor List	Qty	Item Description	Price Each	Total Price	Remarks
Vendor #1 Rainmaker Sales, Inc	1	Poly trailer	\$5,500.00		
Address					
City, St Zip					
					Plus \$500 freight + tax
Vendor #2 CRL Pump & Supply	1	Poly trailer	\$5,500.00		
Address					
City, St Zip					
					Plus \$500 freight + tax
Vendor #3 Midland Carriers	1	Poly trailer	\$8,450.00		
Address					
City, St Zip					
					Plus \$500 freight + tax

Comments:

Rainmaker Sales, Inc.

7251 Highway 177
Shawnee, Oklahoma 74804
Office -405-964-7575
Fax - 405-964-7585

QUOTE

DATE	QUOTE #
4/23/2015	26653

CUSTOMER
City of Fayetteville Jeff Mincy 479-575-8388 jmincy@fayetteville-ar.gov

REQUESTED ...	TERMS	REQ. DELI...	REP	DESTINATION	PROJECT/JOB	CSR
Jeff	Due on receipt	4/23/2015	H			
ITEM	DESCRIPTION		QTY	PRICE	AVAILABILITY	TOTAL
PTCRL	CRL Non-Tilt Poly Trailer w/2 5/16" Coupling For 1"-4" Pipe, Heavy Duty w/ Support Roller under Main Deck Adjustable Slots for Uprights		1	5,500.00	IN STOCK	5,500.00
Quote good for _____ days.				SUB TOTAL \$5,500.00		
				SALES TAX (5.5%) \$0.00		
				TOTAL \$5,500.00		

SIGNATURE _____

Phone #	Fax #
405-964-7575	405-964-7585

Mincy, Jeffrey

From: Mikiel Cooper <pnut@crlpump.com>
Sent: Friday, April 24, 2015 10:24 AM
To: Mincy, Jeffrey
Subject: Poly Trailer

Jeff,

I currently have two Poly Pipe Trailers in stock. These are not manufactured, they are homemade. Cost on them is \$5500.00 each. If you have any questions please let me know. I look forward to hearing from you



Mikiel 'P-Nut' Cooper
503 Industrial Blvd
Borger, Tx 79007
www.crlpump.com
(806) 274-2692
(806) 274-4317 fax
(806) 662-5186 cell

This message is intended for the individual to which it is addressed. This communication may contain information that is confidential. If you are not the named addressee, or have been inadvertently and erroneously referenced in the address line, you are not authorized to read, print, retain, or copy this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

Midland Carriers

P.O. Box 1225
Edmond, Oklahoma
73083
U.S.A.

Phone: 405-330-4733

Effective 09-01-2012

www.midlandcarriers.com

Info@midlandcarriers.com

Date:	4/24/15
Company:	City of Fayetteville
Address:	113 W. Mountain
City:	Fayetteville
State:	Arkansas
Zip Code:	72701
Phone:	479-575-8388
E-mail address:	jmincy@fayetteville-ar.gov
Contact Name:	Jeff Mincy
Signature:	

Description		Amount
SELECT MODEL	PO-400 base unit	\$8,450.00
SELECT JACK	Flip Jack	\$0.00
SELECT COUPLER	A-Frame 2-5/16" coupler	\$0.00
SELECT PAINT STYLE	One Color	\$0.00
SELECT SPARE TIRE	None	\$0.00
SELECT PULL-TYPE	Bumper pull	\$0.00
SELECT CAPACITY	Standard Drum	\$0.00
SELECT HEAD-ACHE	None	\$0.00
SELECT POWER OPTION	Standard Drive	\$0.00

PL-6000 Only *

Sub-total

\$8,450.00

Standard on RB-1250 **

Enter Number of Units

1

Standard on PL-5000 ***

Total

\$8,450.00

All prices F.O.B. our yard.

Prices subject to change without notice.

Required Deposit

\$2,957.50

Print Form

Reset Form

Sales Tax if applicable

\$464.75

Tentative Agenda
May 19, 2015
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Budget Year	Division: Utilities Director	Adjustment Number
2015	Dept.: Utilities	
	Requestor: Cheryl Partain	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

A BA is needed to transfer to Fleet the cost of a heavy duty trailer for poly pipe to be utilized with the new boring machine. In the Water System Rehabilitation/Replacement project--funds were budgeted in the 2015 to 2019 CIP for a new horizontal boring machine. The boring machine to be used to replace galvanized pipe has already been purchased and additional budgeted funds will be used to purchase the heavy duty trailer to be utilized with the new boring machine.

	COUNCIL DATE:	4/29/2015
	LEGISTAR FILE ID#:	2015-0231
	<i>Barbara Fell</i>	
	<i>4/30/2015 3:01 PM</i>	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

Tentative Agenda
May 19, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 17 of 208

Text File

File Number: 2015-0234

Agenda Date: 5/19/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 1

RZN 15-5033 (232 W. ASH ST./KOUTROUMBIS)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5033, FOR APPROXIMATELY 0.30 ACRES, LOCATED AT 232 W. ASH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RSF-4, Residential Single Family, 4 Units per Acre to RMF-12, Residential Multi Family, 12 Units per Acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

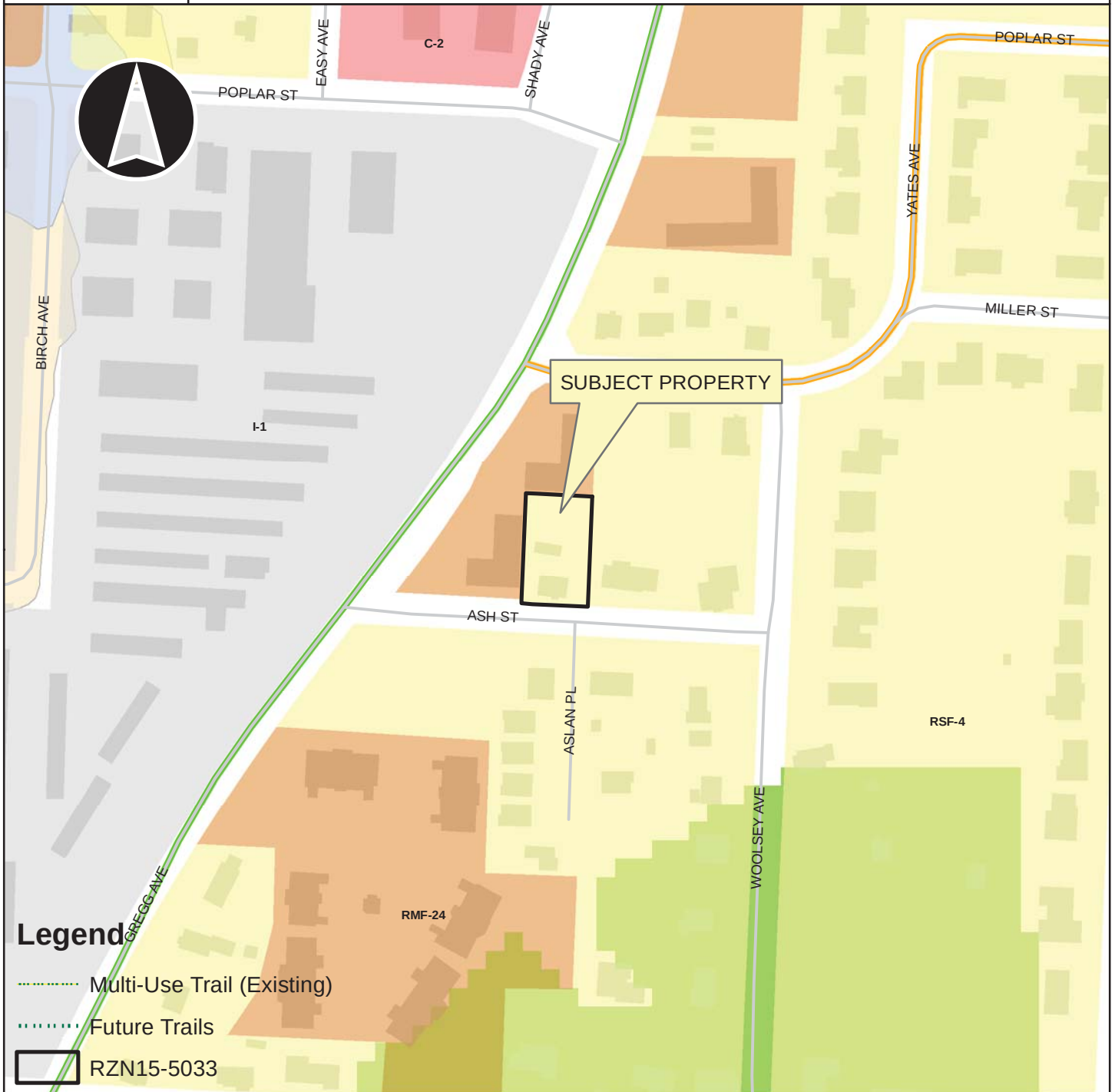
15-5033 EXHIBIT 'A'

Tentative Agenda
May 19, 2015
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RZN15-5033

KOUTROUMBIS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- RZN15-5033

Overview

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



EXHIBIT 'B'
15-5033

Tentative Agenda
May 19, 2015
Page 19 of 208

Escrow File Number: 1404928-103

Lot Numbered 4 in Block Numbered 1 Revised Plat of Lots 3 to 9 inclusive, Block Numbered 6 Parker's Plat of Valley View Acres, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

A 15 foot strip of land of equal and uniform width off of the East side of Lot 5 Block 1 Revised Plat of Lots 3 to 9 inclusive, in Block 6 in Parker's Plat of Valley View Acres, as per plat on file in the office of the Circuit clerk and Ex-Officio Recorder of Washington County, Arkansas.

City of Fayetteville Staff Review Form

2015-0234

Legistar File ID

5/19/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

5/1/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5033: Rezone (232 W. ASH ST./KOUTROUMBIS, 367): Submitted by TAYLOR KOUTROUMBIS for property located at the 232 W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 19, 2015

TO: Fayetteville City Council
FROM: Quin Thompson, Current Planner
THRU: Andrew Garner, Planning Director
DATE: May 1, 2015

SUBJECT: RZN 15-5033: Rezone (232 W. ASH ST./KOUTROUMBIS, 367): Submitted by TAYLOR KOUTROUMBIS for property located at the 232 W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to RMF-12, Residential Multi Family, 12 Units per Acre.

BACKGROUND:

The subject property is located at 232 W. Ash Street, mid-block between Gregg Avenue and Woolsey Avenue and contains approximately 0.30 acres within the RSF-4 zoning district. The property is developed with a single-family residence and out-building, dating to 1955. In 2014, the applicant unsuccessfully sought to rezone the property to RMF-24.

- *November 10, 2014 Planning Commission:* This item was tabled at the applicant's request at the 11-10-2014 PC meeting.
- *November 24, 2014 Planning Commission:* A motion to deny the request was approved with a vote of 6-3-0.
- *February 3, 2015 City Council:* An appeal of the Planning Commission decision failed and the property was not rezoned.

Land Use Compatibility:

This property is currently developed with a single family residence. The proposal to rezone the property to RMF-12 will allow development of residential use that creates a transitional density between the RMF-24 and RSF-4 zoned properties on either side. The property is a transitional parcel between multi-family residential on a high speed arterial street and a single-family residential neighborhood further to the east. The RMF-12 zoning district would allow a maximum of 3 units on the property, compatible with the adjacent multi-family apartments to the west and duplex development to the east.

Land Use Plan Analysis:

The City Plan 2030 Future Land Use Map designates this area as Residential Neighborhood Area. Staff finds the proposed zoning consistent with the Residential Neighborhood designation which encourages, where appropriate, a mix of residential types. Guiding Policy “E” for Residential Areas encourages a development scale to maintain compatibility, use, and proportionality between land uses. The proposed RMF-12 zoning district would allow a small multi-family building to provide a transitional density into an area of the neighborhood with much smaller buildings and lower intensity development. The development scale allowed would be proportional to surrounding smaller structures to the east and south. Guiding Policy “G” discusses that traffic on minor residential streets should be minimized while providing connections between neighborhoods. The proposed RMF-12 zoning would encourage a higher density project and its associated traffic further onto Ash Street, a minor residential street, but the slight increase in density is unlikely to have a noticeable impact on the neighborhood.

DISCUSSION:

On April 27, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 6-0-1, with Commissioner Brown recusing. At that meeting, the property owner of the duplex lot to east spoke against the rezoning, saying that the density allowed by the RMF-12 zone would not be compatible with the neighborhood.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~April 27, 2015~~ **UPDATED 4/29/2015**

SUBJECT: **RZN 15-5033: Rezone (232 W. ASH ST./KOUTROUMBIS, 367):**
Submitted by TAYLOR KOUTROUMBIS for property located at the 232 W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends approval of **RZN 15-5033**.

BACKGROUND:

The subject property is located at 232 W. Ash Street, mid-block between Gregg Avenue and Woolsey Avenue and contains approximately 0.30 acres within the RSF-4 zoning district. The property is developed with a single-family residence and out-building, dating to 1955. In 2014, the applicant unsuccessfully sought to rezone the property to RMF-24.

- *November 10, 2014 Planning Commission:* This item was tabled at the applicant's request at the 11-10-2014 PC meeting.
- *November 24, 2014 Planning Commission:* A motion to deny the request was approved with a vote of 6-3-0.
- *February 3, 2015 City Council:* An appeal of the Planning Commission decision failed and the property was not rezoned.

Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Multi-Family Residential	RMF-24, Residential Multi-family/24 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-family, 4 units per acre
East	Two-Family Residential	RSF-4, Residential Single-family, 4 units per acre
West	Multi-Family Residential	RMF-24, Residential Multi-family/24 Units per Acre

Request: The request is to rezone the property from RSF-4, Residential Single-family / 4 Units per Acre to RMF-12, Residential Multi-family / 12 Units per Acre. The applicant has stated that the rezoning will allow the property to be re-developed in the future with a duplex behind the existing residence.

Public Comment: Staff has received comments from the family of the adjacent neighbor to the east, opposing the rezone request, citing erosion at the edge of a stable single-family neighborhood and the impact additional density would have upon immediate neighbors.

INFRASTRUCTURE:

Streets: The subject parcel has access to Ash Street. Ash Street currently has storm drainage, curb and gutter and limited sidewalk. Any required improvements of these streets will be determined at time of development.

Water: Public water is accessible to the site. A 1.5" water main exists in the right of way of Ash Street adjacent to the subject parcel.

Sewer: Sanitary sewer is available to the parcel. A 6" sewer main exists in the right of way of Ash Street.

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

Fire: This development will be protected by Engine 2 located at 708 N Garland. It is 2 miles from the station with an anticipated response time of 3 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will negatively affect calls for service or response times.

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

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Residential Neighborhood Area**. Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and row-houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-*

residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends approval of RZN 15-5033, finding that the proposed zoning allows development compatible with the existing single-family neighborhood.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>April 27, 2015</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: HOSKINS	Second: AUTRY	Vote: 6-0-1 Commissioner Brown recused himself.	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>May 19, 2015</u>	☐ Approved	☐ Denied	

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:** This property is currently developed with a single family residence. The proposal to rezone the property to RMF-12 will allow development of residential use that creates a transitional density between the RMF-24 and RSF-4 zoned properties on either side. The property is situated as a boundary between multi-family residential on a high speed arterial street and a quiet single-family residential neighborhood, where encroachment of multi-family developments would allow the introduction of height and density incompatible with the surrounding neighborhood to the north, east and south. Further, this property is the first interior lot away from Gregg Avenue and faces Ash Street, a local street, making this lot the logical and natural place to transition the zoning from multi-family to single-family residential use, as is the case under the current zoning. The RMF-12 zoning district would allow a maximum of 3 units on the property.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map designates this area as Residential Neighborhood Area. Staff finds the proposed zoning consistent with the Residential Neighborhood designation which encourages, where appropriate, a mix of residential types. Guiding Policy "E" for Residential Areas encourages a development scale to maintain compatibility, use, and proportionality between land uses. The proposed RMF-12 zoning district would allow a small multi-family building to provide a transitional density into an area of the neighborhood with much smaller buildings and lower intensity development. The development scale allowed would be proportional to surrounding smaller structures to the east and south. Guiding Policy "G" discusses that traffic on minor residential streets should be minimized while providing connections between neighborhoods. The proposed RMF-12 zoning would encourage a higher density project and

its associated traffic further onto Ash Street, a minor residential street, but the slight increase in density is unlikely to have a noticeable impact on the neighborhood.

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

Finding: The proposed rezoning is not necessarily needed, due to the fact that the area's current single-family residential zoning designation is compatible with surrounding properties and traffic patterns to the east. The property is surrounded on three sides by single-family uses and provides a buffer from the multi-family developments and high speed traffic conditions on Gregg Avenue. The proposed zoning will allow the owner to utilize the property for multi-family development as it meets minimum lot, area, and street frontage requirements for multi-family development.

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

Finding: The site access has access to West Ash Street, a partially improved two-lane local street. The proposed zoning allows uses that would increase traffic over the existing zoning, however, development allowed under the proposed zoning is unlikely to appreciably increase traffic danger or congestion, as it would allow a maximum of three units and would be near Gregg Avenue, which can handle large volumes of traffic. Street improvements will be evaluated at the time of development.

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

Finding: Rezoning the property from single-family to multi-family use will allow for the construction of higher residential density, however that development is unlikely to undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.

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

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

Finding: N/A

BUDGET/STAFF IMPACT:

None

Attachments:

Unified Development Code sections 161.07 & 161.12

Request Letter

Site Plan

Fire Comments

One Mile Map, Close Up Map, Current Land Use Map, Future Land Use Map

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage 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 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

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

(F) *Building height regulations.*

Building Maximum	Height	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.12 District RMF-12, Residential Multi-Family – Twelve 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-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less
----------------	------------

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variances, Ch. 156

(F) *Building height regulations.*

Building Height	30/45 ft.*
Maximum	

*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 30

feet. 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 45 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365 Fax (479) 575-0471

To: Parker & Associates, Quin Thompson
From: Will Beeks Assistant Fire Marshal
Date: October 8, 2014
Re: 14-4864

This development will be protected by Engine 2 located at 708 N Garland Ave.
It is 2 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.

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

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

Captain Will Beeks
Fayetteville Fire Department

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

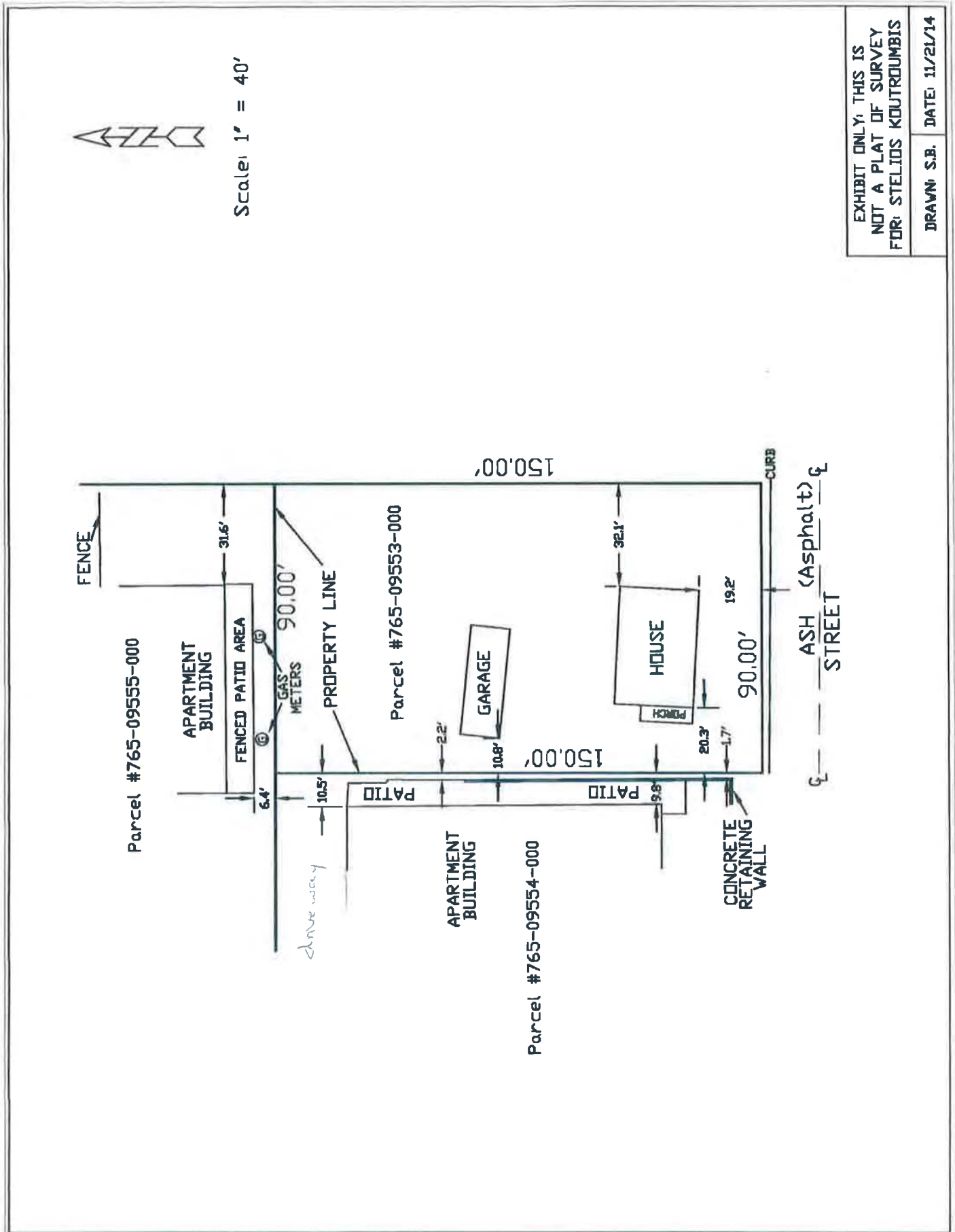


EXHIBIT ONLY; THIS IS NOT A PLAT OF SURVEY FOR: STELIOS KOUTROUMBIS	
DRAWN: S.B.	DATE: 11/21/14

Taylor and Stelios Koutroumbis
985 W. Hughes Street
Fayetteville, AR 72701
479-249-9876
trainek2012@gmail.com

March 11, 2015

CITY OF FAYETTEVILLE, ARKANSAS

232 W. ASH STREET REZONING

Rezoning Checklist:

- (5) a. Owners: Stelios Koutroumbis
985 W. Hughes Street
Fayetteville, AR 72701
479-249-9876
- Taylor Koutroumbis
985 W. Hughes Street
Fayetteville, AR 72701
479-249-9876

There are no proposed or pending property sales.

- b. A zoning change is requested to allow for construction of a small duplex on the rear side of the above listed property. The property was recently surveyed at .3 acres (see attached), so a rezone of RMF-12 would allow us to keep the 900 square foot home at the front of the lot (that we recently remodeled), while adding the new construction to the large tract of unused land in the back.
- c. We believe that this duplex will fit in nicely with the surrounding structures and neighborhood, as it will allow for a seamless flow from the larger scale apartment buildings to the west and north into the single family neighborhood to the east. This lot is surrounded on two sides (West and North) by large apartment buildings. Directly across the street from it is a single-family residence on a large subdivided lot. The subdivided lot houses approximately 8 townhomes and has a sign out front that reads "Aslan Place," as if it were its own small apartment community. Adjacent to the East is a large duplex. Upon review of a plat map and speaking with other property owners, it is

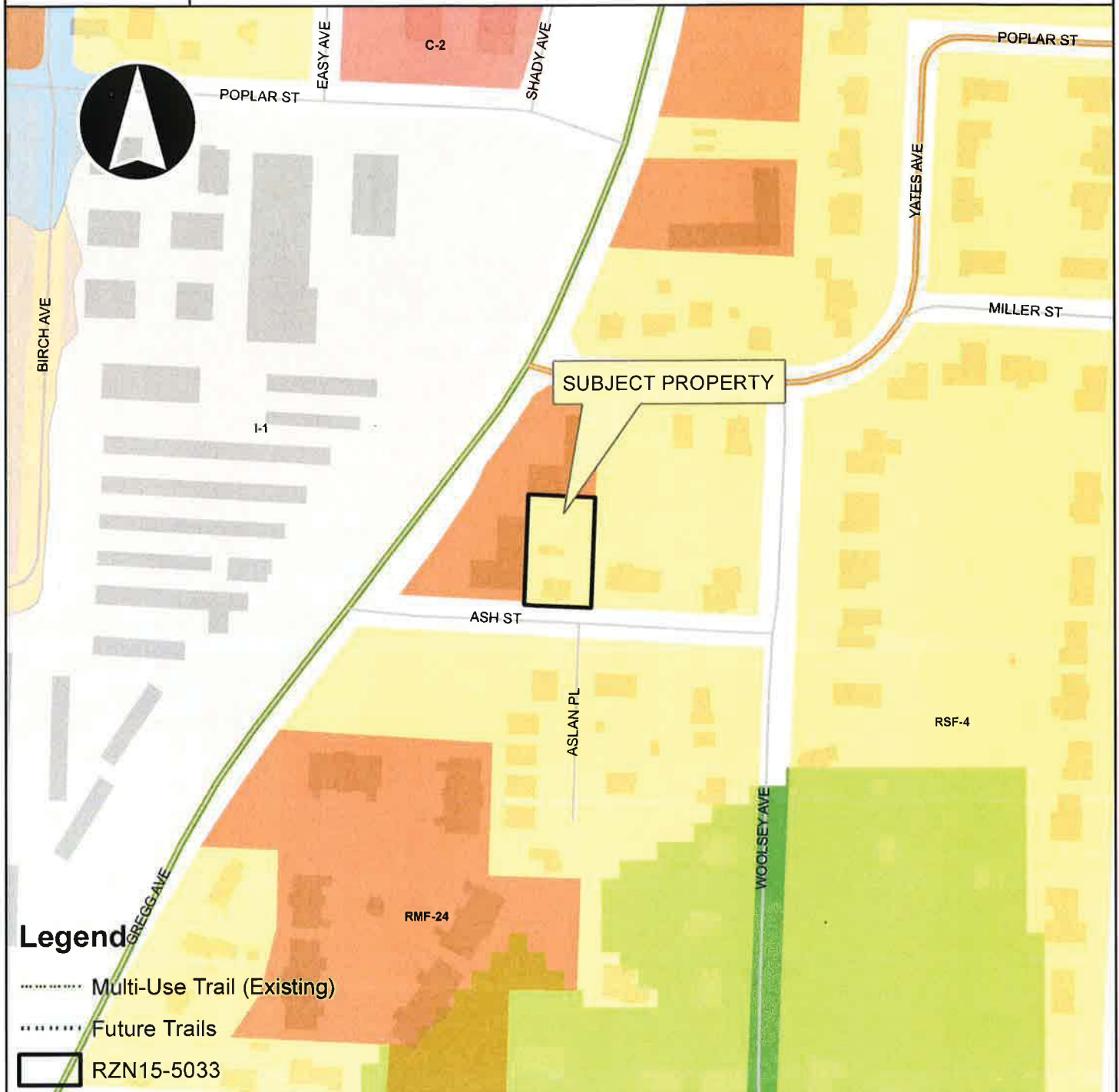
We hope to attain this rezoning before the upcoming summer months, so that we can break ground on our project before the end of the building season.

- g. The proposed rezone to RMF-12 for our .3 acre lot will only allow for construction of a duplex, and will not appreciable increase traffic danger or congestion. The main access point for this property will be a continuation of an existing driveway off of North Gregg Ave, a busy city street, and will have no relation to traffic on Ash Street. In addition, it should be noted that Ash is typically a busy street anyway. Nonresidents consistently use this neighborhood as a cut through to College Ave from N. Gregg, as well as a quick access to Woodland Jr. High School in the morning and afternoon hours. The addition of two more families to this neighborhood would not significantly impact the traffic flow on this street.
- h. As the proposed development is of such small scale, it will have little to no impact on population density or the load on public services.
- i. In summary, our hopes are to take this .3-acre tract of land and utilize the new zoning of RMF-12 to build a modest sized duplex, while retaining the existing 900 square foot home. The current zoning is impractical as this lot rests in the midst of a transition area from large multi-family development to single family residential. A simple drive down Ash Street from N Gregg would show that our lot is touched by two large apartment buildings, a duplex, and sits across from a large-scale rental complex. It should not simply be lumped in with the single-family lots to its east, but should reflect and mirror the vast majority of properties that surround it. Our lot represents a significant portion of land in a central neighborhood that is vacant and barren. If the number one goal of Fayetteville's Master Plan is infill, our lot is a prime location for it. Found in an area where housing is in short supply and high demand, we believe that allowing for construction on this land would provide necessary housing for Fayetteville residents. It would also benefit other landowners in the area by allowing for significant improvement, clean up, and thus increase in property value. We hope you will see the practicality and benefit to allowing this rezoning, and we thank you for your consideration.

RZN15-5033

KOUTROUMBIS

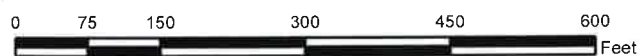
Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- RZN15-5033

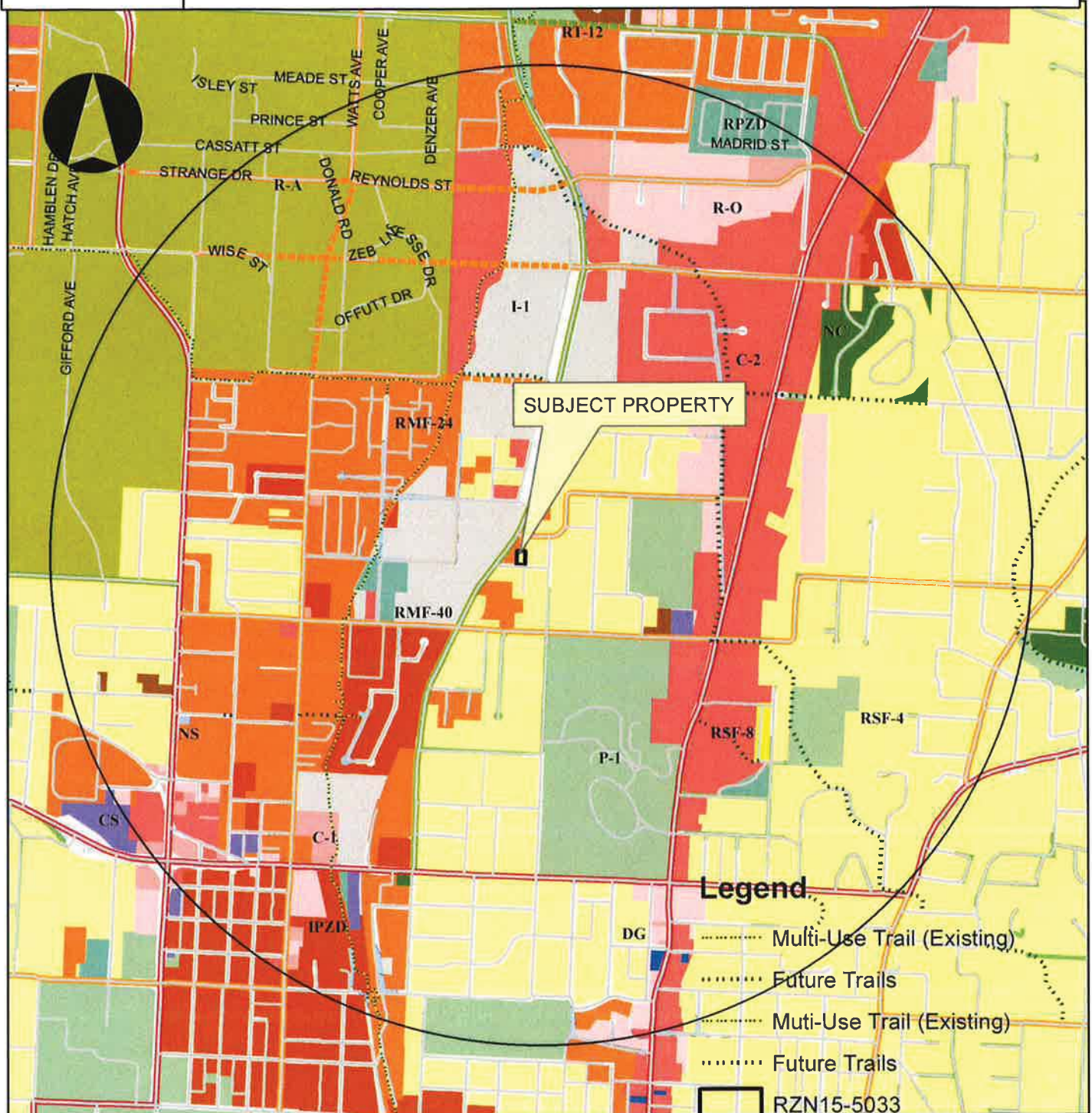
- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



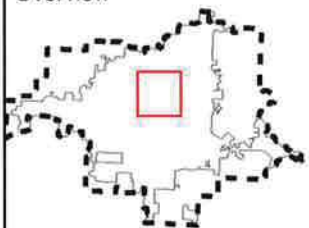
RZN15-5033

KOUTROUMBIS

One Mile View



Overview



Legend

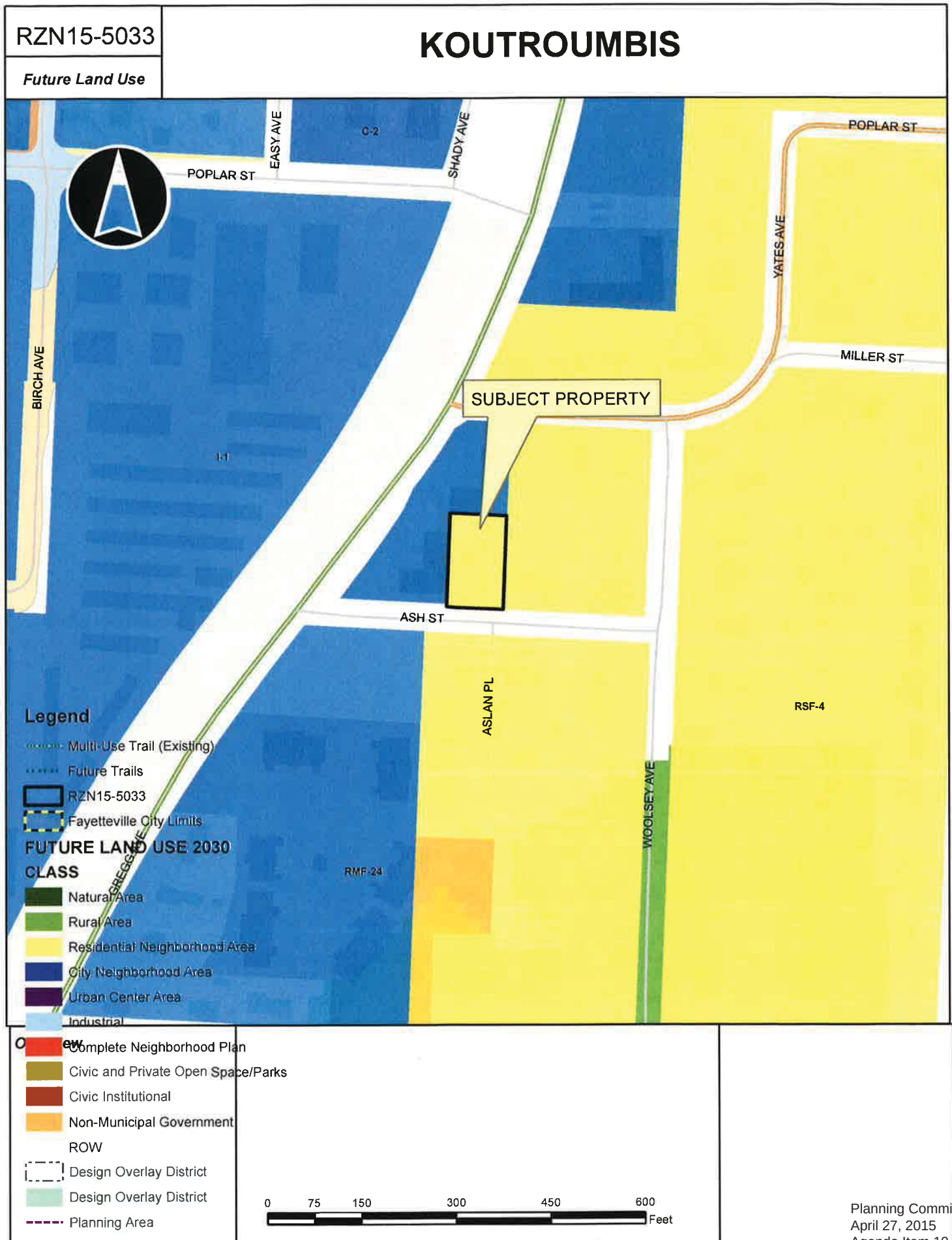
Subject Property

Boundary

0 0.25 0.5

1 Miles

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville



RZN15-5033

KOUTROUMBIS

Current Land Use



Legend

Overview Multi-Use Trail (Existing)

Future Trails

RZN15-5033

Fayetteville City Limits

Design Overlay District

Planning Area





City of Fayetteville, Arkansas

Tentative Agenda
May 19, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 42 of 208

Text File

File Number: 2015-0230

Agenda Date: 5/19/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 2

VAC 15-5020 (2288 N. HIDDEN CREEK DR./KENNEDY)

AN ORDINANCE APPROVING VAC 15-5020 SUBMITTED BY JEREMY KENNEDY FOR PROPERTY LOCATED AT 2288 N. HIDDEN CREEK DRIVE TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT

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 the utility easement 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 and abandons the following utility easement described in Exhibit "B" attached hereto and made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following condition of approval:

1. Any damage or relocation of existing facilities shall be at the owner/developer's expense.

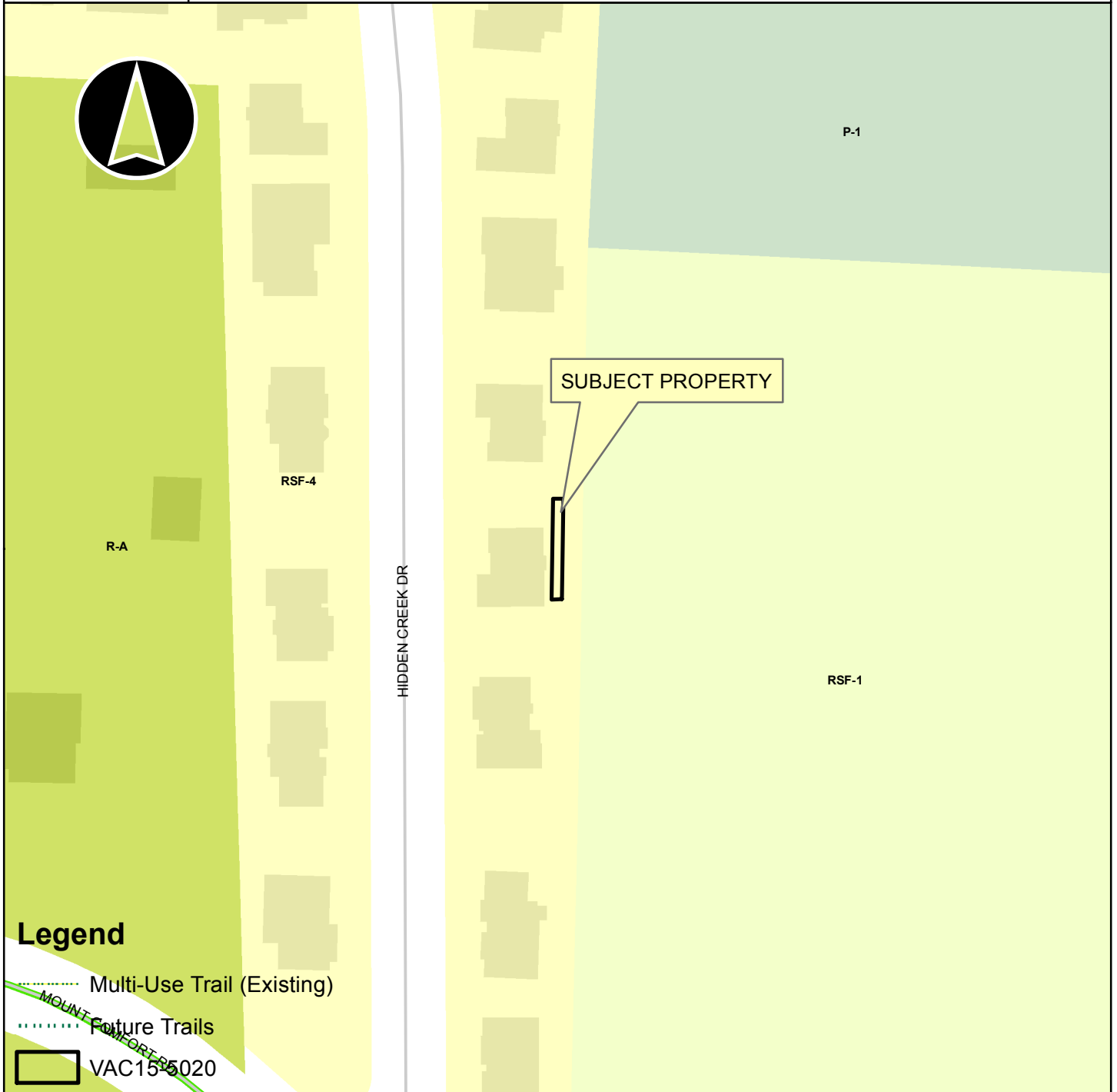
EXHIBIT 'A'
15-5020

Tentative Agenda
May 19, 2015
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VAC15-5020

Close Up View

KENNEDY



Legend

Multi-Use Trail (Existing)

Future Trails

VAC15-5020

Overview Fayetteville City Limits

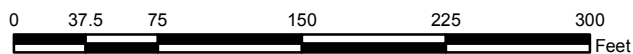
Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area



Falling Waters Description:

PART OF THE NE1/4 OF SECTION 25, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID SECTION 25 THENCE S02°32'04"W 376.66 FEET TO THE P.O.B., THENCE S02°32'04"W 887.07 FEET, THENCE S82°53'56"W 73.29 FEET, THENCE S34°57'52"W 408.01 FEET, THENCE S66°32'39"W 852.92 FEET, THENCE S80°27'32"W 227.29 FEET, THENCE N09°32'28"W 220.43 FEET, THENCE ALONG A CURVE TO THE RIGHT 186.57, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND A CHORD BEARING AND DISTANCE OF N61°06'14"E 95.68 FEET, THENCE ALONG A CURVE TO THE LEFT 30.56 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET AND A CHORD BEARING AND DISTANCE OF S55°46'10"E 27.67 FEET, THENCE N09°32'28"W 168.48 FEET, THENCE N84°29'51"E 144.25 FEET, THENCE N55°24'09"E 80.97 FEET, THENCE N66°21'24"E 126.78 FEET, THENCE N54°28'54"E 137.53 FEET, THENCE N60°05'48"E 212.39 FEET, THENCE N73°33'56"E 182.84 FEET, THENCE N05°41'33"W 74.85 FEET, THENCE N61°25'10"W 142.97 FEET, THENCE N55°12'36"E 216.23 FEET, THENCE N63°03'36"E 152.34 FEET, THENCE N35°09'00"E 97.51 FEET, THENCE N07°24'00"W 118.60 FEET, THENCE N43°01'59"E 426.59 FEET TO THE P.O.B.; CONTAINING 17.37 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

City of Fayetteville Staff Review Form

2015-0230

Legistar File ID

5/19/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate 

5/1/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 15-0020: Vacation (2288 N. HIDDEN CREEK DR./KENNEDY, 322: Submitted by JEREMY KENNEDY for property located at 2288 N. HIDDEN CREEK DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.24 acres. The request is to vacate a portion of an existing 20' utility easement.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 19, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, Director of Planning

FROM: Jesse Fulcher, Senior Planner

DATE: May 1, 2015

SUBJECT: **VAC 15-5020: Vacation (2288 N. HIDDEN CREEK DR./KENNEDY, 322:**
Submitted by JEREMY KENNEDY for property located at 2288 N. HIDDEN CREEK DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.24 acres. The request is to vacate a portion of an existing 20' utility easement.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate a portion of an existing utility easement.

BACKGROUND:

The subject property is located at 2288 N. Hidden Creek Drive in the Clabber Creek Subdivision, Phase 1. The property contains approximately 0.24 acres and is developed with a single-family home.

The applicant is requesting approval to vacate a portion of a 20-foot utility easement that was platted with the subdivision. The applicant intends to construct a cover over an existing concrete patio that is partially located within the easement.

DISCUSSION:

On April 27, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 7-0-0 on the consent agenda.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Exhibit B
Planning Commission Staff Report



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~April 27, 2015~~ Updated April 28, 2015

SUBJECT: **VAC 15-5020: Vacation (2288 N. HIDDEN CREEK DR./KENNEDY, 322:**
Submitted by JEREMY KENNEDY for property located at 2288 N. HIDDEN CREEK DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.24 acres. The request is to vacate a portion of an existing 20' utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 15-5020** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: The subject property is located at 2288 N. Hidden Creek Drive in the Clabber Creek Subdivision, Phase 1. The property contains approximately 0.24 acres and is developed with a single-family home. The surrounding zoning and land use is listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family	RSF-4
South	Single-family	RSF-4
East	Church	RSF-1
West	Single-family	RSF-4

Proposal: The applicant is requesting approval to vacate a portion of a 20-foot utility easement that was platted with the subdivision. The applicant intends to construct a cover over an existing concrete patio that is partially located within the easement.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

UTILITIES

RESPONSE

Cox Communications

No objections

AEP/SWEPCO

No objections

Source Gas No objections

AT&T No objections

Ozarks Electric No objections

CITY OF FAYETTEVILLE

RESPONSE

Water/Sewer No objections

Trash & Recycling No objections

Transportation No objections

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 15-5020** to the City Council with a recommendation for approval and the following condition:

1. Any damage to or relocation of existing utility facilities shall be at the owner/developer's expense.

PLANNING COMMISSION ACTION

☒ Forwarded ☐ Denied ☐ Tabled

Date: April 27, 2015

Motion: Chesser

Second: Selby

Vote: 7-0-0

Notes:

BUDGET/STAFF IMPACT:

None

Attachments:

- Applicant's letter
- Petition to vacate
- Utility approval forms
- Easement Vacation Exhibit
- One Mile Map
- Close Up Map

March 5, 2015

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

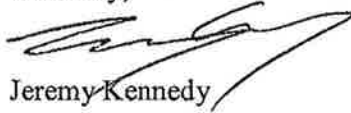
Re: Easement Vacation at 2288 N. Hidden Creek Drive, Fayetteville, AR 72704

Dear Aldermen:

I am writing to request your approval for a partial vacation of an existing utility easement located at the eastern portion of the above mentioned property. The vacation would allow me to cover an existing concrete patio and utilize a larger portion of my backyard. Please take some time to review the supporting documentation that I have included with this request.

Please contact me a (479) 841-4088 if you have any questions about this request. Thank you

Sincerely,



Jeremy Kennedy

enclosures

**PETITION TO VACATE A UTILITY EASEMENT LOCATED IN LOT 83 of
CLABBER CREEK SUBDIVISION, PHASE I, CITY OF FAYETTEVILLE,
ARKANSAS**

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lot 83 of Clabber Creek Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

A UTILITY EASEMENT VACATION LOCATED IN LOT 83 OF CLABBER CREEK SUBDIVISION, PHASE 1, TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S86°58'38"W 13.14' FROM AN EXISTING REBAR MARKING THE NORTHEAST CORNER OF SAID LOT 83 AND RUNNING ALONG THE NORTH LINE THEREOF S01°43'56"E 68.01', THENCE S85°54'52"W 6.87', THENCE N01°43'56"W 68.14' TO SAID NORTH LINE, THENCE ALONG SAID NORTH LINE N86°58'38"E 6.87' TO THE POINT OF TERMINATION OF SAID EASEMENT, CONTAINING 0.01 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

That the abutting real estate affected by said abandonment of the easement are Lot 83 of Clabber Creek Subdivision, Phase I, City of Fayetteville, Arkansas used by the public for a period of 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 portion of the utility easement.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

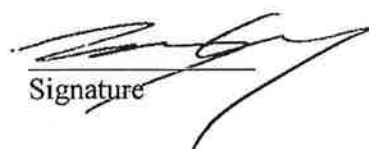
WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be from the utility easement.

Dated this 5th day of March, 2015.

Sara Kennedy
Printed Name


Signature

Jeremy Kennedy
Printed Name


Signature

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 5, 2015

UTILITY COMPANY: AT&T

APPLICANT NAME: Jeremy and Sara Kennedy APPLICANT PHONE: (479) 841-4088

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

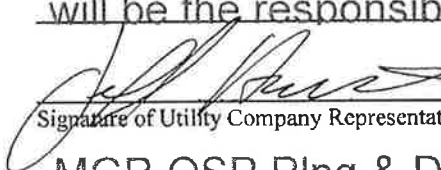
General location / Address 2288 N. Hidden Creek Drive,
Fayetteville, AR 72704

☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
If any AT&T facilities require relocation or are damaged
will be the responsibility of the property owner/developer.


Signature of Utility Company Representative

MGR OSP PInq & Design Engineering

Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 5, 2015

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Jeremy and Sara Kennedy APPLICANT PHONE: (479) 841-4088

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 2288 N. Hidden Creek Drive
Fayetteville, AR 72704

☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
Any damage to or relocation of existing facilities will be at the owners/developers expense.


Signature of Utility Company Representative

CONSTRUCTION MANAGER
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 8, 2015

UTILITY COMPANY: Source Gas

APPLICANT NAME: Jerrinay Sava Kennedy ICANT PHONE: (479) 84

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

☐ Right-of-way for alley or streets and all easements located ~~the vacated~~ right-of-way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address

2288 N. Hidden Creek Drive
Fayetteville, AR 72704

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

[Signature]

Signature of Utility Company Representative

Supervisor - operations

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: March 5, 2015

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Jeremy and Sara Kennedy APPLICANT PHONE: (479) 841-4088

REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address 2288 N. Hidden Creek Drive
Fayetteville, AR 72704

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Mike Phipps
Signature of Utility Company Representative

System Staking Tech
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 3/13/2015

UTILITY COMPANY: AEP / SWEPCO

APPLICANT NAME: Jeremy and Sara Kennedy APPLICANT PHONE: (479) 841-4088

REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
☐ Alley
☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address 2288 N. Hidden Creek Drive
Fayetteville, AR 72704

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

John Bay
Signature of Utility Company Representative

Dist. Engineer
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: March 5, 2015

UTILITY COMPANY: City of Fayetteville Water and Sewer

APPLICANT NAME: Jeremy and Sara Kennedy APPLICANT PHONE: (479) 841-4088

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 2288 N. Hidden Creek Drive
Fayetteville, AR 72704

☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

UTILITIES DIRECTOR

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 3/13/2015

UTILITY COMPANY: City of Fayetteville Transportation

APPLICANT NAME: Jerry and Sara Kennedy APPLICANT PHONE: (479) 841-4088

REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address 2288 N. Hidden Creek Drive
Fayetteville, AR 72704

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Keith Shreve
Signature of Utility Company Representative

Asst. Trans. Mgr.
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 3/13/2015

UTILITY COMPANY: City of Fayetteville Solid Waste

APPLICANT NAME: Jeremy and Sara Kennedy APPLICANT PHONE: (479) 841-4088

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 2288 N. Hidden Creek Drive
Fayetteville, AR 72704

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:



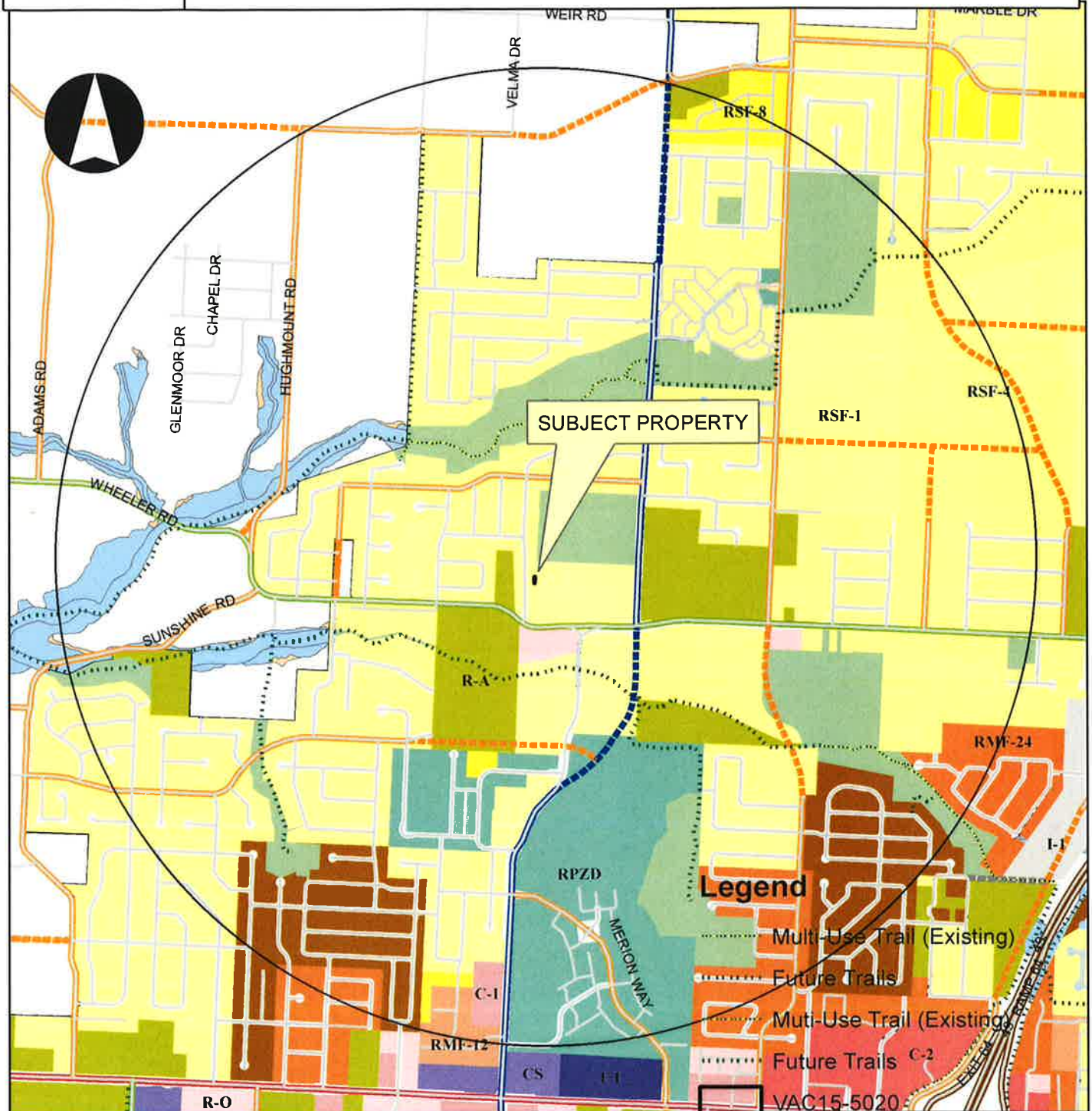
Signature of Utility Company Representative

Commercial Sales Rep
Title

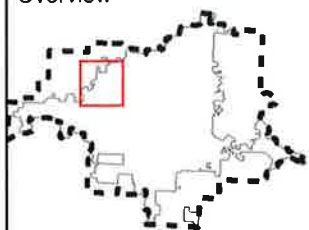
VAC15-5020

KENNEDY

One Mile View



Overview



Legend

Subject Property

Boundary

0 0.25 0.5

Miles

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

VAC15-5020

KENNEDY

Close Up View



P-1

SUBJECT PROPERTY

RSF-4

R-A

HIDDEN CREEK DR

RSF-1

Legend

Multi-Use Trail (Existing)

Future Trails

VAC15-5020

Fayetteville City Limits

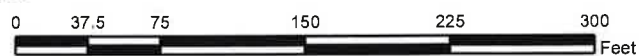
Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area



ORDINANCE NO.

AN ORDINANCE APPROVING VAC 15-5020 SUBMITTED BY JEREMY KENNEDY FOR PROPERTY LOCATED AT 2288 N. HIDDEN CREEK DRIVE TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT.

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 the utility easement 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 and abandons the following utility easement described in Exhibit "B" attached hereto and made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following condition of approval:

1. Any damage or relocation of existing facilities shall be at the owner/developer's expense.

PASSED and **APPROVED** this day of , 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



City of Fayetteville, Arkansas

Tentative Agenda
May 19, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 63 of 208

Text File

File Number: 2015-0228

Agenda Date: 5/19/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 3

RZN 15-4965 (SOUTH END OF RUPPLE RD./RUPPLE ROAD EXTENSION CORRIDOR)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-4965, FOR APPROXIMATELY 642 ACRES, LOCATED AT THE SOUTHERN END OF RUPPLE ROAD FROM R-A, RESIDENTIAL-AGRICULTURE; RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE; and RSF-8, RESIDENTIAL SINGLE FAMILY EIGHT UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; CS, COMMUNITY SERVICES, UT, URBAN THOROUGHFARE; and R-A, RESIDENTIAL AGRICULTURAL

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-A, Residential-Agriculture; RSF-1, Residential Single Family One Unit Per Acre; RSF-4, Residential Single Family Four Units Per Acre; and RSF-8, Residential Single Family Eight Units Per Acre to NC, Neighborhood Conservation; CS, Community Services; UT, Urban Thoroughfare; and R-A, Residential Agriculture, as shown on Exhibit "A" attached hereto and made a part hereof.

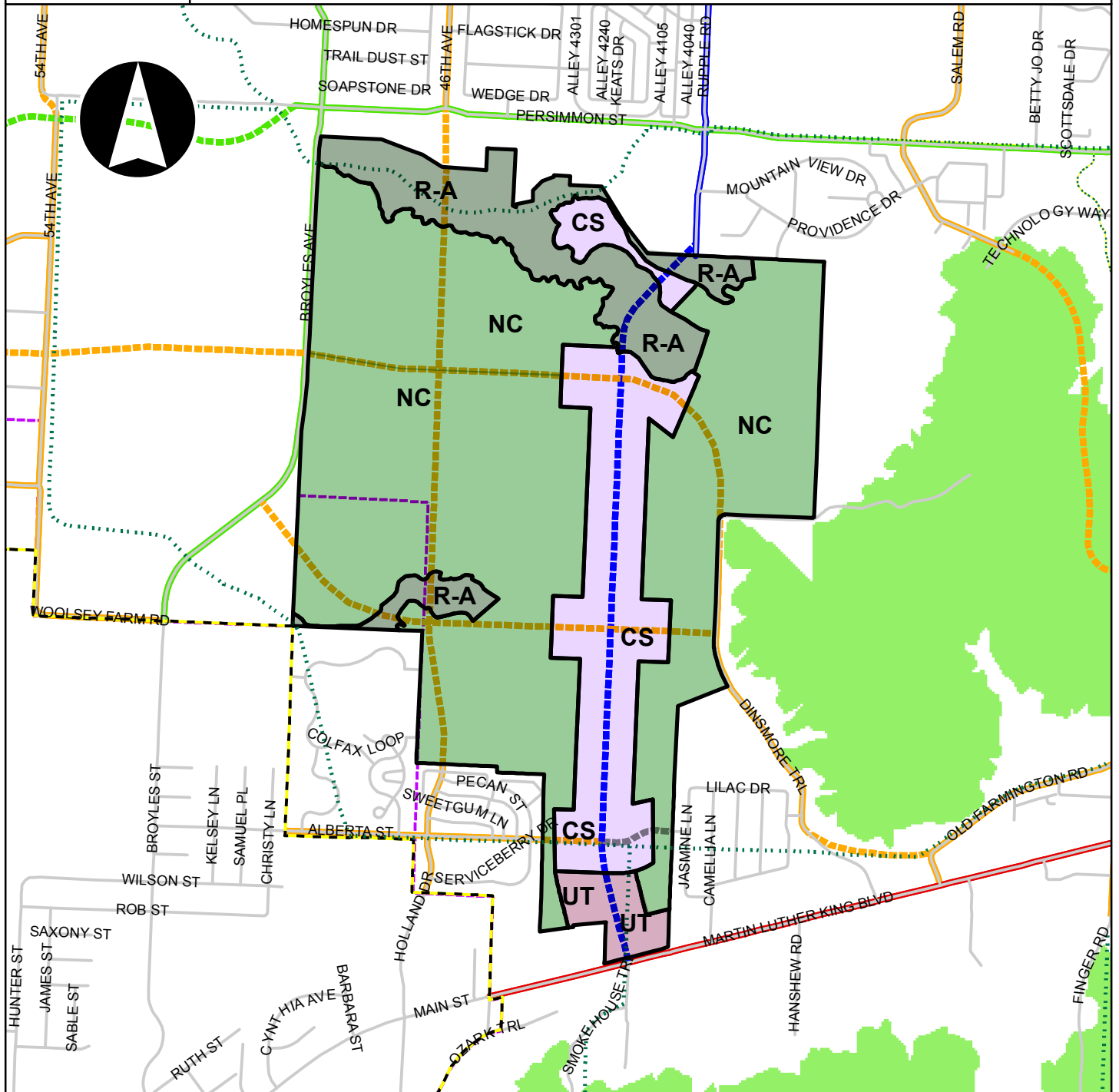
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

EXHIBIT 'A'

RZN15-4965

SOUTH RUPPLE ROAD REZONING

Proposed Zoning



Overview

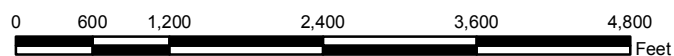
Legend

- Multi-Use Trail (Existing)
- Future Trails
- RZN15-4965
- Fayetteville City Limits
- Planning Area

Proposed Rezoning:

- CS, Community Services
- NC, Neighborhood Conservation
- R-A, Residential Agricultural
- UT, Urban Thoroughfare
- TOTAL**

107.3 ACRES
442.1 ACRES
77.3 ACRES
15.3 ACRES
642 ACRES



City of Fayetteville Staff Review Form

2015-0228

Legistar File ID

5/19/2015

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

Jeremy Pate

5/1/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-4965: Rezone (SOUTH END OF RUPPLE RD./RUPPLE ROAD EXTENSION CORRIDOR, 478): Submitted by PLANNING STAFF for property located at the SOUTH END OF RUPPLE RD. The property contains approximately 642 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION; CS, COMMUNITY SERVICES; UT, URBAN THOROUGHFARE; and R-A, RESIDENTIAL AGRICULTURAL.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

MEETING OF MAY 19, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: May 1, 2015

SUBJECT: **RZN 15-4965: Rezone (SOUTH END OF RUPPLE RD./RUPPLE ROAD EXTENSION CORRIDOR, 478):** Submitted by PLANNING STAFF for property located at the SOUTH END OF RUPPLE RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL; RSF-8, RESIDENTIAL SINGLE FAMILY EIGHT UNITS PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE; RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE and contains approximately 642 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION; CS, COMMUNITY SERVICES; UT, URBAN THOROUGHFARE; and R-A, RESIDENTIAL AGRICULTURAL.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to NC, Neighborhood Conservation; CS, Community Services; UT, Urban Thoroughfare; and R-A, Residential-Agriculture with special consideration given to the environmentally sensitive wet prairie habitat as discussed herein.

BACKGROUND:

The City will soon begin construction on a major new street connection by extending Ruppel Road approximately 1.5 miles south from the existing dead end of Ruppel Road adjacent to Owl Creek Elementary to Martin Luther King Junior Boulevard. This road project will also be accompanied by a trail connection along the new corridor. The new road will be built as a Principal Arterial with four lanes and a boulevard. Round-a-bouts will be installed approximately every half mile at the planned east-west Collector Street intersections. Construction is scheduled to begin in 2015 and be completed by the end of 2016.

The extension of Ruppel Road has been included on the Master Street Plan for at least 15 years dating back to the Master Street Plan adopted in 2000. Ruppel Road has long been planned as the major north-south transportation corridor in the city west of I-49. The completion of this major new infrastructure project will change traffic patterns and open up several hundred acres of farmland for development that currently has no or limited access. Staff has been in consultation with several developers and property owners in the vicinity that are anticipating building new development in this area after the completion of the city's project. With multiple developers discussing potential rezonings and development of various pieces along this corridor, staff is bringing forward a comprehensive zoning proposal for the entire area to better enable staff, Planning Commission, and City Council to think through the rezoning of this property as a whole,

rather than piecemeal applications from individual property owners. In addition, after the City Council approved the cross-section of Ruppel Road to be designed, several council members requested that the mayor ask staff to prepare a zoning proposal for this new corridor, prior to its completion.

Property Description: This is a large undeveloped area of approximately 642 acres within the City limits in between Wedington Drive and Martin Luther King Junior commercial corridors to the north and south, the Westside Wastewater Treatment Plant to the west, and the Mountain Ranch/I-49 corridor to the east. The existing zoning of the proposed rezoning area is indicated in *Table 1* and the surrounding land use and zoning is depicted in *Table 2*.

Table 1

Existing Zoning	Acres (approximate)
RSF-1, Residential Single Family One Unit per Acre	372
R-A, Residential Agricultural	230
RSF-8, Residential Single Family Eight Units per Acre	27
RSF-4, Residential Single Family One Unit per Acre	13
TOTAL	642

Table 2

Direction from Site	Land Use	Zoning
North	Cedar Crest Academy; Katherine's Place (assisted living); single family residential; Owl Creek School	RSF-4; R-A; P-1
South	Ozark Mountain Smokehouse; undeveloped; Commercial and office	RSF-4; R-A
East	Undeveloped; rural residential; Magnolia Crossing Subdivision	RSF-4; R-A; RSF-1; RMF-24; C-1
West	Mixed commercial; Walnut Crossing and The Coves Subdivisions; Westside Wastewater Treatment Plant	R-O; R-A; R-PZD; R-A

Request: The City Planning Division requests to rezone the south Ruppel Road Corridor to the following zoning districts listed in *Table 3*, depicted in the attached rezoning exhibit, and generally described as follows:

Table 3

Proposed Zoning	Acres (approximate)
NC, Neighborhood Conservation	442.1
CS, Community Services	107.3
R-A, Residential Agricultural	77.3
UT, Urban Thoroughfare	15.3
TOTAL	642

Staff recommends that form-based/mixed use zoning be concentrated around the Ruppel Road corridor and Collector Street intersections, and that the periphery of the study area adjacent to

existing single family dwellings be rezoned for single family dwellings to provide adequate transition and compatibility amongst existing uses.

DISCUSSION:

April 13, 2015 Planning Commission: This request was discussed at the April 13, 2015 Planning Commission meeting. At that meeting seven members of the public spoke with their comments generally summarized as follows:

- Three people spoke primarily about the unique wet prairie habitat of the area.
- One person spoke about concerns with the Urban Thoroughfare zoning adjacent to the Magnolia Crossing neighborhood.
- One person spoke about the development potential of the area.
- One of the land owners in the rezoning area discussed that they have plowed and leveled these fields for farming for the past 50 years.
- An adjoining neighbor discussed vehicular access into the Walnut Crossing neighborhood, support for the new Ruppel Road, and preservation of the western half of the rezoning area.

Prior to the April 27th Planning Commission meeting, staff met with several members of the public to discuss their concerns related to the natural resources on the subject property. As a result of that meeting, an exhibit was provided by the public to the Planning Commission generally indicating an area of this property they felt had the highest quality habitat. This exhibit is attached to the staff report. In addition, the rezoning proposal was modified in the southern portion of the property to provide additional buffer of NC, Neighborhood Conservation zoning between the Walnut Crossing and Magnolia Crossing neighborhoods and the proposed UT, Urban Thoroughfare zoning.

April 27, 2015 Planning Commission: On April 27, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 7-0-0, making a recommendation for the council to give special consideration to the environmentally sensitive areas discussed at the two Planning Commission meetings. In addition, the commission recommended that the council consider the possibility of a Future Land Use Plan Amendment to recognize sensitive habitat areas and/or a policy decision to accept parkland dedication instead of money for preservation of the sensitive wet prairie habitat as this property develops. One commissioner recommended that the council consider adopting an ordinance for conservation subdivision development patterns in this area.

Two members of the public spoke at the April 27th meeting. One person discussed the exhibit of habitat areas and spoke in favor of the option to accept parkland for the wet prairie habitat, and the other person asked about the proximity of the UT zoning to the Magnolia Crossing neighborhood.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Planning Commission Staff Report

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: April 27, 2015 *Updated with Planning Commission results*

SUBJECT: **RZN 15-4965: Rezone (SOUTH END OF RUPPLE RD./RUPPLE ROAD EXTENSION CORRIDOR, 478):** Submitted by PLANNING STAFF for property located at the SOUTH END OF RUPPLE RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL; RSF-8, RESIDENTIAL SINGLE FAMILY EIGHT UNITS PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE; RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE and contains approximately 642 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION, CS, COMMUNITY SERVICES, UT, URBAN THOROUGHFARE, and R-A, RESIDENTIAL AGRICULTURAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 15-4965** to the City Council.

BACKGROUND:

April 13, 2015 Planning Commission: This request was discussed at the April 13, 2015 Planning Commission meeting. At that meeting seven members of the public spoke with their comments generally summarized as follows:

- Three people spoke primarily about the unique environmental habitat of the area.
- One person spoke about concerns with the Urban Thoroughfare zoning adjacent to the Magnolia Crossing neighborhood.
- One person spoke about the development potential of the area.
- One of the land owners in the rezoning area discussed that they have plowed and leveled these fields for farming for the past 50 years.
- An adjoining neighbor discussed vehicular access into the Walnut Crossing neighborhood, support for the new Ruppel Road, and preservation of the western half of the rezoning area.

Current Proposal: As a result of comments at the April 13, 2015 Planning Commission meeting, staff has removed UT, Urban Thoroughfare, zoning adjacent to the Magnolia Crossing and Walnut Crossing neighborhoods at the southern end of the corridor. A buffer of at least 100 feet wide of NC, Neighborhood Conservation, zoning is proposed between these neighborhoods and the UT zoning. Staff recommends that the commission forward this rezoning to the City Council for their discussion, making special mention of the environmental concerns discussed and documented in the meeting minutes and the handout attached to this report from a member of the public.

Background: The City will soon begin construction on a major new street connection by extending Ruppel Road approximately 1.5 miles south from the existing dead end of Ruppel Road adjacent

to Owl Creek Elementary to Martin Luther King Junior Boulevard. This road project will also be accompanied by a trail connection along the new corridor. The new road will be built as a Principal Arterial with four lanes and a boulevard. Round-a-bouts will be installed approximately every half mile at the planned east-west Collector Street intersections. Construction is scheduled to begin in 2015 and be completed by the end of 2016.

The extension of Ruppel Road has been included on the Master Street Plan for at least 15 years dating back to the Master Street Plan adopted in 2000. Ruppel Road has long been planned as the major north-south transportation corridor in the city west of I-49. The completion of this major new infrastructure project will change traffic patterns and open up several hundred acres of farmland for development that currently has no or limited access. Staff has been in consultation with several developers and property owners in the vicinity that are anticipating building new development in this area after the completion of the city's project. With multiple developers discussing potential rezonings and development of various pieces along this corridor, staff is bringing forward a comprehensive zoning proposal for the entire area to better enable staff, Planning Commission, and City Council to think through the rezoning of this property as a whole, rather than piecemeal applications from individual property owners. In addition, after the City Council approved the cross-section of Ruppel Road to be designed, several council members requested that the mayor ask staff to prepare a zoning proposal for this new corridor, prior to its completion.

Property Description: This is a large undeveloped area of approximately 642 acres within the City limits in between Wedington Drive and Martin Luther King Junior commercial corridors to the north and south, the Westside Wastewater Treatment Plant to the west, and the Mountain Ranch/I-49 corridor to the east. The existing zoning of the proposed rezoning area is indicated in *Table 1* and the surrounding land use and zoning is depicted in *Table 2*.

Table 1

Existing Zoning	Acres (approximate)
R-A, Residential Agricultural:	230
RSF-8, Residential Single Family Eight Units per Acre:	27
RSF-4, Residential Single Family Four Units per Acre:	13
RSF-1, Residential Single Family One Unit per Acre:	372
TOTAL	642

Table 2

Direction from Site	Land Use	Zoning
North	Cedar Crest Academy; Katherine's Place (assisted living); single family residential; Owl Creek School	RSF-4; R-A; P-1
South	Ozark Mountain Smokehouse; undeveloped; Commercial and office	RSF-4; R-A
East	Undeveloped; rural residential; Magnolia Crossing Subdivision	RSF-4; R-A; RSF-1; RMF-24; C-1
West	Mixed commercial; Walnut Crossing and The Coves Subdivisions; Westside Wastewater Treatment Plant	R-O; R-A; R-PZD; R-A

DISCUSSION:

Request: The City Planning Division requests to rezone the south Ruppel Road Corridor to the following zoning district listed in *Table 3*, depicted in the attached rezoning exhibit, and generally described as follows:

Table 3

Proposed Zoning	Acres (approximate)
R-A, Residential Agricultural	77.3
NC, Neighborhood Conservation	442.1
CS, Community Services	107.3
UT, Urban Thoroughfare	15.3
TOTAL	642

Staff recommends that mixed use zoning be concentrated around the Ruppel Road corridor and Collector Street intersections, and that the periphery of the study area adjacent to existing single family dwellings be rezoned for single family dwellings to provide adequate transition and compatibility amongst existing uses.

Specifically, the immediate corridor along Ruppel Road is proposed with mixed use form-based zoning districts (CS and UT) that would allow a wide range of housing options and neighborhood-serving retail and services. This includes a variety of single family attached and detached units, multi-family dwellings, and non-residential goods and services. Outside the corridor would be zoned NC, Neighborhood Conservation. NC allows a maximum of 10 single family dwelling units per acre. The procession of zoning districts that allow and encourage a range of neighborhood services in close proximity enables residents the opportunity to walk/bike from surrounding areas. Targeted with this proposal is a maximum ½-mile, or a 10 minute walk, which is ideal. Due to the environmental sensitivity of the riparian and wet prairie in the study area, staff recommends that all of the land identified as Natural Area on the Future Land Use Plan be zoned R-A, Residential Agricultural. With a closer look at the extent of these areas in the future, the zoning could be changed in very specific areas, for low impact development patterns, if necessary.

Existing Non-conforming situations: All land uses present at the time of rezoning will be protected under *UDC Section 164.12 Non-conforming Structures, Uses, and Lots*. Existing agricultural and animal husbandry operations may continue subject to the rules of section 164.12. Other than areas currently zoned R-A where agricultural uses are permitted by right, the proposed zoning would expand and increase the residential intensity and density over and above those currently allowed within the existing zonings.

Notification and Public Comment: Planning staff sent letters via certified mail to each subject property owner, describing the rezoning process for the their property and noting the public hearing date, time, and location. Staff has spoken with several of the property owners that are proposed to be rezoned with no objections to the proposal. Planning staff has spoken with some surrounding property owners in the rezoning area with no objections to the proposal.

INFRASTRUCTURE:

- Streets:** The subject property will have access to the newly constructed Ruppel Road (Principal Arterial) extension upon project completion through the center of the study area. The area is also accessed by Broyles Avenue (Minor Arterial) to the west, Martin Luther King Boulevard (Principal Arterial) to the south, Dinsmore Trail (Collector) to the east, and several other street stub-outs from surrounding neighborhoods.
- Water:** Public water is not available to this area. Future development along the Ruppel Road corridor will require a 12-inch water main extension from Martin Luther King Boulevard to the south or Ruppel Road to the north. These improvements would be required to be completed by a developer.
- Sewer:** Sanitary sewer is not available to the site. Future development along the Ruppel Road corridor will require sewer main extensions from an offsite location. These improvements would be required to be completed by a developer.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This property contains areas of designated 100-year floodplain. The property contains protected streams per the Streamside Protection map. Portions of the subject property are located within the Hillside/Hilltop Overlay District.
- Fire:** This development will be protected by Engine 7 located at 835 Ruppel Road. It is 0.50 miles from the station to the study area with an anticipated response time of 2 minutes to the beginning of the study area. The Fire Department does not feel this rezoning will affect calls for service or response times.
- Police:** The Police Department discussed that they could see a substantial increase in the demand for police services in the area of the Ruppel Road corridor with the proposed construction of a four lane boulevard with three roundabouts. An appreciable increase in calls for service, as well as increase traffic and traffic accidents related to growth may be expected.

PLANNING COMMISSION ACTION: Required			
Date: <u>April 13, 2015</u>	☒ Tabled	☐ Forwarded	☐ Denied
Motion: <u>Chesser</u>			
Second: <u>Autry</u>			
Vote: <u>9-0-0</u>			
Date: <u>April 27, 2015</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Chesser</u>	<i>Motion to forward with a recommendation for approval; paying special attention to the environmentally sensitive areas discussed at the two Planning Commission meetings. In addition, a recommendation that the council consider the possibility of a Future Land Use Plan amendment and/or accepting parkland for these sensitive upland prairie areas discussed and presented to the commission by the public.</i>		
Second: <u>Selby</u>			
Vote: <u>7-0-0</u>			
CITY COUNCIL ACTION: Required			
Date: _____	☐ Approved	☐ Denied	

CITY PLAN 2030 FUTURE LAND USE PLAN:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area primarily as a **Residential Neighborhood Area**, with **Natural Area** designations along isolated floodplains and riparian corridors and **City Neighborhood Area** at the intersection of Martin Luther King Boulevard. Almost the entire vicinity is on the Enduring Green Network map because it is largely undeveloped and contains high environmental quality including remnant prairie habitat.

This area has been indicated on the FLUM to be developed at moderate to medium density for a number of years. Staff's proposal is to rezone the area to allow an overall residential density of approximately eight dwelling units per acre. This threshold is generally the critical mass needed to support transit and other non-residential services in the immediate neighborhood. The intent is for the build-out to provide the opportunity for a self-sustaining neighborhood where residents can live, work, play and shop for a majority of their daily needs without having to drive long distances.

The study area is identified as having a high level of natural resources by the Fayetteville Natural Heritage Association (FNHA), a local non-profit group. Habitat in the study area is classified by the FNHA as prairie remnant and seasonal wetlands¹. As a result of the FNHA work and other City staff research, this study area was included on the Enduring Green Network (EGN) map. The EGN map resulted in designation of portions of this area as Natural Area on the FLUM. Staff's rezoning proposal directly responds to the EGN designation as described throughout this proposal. In staff's assessment, it appears that much of upland prairie habitat has been removed or disturbed to accommodate farming and grazing. Remnant prairie in the study area appears to be located particularly along the riparian corridors that have less disturbance. The Woolsey Wet Prairie Sanctuary is a 30-acre wetland mitigation site located on the City's wastewater treatment plant to the west of the study area. Due to the environmental sensitivity of the study area, staff recommends that all of the land identified as Natural Area be zoned R-A, Residential Agricultural. This zoning should result in conservation along these riparian corridors in exchange for higher density in other areas.

- **Residential Neighborhood Areas** are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. **Residential Neighborhood** encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.
- **Natural Areas** consist of lands approximating or reverting to a wilderness condition, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, as identified in the FNHA study, many of which make up the backbone of the enduring green network. A **Natural Area** designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development for all construction.

¹ Fayetteville Natural Heritage Association Environmental Working Group Map 2008-2009

- **City Neighborhood Areas** are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is compatible with the surrounding mix of primarily residential properties. While the zoning would allow a higher density and intensity than much of the surrounding low density residential use, the perimeter of the study area adjacent is proposed with zoning that only allows single family dwellings by right.

This area has been indicated on the FLUM to be developed at moderate to medium density for a number of years. Staff's proposal is to rezone the area to allow an overall residential density of approximately eight dwelling units per acre. This threshold is generally the critical mass needed to support transit and other non-residential services in the immediate neighborhood, consistent with City policy. The intent is for the build-out to provide opportunities for a self-sustaining neighborhood where residents can live, work, play and shop for a majority of their daily needs without having to drive long distances. The immediate corridor along Ruppel Road is proposed with a mixed use form-based zoning district that would allow a wide range of housing options and neighborhood-serving retail and services. This includes a variety of single family attached and detached units, multi-family dwellings, and non-residential goods and services. This would provide appropriate transition from the Owl Creek School and other institutional/community uses to the north and regional commercial to the south. Outside the corridor would be zoned NC, Neighborhood Conservation. NC allows a maximum of 10 single family dwelling units per acre consistent with the Residential Neighborhood designation.

The proposed zoning is consistent with planning objectives, principles, and policies put forward in the City Plan 2030, the FLUM, and Master Street Plan. The extension of Ruppel Road has been included on the Master Street Plan for at least 15 years dating back to the Master Street Plan adopted in 2000. Ruppel Road has long been planned as the major north-south transportation corridor in the city west of I-49. The completion of this major new infrastructure project will change traffic patterns and open up several hundred acres of farmland for development. The proposed zoning is consistent with future growth anticipated by City Council for many years.

This rezoning may have the appearance of extending urban sprawl into undeveloped areas. However, because of surrounding development and

need to accommodate long term planned growth, the rezoning is compatible with surrounding areas, been anticipated for a number of years, and is consistent with the primary goals of City Plan 2030. These goals include encouraging planned and orderly growth that is transit oriented, development patterns in traditional form creating great streets and allowing a diversity of uses and dwelling types for complete neighborhoods.

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

Finding: Staff finds that the proposed zoning is justified and needed to accommodate planned and orderly growth areas in the city. The City will be commencing construction of the Ruppel Road project in the next few months. The rezoning is needed at this time because of the impending development pressure that will result from this project. A comprehensive proposal and review of the zoning of this entire area at one time is appropriate given the timing of this major infrastructure project.

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

Finding: A rezoning of this size will allow a large volume of development that will increase traffic on surrounding roads. However, as discussed earlier in this report, the City's planned road project will be completed in the near future facilitating this planned growth. As individual developments are reviewed, on and off-site street improvements will be reviewed and recommended. One such recommendation for this area may include an assessment for developments to contribute money to the Persimmon Street overpass. This is a planned east-west connection over I-49 which will alleviate congestion at I-49/Wedington Road interchange.

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 will substantially increase population density over the current low density zoning that allows approximately 2 units per acre, or about 1,100 residents on the 642 acres. The proposed zoning is intended to result in a net density of approximately eight units per acre yielding approximately 3,210 residents on the 642 acres. The zoning would also allow non-residential services immediately along Ruppel Road and the collector street intersections. Development patterns allowed with the proposed zoning would create a significant increase and demand for public services over the existing zoning. However, this increase has been anticipated and is being spurred by the City's development of the Ruppel Road project.

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

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

Finding: N/A

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Existing and proposed zoning criteria
- Police Department comments
- Fire Department comments
- Staff's request letter
- April 13, 2015 Planning Commission handout from the public
- Rezoning exhibit/aerial photo
- Current land use map
- Close up map
- Future land use map
- One mile map

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

(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
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(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)

161.05 District RSF-1, Residential Single-Family – One Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted uses.*

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

(D) *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 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(E) *Density.*

Units per acre	1
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(F) *Bulk and area regulations.*

Lot width minimum	150 ft.
Lot area minimum	35,720 Sq. Ft.
Land area per dwelling unit	35,720 Sq. Ft.

(G) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(H) *Building height regulations.*

Building Height Maximum	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(I) *Building area.* None.

(Code 1965, §160.44; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5462, 12-6-11)

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage 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 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

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

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

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

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

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

(2) *Lot area minimum.*

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

(3) *Land area per dwelling unit.*

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

(E) *Setback requirements.*

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

(F) *Height regulations.*

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

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

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	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	56 ft.
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(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) Permitted uses

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) Conditional uses

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

Front:	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	56/84 ft.*
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*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. 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 84 feet.

Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.26 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

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

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

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

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

(E) *Setback regulations.*

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

(F) *Building height regulations.*

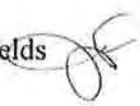
Building Height Maximum	45 ft.
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(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)



M E M O R A N D U M

To: Andrew Garner

From: Captain Jamie Fields 

Date: April 9, 2015

Subject: RZN 15-4965

This document is in response to your request for comments on the proposed RZN 15-4965, the Ruppel Road South Rezoning Study Area.

The Fayetteville Police Department could see a substantial increase in the demand for police services in the area of the Ruppel Road corridor with the proposed construction of a four lane boulevard with three roundabouts. It is reasonable to believe the police department will encounter an appreciable increase in calls for service, as well as increased traffic and traffic accidents related to the growth.

Please contact me if you have any questions, or if you need additional information.



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365 Fax (479) 575-0471

To: Andrew Garner
From: Jeremy Ashley, Assistant Fire Marshal
Date: March 16, 2015
Re: Rezone RZN15-4965

This development will be protected by Engine 7 located at 835 Ruppel Road.
It is .5 miles from the station with an anticipated response time of 2 minutes to the beginning of the development.

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

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

Captain Jeremy Ashley
Fayetteville Fire Department

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



THE CITY OF FAYETTEVILLE, ARKANSAS
CITY PLANNING DIVISION
125 West Mountain
Fayetteville, AR 72701
Phone (479) 444-3443

www.accessfayetteville.org

March 04, 2015

City of Fayetteville, City Planning Division
Fayetteville, AR 72701

Tracy Hoskins, Chair
Fayetteville Planning Commission
City of Fayetteville, Arkansas
113 W. Mountain St
Fayetteville, AR 72701

Re: Rezoning Request of the South Ruppel Road Corridor

Dear Planning Commission Chair:

Please accept this letter as a request to rezone property located along the South Ruppel Road corridor generally bounded by Persimmon Street to the north and Martin Luther King Boulevard to the south.

The City will be constructing a major new street connection by extending Ruppel Road approximately 1.5 miles south from the existing dead end of Ruppel Road adjacent to Owl Creek Elementary to Martin Luther King Boulevard. The new road will be built as a Principal Arterial with four lanes and a boulevard. Round-a-bouts will be installed approximately every half mile at the planned east-west Collector Street intersections. Construction is scheduled to begin in 2015 and be completed by the end of 2016.

The extension of Ruppel Road has been included on the Master Street Plan for at least 15 years dating back to the Master Street Plan adopted in 2000. Ruppel Road has long been planned as the major north-south transportation corridor in the city west of I-49. The completion of this major new infrastructure project will change traffic patterns and open up several hundred acres of farmland for development. Staff has been in consultation with several developers and property owners in the vicinity that are anticipating building new development in this area after the completion of the city's project. With multiple developers discussing potential rezonings and development of various pieces along this corridor, staff is bringing forward a comprehensive zoning proposal for the entire area to better enable staff, Planning Commission, and City Council to think through the rezoning of this property as a whole, rather than piecemeal applications from individual property owners.

This is a large undeveloped area of approximately 600 acres within the City limits in the vicinity of the Wedington Drive and Martin Luther King commercial corridors to the north and south, the wastewater treatment plant to the west, and the Mountain Ranch/I-49 corridor to the east. This rezoning may have the appearance of extending urban sprawl into undeveloped areas. However, because of surrounding development and need to accommodate long term planned growth, the rezoning is compatible with surrounding areas, been anticipated for a number of years, and is consistent with the primary goals of City Plan 2030. These goals include encouraging planned and orderly growth that is transit oriented, development patterns in traditional form creating great streets and allowing a diversity of uses and dwelling types for complete neighborhoods. Staff recommends that mixed use zoning be concentrated around the Ruppel Road corridor and Collector Street intersections, and that the periphery of the study area adjacent to existing single family dwellings be rezoned for single family dwellings to provide adequate transition and compatibility amongst existing uses.

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area primarily as a Residential Neighborhood Area, with Natural Area designations along isolated floodplains and riparian corridors. Almost the entire vicinity is on the Enduring Green Network map because it is largely undeveloped and contains high environmental quality including remnant prairie habitat.

This area has been indicated on the FLUM to be developed at moderate to medium density for a number of years. Staff's proposal is to rezone the area to allow an overall residential density of approximately eight dwelling units per acre. This threshold is generally the critical mass needed to support transit and other non-residential services in the immediate neighborhood. The intent is for the build-out to be a self-sustaining neighborhood where residents can live, work, play and shop for a majority of their daily needs without having to drive long distances. The immediate corridor along Ruppel Road is proposed with a mixed use form-based zoning district that would allow a wide range of housing options and neighborhood-serving retail and services. This includes a variety of single family attached and detached units, multi-family dwellings, and non-residential goods and services. Outside the corridor would be zoned NC, Neighborhood Conservation. NC allows a maximum of 10 single family dwelling units per acre. It should be noted that gross density in a subdivision is typically much lower than the zoning allows because of the land required for utilities and streets.

The study area is identified as having a high level of natural resources by the Fayetteville Natural Heritage Association (FNHA), a local non-profit group. Habitat in the study area is classified by the FNHA as prairie remnant and seasonal wetlands¹. In staff's assessment, it appears that much of upland prairie habitat has been removed or disturbed to accommodate farming and grazing. Remnant prairie in the study area appears to be located particularly along the riparian corridors that have less disturbance. The Woolsey Wet Prairie Sanctuary is a 30-acre wetland mitigation site located on the City's wastewater treatment plant to the west of the study area. Due to the environmental sensitivity of the study area, staff recommends that all of the land identified as Natural Area be zoned R-A, Residential Agricultural. This zoning should result in conservation along these riparian corridors in exchange for higher density in other areas.

A rezoning of this size will allow a large volume of development that will increase traffic on surrounding roads. However, as discussed above, the City's planned road project will be completed in the near future to accommodate this planned growth. As individual developments are reviewed, on and off-site street improvements will be reviewed and recommended. One such recommendation for this area may include an assessment for developments to contribute money to the Persimmon Street overpass. This is a planned east-west connection over I-49 which will alleviate congestion at I-49/Wedington Road interchange.

Thank you for time and consideration of this request.

Sincerely,



Andrew Garner, AICP
City Planning Director
City of Fayetteville Development Services
agarner@fayetteville-ar.gov
479.575.8262

Att: Rezoning exhibit
Cc: Jeremy Pate, Development Services Director
Chris Brown, City Engineer

¹ Fayetteville Natural Heritage Association Environmental Working Group Map 2008-2009

Site History

- Prairie habitat is one of the rarest habitats found across the United States. Only ~1% of historical prairie remains intact. (1,2)
 - Virgin prairie habitat (unplowed with evidence of prairie mounds) can be restored!
 - Example: Woolsey Wet Prairie Sanctuary
- Woolsey Wet Prairie Sanctuary (WWPS)
 - Previously, unplowed agricultural fields, is now a successfully restored prairie habitat.
 - Over 450 documented plant species, including 7 rare species (3)
 - Over 200 documented bird species, including 1 state record (4)
 - 24 documented reptile and amphibian species recorded, including 2 rare species
 - Designated an Important Birding Area by the National Audubon Society
 - WWPS has become an important teaching, educational, and public resource

Reptiles and Amphibians

- Intensive surveys have revealed 24 reptile and amphibian species have colonized WWPS
 - Documented two species considered AR State Species of Greatest Conservation of Concern:
 - Graham's Crayfish Snake (*Regina grahamii*)
 - Only known population to exist within the Boston/Ozark Mountains
 - The last documented observation was from over 60 years ago
 - Over 200 captured within WWPS in 2014
 - Crawfish Frog (*Lithobates areolatus*)
 - Listed as State Endangered: Indiana and Iowa (6)
 - Species of Conservation Need: Illinois, Missouri, Kansas (6)
 - Near Threatened: International Union for Conservation of Nature (IUCN, 6)
 - Large breeding chorus documented in WWPS and individuals found crossing Broyles Ave from adjacent property

Important Considerations for Conserving Reptiles and Amphibians at WWPS and Adjacent Properties.

- Ephemeral (non-permanent) aquatic habitats (e.g. flooded fields) are important and deserve protection consideration
 - Permanent farm ponds, retention ponds, and streams are not as important
- Connectivity between suitable habitats is key!
 - Amphibians and reptiles have surprisingly large home ranges
 - e.g. Crawfish frog can migrate up to 400 meters from a breeding wetland (7)
 - Many species of reptile and amphibian are extremely secretive
 - e.g. Grahams Crayfish Snake went 60 years without being detected even with an R-1 university only 5 miles away
 - What might look like an empty grass field might provide important hibernation or post-breeding habitat to many amphibians and reptiles

Please keep these consideration in mind when determining future development and habitat protections within in Washington County. With your help we can grow as a city while maintaining our Biodiversity.

References

1. Samson, F. and F. Knopf. 1994. Prairie conservation in North America. Bioscience. 44: 418-421.
2. Gleason, R.A., M.K. Laubhan, N.H. Euliss Jr. (Eds.) 1998. Ecosystem services derived from wetland conservation practices in the United States Prairie Pothole Region with an emphasis on the U.S. Department of Agriculture Conservation Reserve and Wetlands Reserve Programs. U.S. Geological Professional Paper 1745.
3. EcoArkansas 2012. "Master Plant List for Woolsey Wet Prairie." Ecoarkansas.com. Environmental Consulting operations. Accessed 28 Aug 2014.
4. 2014. "Species Count for Woolsey Wet Prairie". Ebird. Available online at <http://ebird.org/ebird/hotspot/LS02940>. Accessed 13 April 2015.
5. 2013. "Important Bird Areas in Arkansas". Available online at <http://ar.audubon.org/important-bird-areas-arkansas>. Accessed 13 April 2015.
6. 2015. "Rana areolata Conservation Status". Available online at <http://explorer.natureserve.org/servlet/NatureServe?searchName=Rana+areolata>. Accessed 13 April 2015.
7. Heemeyer, J.L. and M.J. Lannoo. 2012. Breeding migrations in crawfish frogs (*Lithobates areolatus*): long-distance movements, burrow philopatry, and mortality in a near-threatened species. Copeia. 2012: 440-450.



Figure 1. Map of property to be rezoned (RZN 15-4965) showing evidence of prairie mounds and proximity to Woolsey Wet Prairie Sanctuary.



Pictured above: Educational use of Woolsey Wet Prairie Sanctuary. (A) University of Arkansas students learn about the differences in burning maintained and unburned wetlands. (B) University of Arkansas students collect macroinvertebrates from a wetland. (C) Students set-up an experiment as part of a population ecology class to determine the effects of population density on tadpole growth. (Photos courtesy of Auriel Fournier)

Pictured below: Rare reptile and amphibian species found within Woolsey Wet Prairie Sanctuary and crossing Broyles from adjacent properties. (A) Grahams Crayfish Snake. (B) Crawfish Frog. (Photos courtesy of JD Willson and Denise Greathouse)





Figure 1. Map of proposed area to be developed with areas of Crawfish Frog activity highlighted. A proposed green space that would maintain some connectivity with Woolsey Wet Prairie Sanctuary is drawn.



Figure 2. Zoomed in image of known Crawfish Frog activity and proposed green space.

Proposed Zoning RZN 15-4965



 Ruppel Road South Rezoning Study Area

RZN15-4965

SOUTH RUPPLE ROAD REZONING

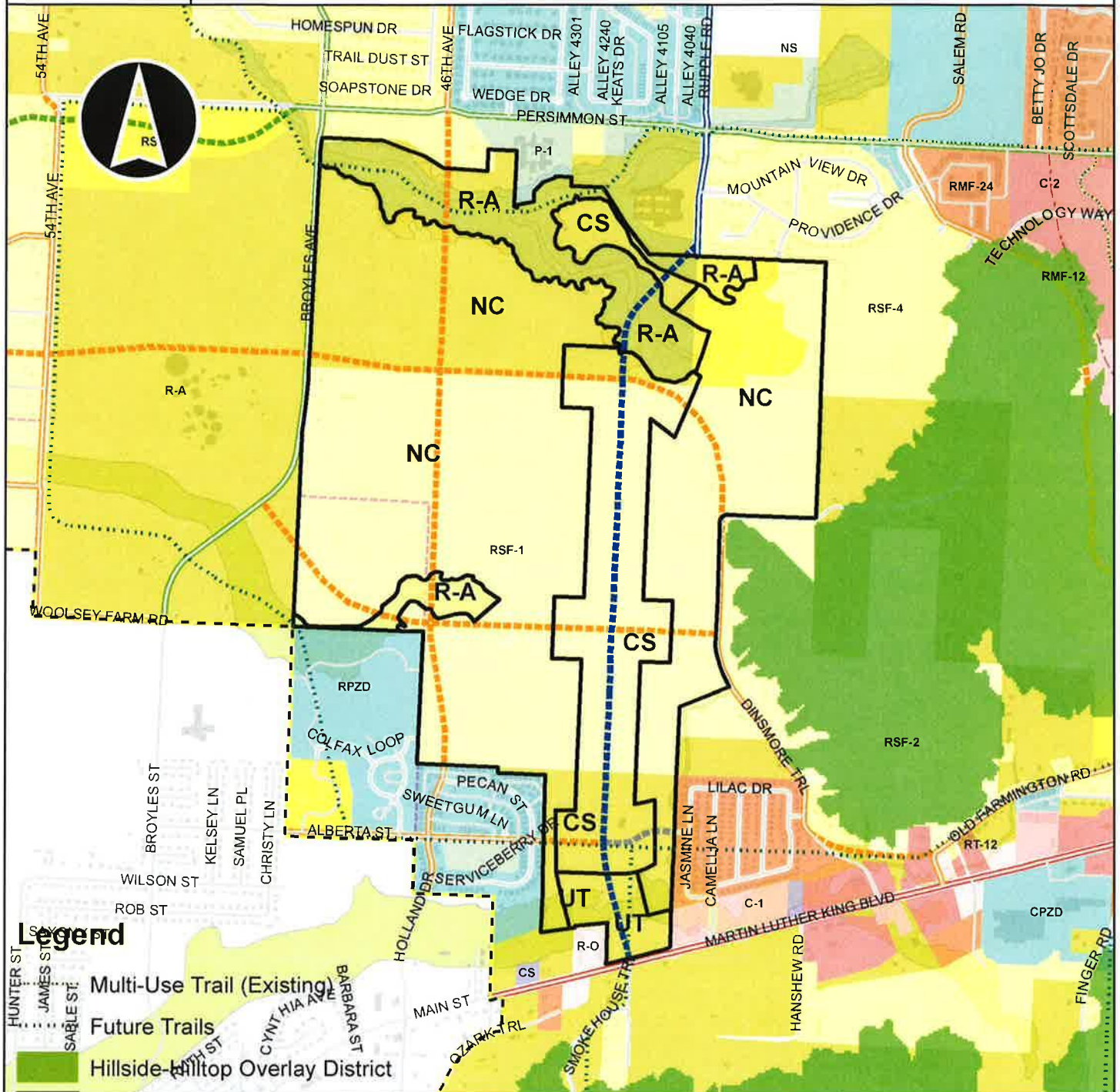
Current Land Use



RZN15-4965

SOUTH RUPPLE ROAD REZONING

Close Up View



Legend

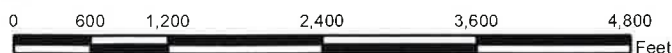
- Multi-Use Trail (Existing)
- Future Trails
- Hillside-Hilltop Overlay District

Overview RZN15-4965

- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Design Overlay District
- Planning Area

Proposed Rezoning:
CS, Community Services
NC, Neighborhood Conservation
R-A, Residential Agricultural
UT, Urban Thoroughfare
TOTAL

107.3 ACRES
442.1 ACRES
77.3 ACRES
15.3 ACRES
642 ACRES

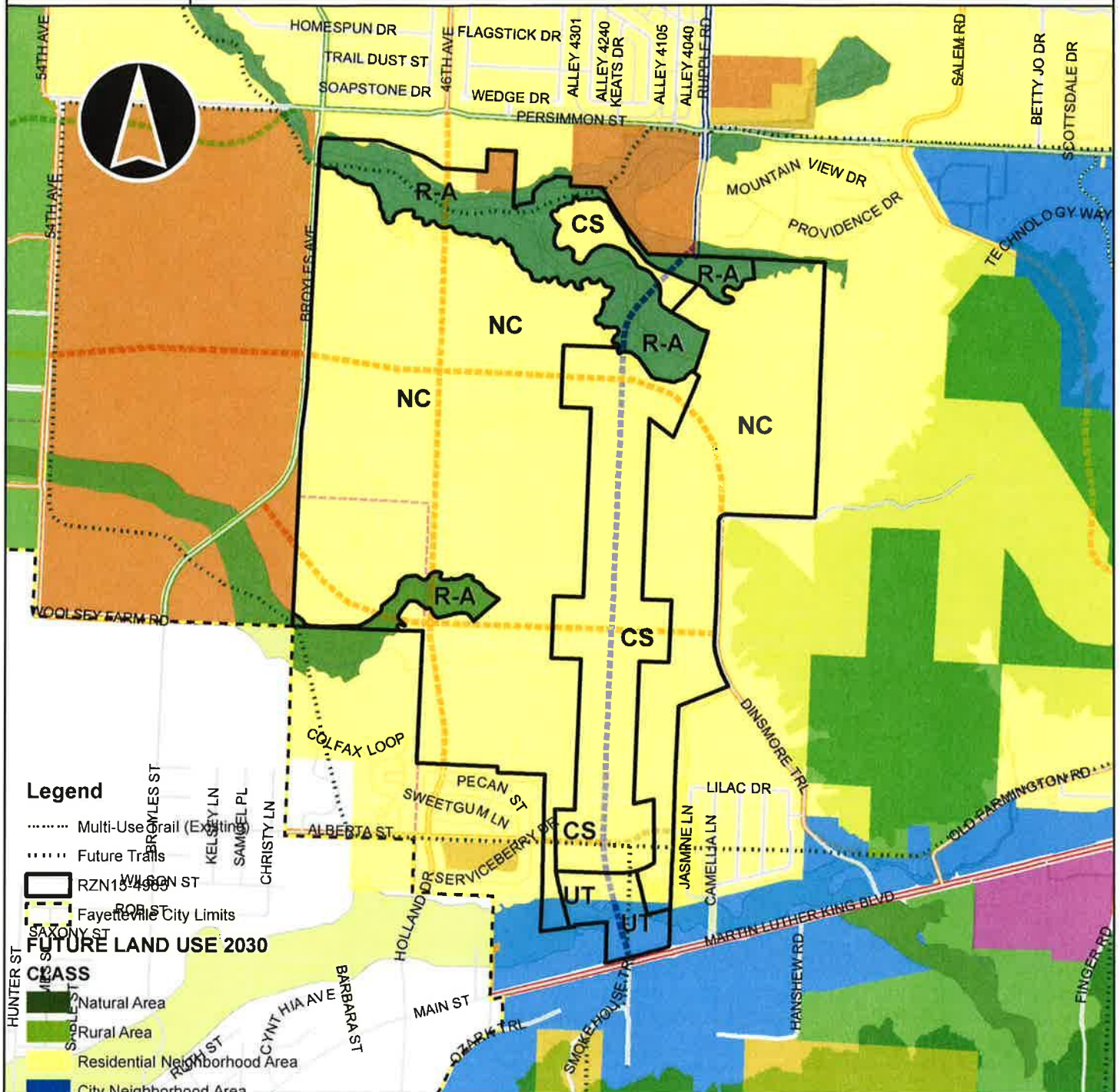


Planning Commission
April 27, 2015

RZN15-4965

SOUTH RUPPLE ROAD REZONING

Future Land Use



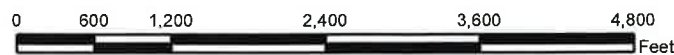
Legend

- Multi-Use Trail (Existing)
- Future Trails
- RZN15-4965 RZN15-4965
- Fayetteville City Limits Fayetteville City Limits
- FUTURE LAND USE 2030**

- CLASS**
- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- Planning Area

Proposed Rezoning:
CS, Community Services
NC, Neighborhood Conservation
R-A, Residential Agricultural
UT, Urban Thoroughfare
TOTAL

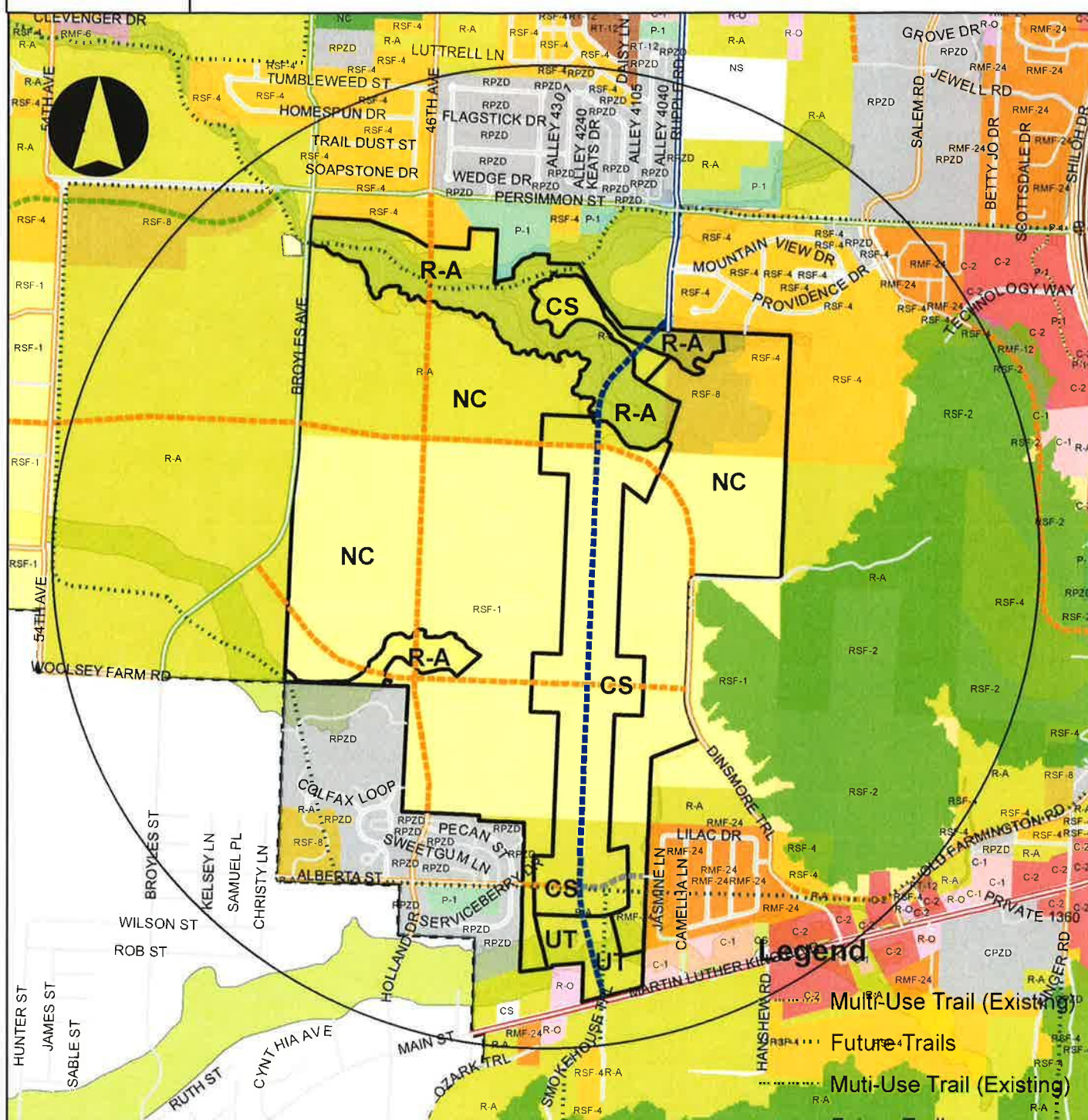
107.3 ACRES
442.1 ACRES
77.3 ACRES
15.3 ACRES
642 ACRES



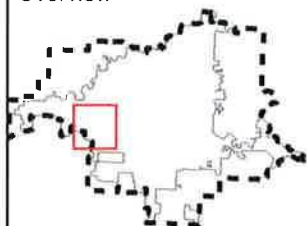
RZN15-4965

SOUTH RUPPLE ROAD REZONING

One Mile View



Overview



Proposed Rezoning:

CS, Community Services	107.3 ACRES
NC, Neighborhood Conservation	442.1 ACRES
R-A, Residential Agricultural	77.3 ACRES
UT, Urban Thoroughfare	15.3 ACRES
TOTAL	642 ACRES

0 0.25 0.5

Miles

- RZN15-4965
- HHOD
- Planning Area
- Fayetteville

Multi-Use Trail (Existing)

Future Trails

Multi-Use Trail (Existing)

Future Trails

Planning Commission
April 27, 2015

Agenda Item 6
15-4965 Ruppel Rd. Ext. Zoning
Page 29 of 29



City of Fayetteville, Arkansas

Tentative Agenda
May 19, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 10 of 208

Text File

File Number: 2015-0232

Agenda Date: 5/19/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 4

RZN 15-5004 (SOUTH END OF PUMPKIN RIDGE DR./FALLING WATERS) APPEAL

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5004, FOR APPROXIMATELY 17.37 ACRES, LOCATED SOUTH OF PUMPKIN RIDGE ROAD FROM R-A, RESIDENTIAL-AGRICULTURE TO RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-A, Residential-Agriculture, to RSF-2, Residential Single Family, 2 Units per Acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

EXHIBIT 'A'

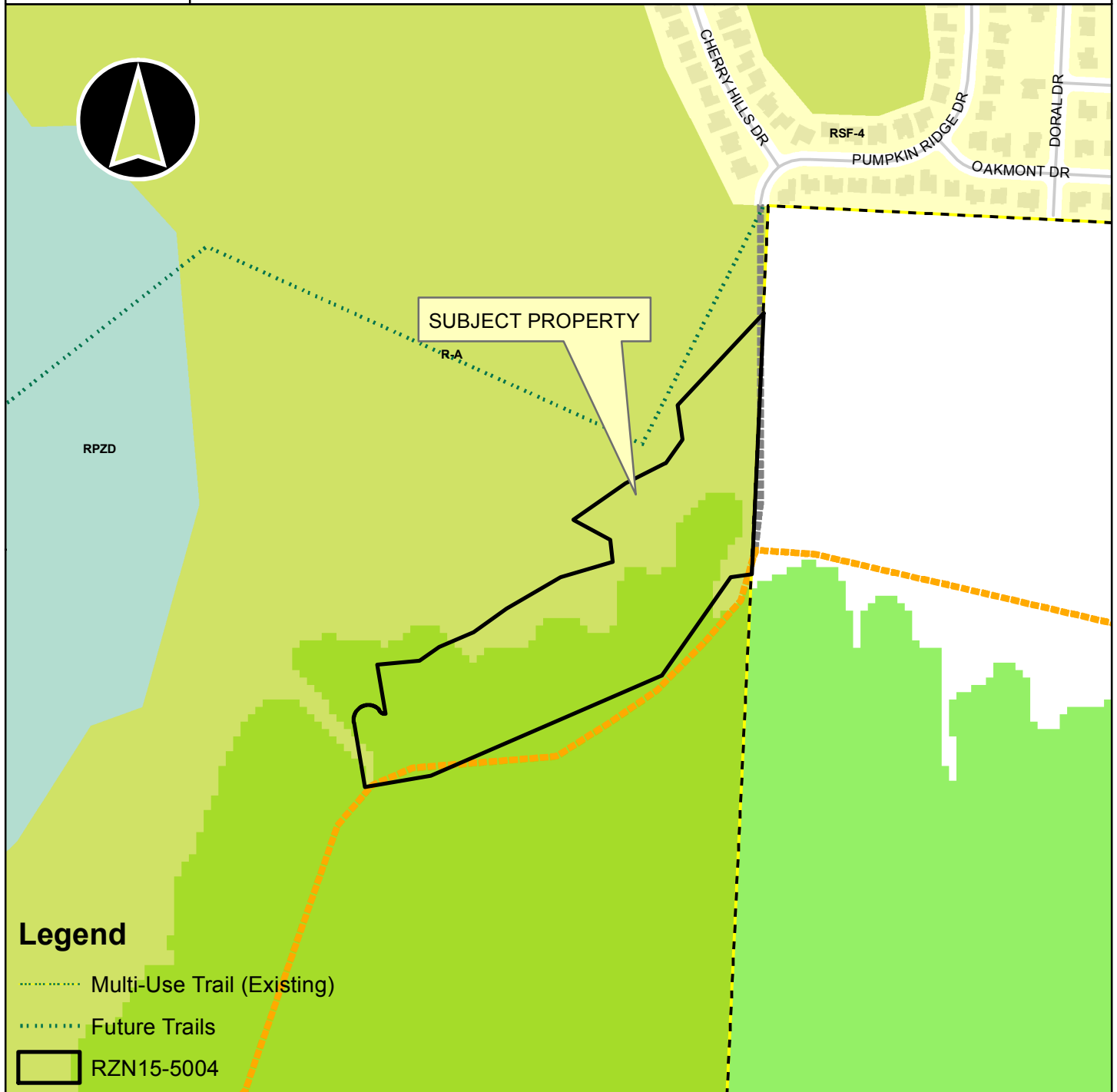
15-5004

Tentative Agenda
May 19, 2015
Page 101 of 208

RZN15-5004

FALLING WATERS

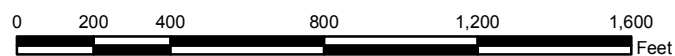
Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- RZN15-5004

- Overview**
- Fayetteville City Limits
 - Footprints 2010
 - Hillside-Hilltop Overlay District
 - Design Overlay District
 - Design Overlay District
 - Planning Area



Falling Waters Description:

PART OF THE NE1/4 OF SECTION 25, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID SECTION 25 THENCE S02°32'04"W 376.66 FEET TO THE P.O.B., THENCE S02°32'04"W 887.07 FEET, THENCE S82°53'56"W 73.29 FEET, THENCE S34°57'52"W 408.01 FEET, THENCE S66°32'39"W 852.92 FEET, THENCE S80°27'32"W 227.29 FEET, THENCE N09°32'28"W 220.43 FEET, THENCE ALONG A CURVE TO THE RIGHT 186.57, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND A CHORD BEARING AND DISTANCE OF N61°06'14"E 95.68 FEET, THENCE ALONG A CURVE TO THE LEFT 30.56 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET AND A CHORD BEARING AND DISTANCE OF S55°46'10"E 27.67 FEET, THENCE N09°32'28"W 168.48 FEET, THENCE N84°29'51"E 144.25 FEET, THENCE N55°24'09"E 80.97 FEET, THENCE N66°21'24"E 126.78 FEET, THENCE N54°28'54"E 137.53 FEET, THENCE N60°05'48"E 212.39 FEET, THENCE N73°33'56"E 182.84 FEET, THENCE N05°41'33"W 74.85 FEET, THENCE N61°25'10"W 142.97 FEET, THENCE N55°12'36"E 216.23 FEET, THENCE N63°03'36"E 152.34 FEET, THENCE N35°09'00"E 97.51 FEET, THENCE N07°24'00"W 118.60 FEET, THENCE N43°01'59"E 426.59 FEET TO THE P.O.B.; CONTAINING 17.37 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

City of Fayetteville Staff Review Form

2015-0232

Legistar File ID

5/19/2015

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

Jeremy Pate

5/1/2015

City Planning /
Development Services Department
Division / Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5004: Rezone (SOUTH END OF PUMPKIN RIDGE DR./FALLING WATERS, 646): Submitted by JORGENSEN & ASSOCIATES for property located SOUTH OF PUMPKIN RIDGE DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 17.37 acres. The request is to rezone the property to RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 19, 2015

TO: Fayetteville City Council
THRU: Andrew Garner, City Planning Director
FROM: Jesse Fulcher, Senior Planner
DATE: May 19, 2015

SUBJECT: RZN 15-5004: Rezone (SOUTH END OF PUMPKIN RIDGE DR./FALLING WATERS, 646): Submitted by JORGENSEN & ASSOCIATES for property located SOUTH OF PUMPKIN RIDGE DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 17.37 acres. The request is to rezone the property to RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and staff recommend denial of an ordinance to rezone the property to RSF-2, Residential Single Family, 2 Units per Acre.

BACKGROUND:

The subject property is located south of Stonebridge Meadows Subdivision and golf course, approximately 400 feet south of Pumpkin Ridge Drive. With the exception of some previous clearing, the site is heavily wooded with much of the property located within the Hillside/Hilltop Overlay District.

The property was previously zoned for a Residential Planned Zoning District, Falling Waters. The project was approved in 2005 for the development of 258 residential lots with a density of approximately 2 units per acre over 137 acres, containing design and development standards that were reviewed and considered under a previous City Plan policy. The property was never developed and the development rights expired. City staff brought forward several rezoning requests in 2011 to address many of the expired PZD developments, including the expired Falling Waters project. Staff recommended and the Planning Commission and City Council approved rezoning the property to R-A, Residential Agricultural.

Surrounding Land Use Compatibility: The property is located at the edge of the City and with the exception of the Stonebridge Meadows neighborhood 400 feet to the north, the property is surrounded by large agricultural and forested properties. In staff's opinion, introducing more suburban development in this area is incompatible with the prevailing land use in the area, and would be inconsistent with the adopted Future Land Use Plan for this area through the year 2030.

In addition to the land use policies and planning objectives that would be discounted if the property were rezoned, there are also maintenance and service responsibilities that the City should consider. In order to serve the property, which will be able to support a maximum of 34 houses,

the developer will need to construct over 2,500 feet of new water line, 2,500 feet of new sewer line, 2,500 feet of new sidewalk, and 2,500 feet of new street. While this upfront cost will be carried by the developer, the maintenance of this infrastructure will become the responsibility of the City in perpetuity.

Neither zoning scenario may actually result in less public infrastructure to be maintained, particularly if the property happened to be constructed with 2-acre lots in the R-A zoning district. However, the much larger lots could potentially allow the use of high quality individual septic systems. These systems would be maintained by the property owners instead of a publically maintained sewer line at a great cost compared to the number of residents served. Therefore, from a long-term cost analysis, there is a possible savings to the public.

Land Use Plan Analysis: *City Plan 2030 Future Land Use Plan* designates this site as a Rural Residential area, which are classified in order to preserve woodlands and agricultural lands, and reduce the infrastructure burden on the public to the extent possible. Much of this area had been previously designated as a Residential Area, which encourages urban and suburban development, but the City Council adopted a Rural designation for the area in 2011 with the adoption of City Plan 2030. This is a critical change from previous recommendations and policies decisions. Rezoning the property to RSF-2 would allow suburban densities along a wooded hillside that is now envisioned to remain rural.

DISCUSSION:

On April 13, 2015 the Planning Commission denied the rezoning with a vote of 8-1-0 (Commissioner Hoskins voted 'no'). At the meeting five members of the public spoke that live in the Stonebridge Meadows Subdivision. They were opposed to the rezoning citing concerns with traffic, drainage, environmental damage, and degradation of their property values.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

RECEIVED

APR 27 2015

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Clay Carlton
Falling Waters, LLC
2826 Joyce Blvd.
Fayetteville, AR 72703

April 24, 2015

City of Fayetteville
Attention: Sondra Smith, City Clerk

Re: Appeal of the Planning Commission denial of the Falling Waters rezoning request.

Mrs. Smith,

I am writing this letter to request an appeal to the City Council over the Planning Commission's denial of a rezoning request for Falling Waters at the April 13th Planning Commission meeting. While I understand the staff and Planning Commission's decision, I believe that there are other factors involved that the City Council can take into consideration; whereas the Planning Commission is limited to adopted future land use plans.

In my review of the staff report, which I have attached, I discovered some errors that may or may not have affected the decision. In the Infrastructure section it mentions that the site does not have a public street, which is not correct. The property borders Pumpkin Ridge Drive and is adjacent to the Stonebridge Meadows Subdivision. As such, the water and sewer sections are incorrect as well because they are both stubbed out to our property. I would like to point out that neither the Fire nor the Police Departments opposed the rezoning request. In the 3rd paragraph of the Findings section it mentions that the City would have to maintain the streets, sidewalks, sewer and water lines once installed. That would still be the case if we were to build the currently allowed 2 acre lots. In the second Findings section it suggests that this rezoning request is not consistent with adjacent properties, yet this property borders Stonebridge Meadows Phases 1 through 5 and is near to the Hamptons Subdivision and the Crescent Lake Subdivision which are all zoned RSF-4. I have also attached the proposed plat which shows that the majority of the lots are well over the 17,860 SF mentioned in the staff report and some are as large as 30,000 SF.

The main reason for this appeal request, though, has more to do with the history of this property and area. In 2005 this property was and still is part of a larger 137 acre piece of land. The City Council approved a PZD for the entire 137 acres allowing for 258 roughly ½ acre lots. In fact, it was approved unanimously through all three readings taking place in one night. At that time the area did not have adequate water and sewer infrastructure so our company, along with 3 other groups partnered to extend both services from the industrial park. This required boring under the White River and then installing approximately 6,300 feet of water and sewer line to service our properties and allow for future growth in this area. The project was completed and the improvements were turned over to the City. The total cost of the project was \$2.5 million and my company's share in that cost was approximately \$850,000. We considered this investment to be worthwhile, as we needed to get water and sewer services to the property in order to develop it according to our approved zoning. We then began developing the first Phase of the property by clearing for the street right of ways, but at that time the economy began to turn downward so we halted the development. Had we not stopped, it would have looked like so many of the other completed but empty subdivisions that resulted during that time

around Northwest Arkansas. As we waited on the economy to rebound our PZD zoning expired and the City staff and Council made the decision to rezone our property to Residential Agriculture, allowing for 1 home on every 2 acres. Due to the initial cost to purchase the land combined with the cost to "carry" the land for the last 10 years and the cost of extending the water and sewer lines to the property, developing the property with 1 home to every 2 acres is financially unfeasible. I realize that the financial implications are my problem and not the City's; however, those are the facts. Ten years ago our development was hailed as a great addition to Fayetteville by our City staff and leaders. And I am hopeful our current City leaders will view it the same way. Our current rezoning request is for only a small portion of the entire property, as we have admittedly taken our bruises, learned our lesson, and are trying to be more conservative. We may end up even developing larger lots on other sections of the property in the future. However, this current layout is almost identical to what was approved in 2005 (we actually increased the size of the "uphill" side lots). I personally live on Mount Sequoyah and this proposed layout, as with the initial 258 lot layout, is intended to somewhat mimic Mount Sequoyah, except for the fact that it borders a golf course which is appealing to home owners.

Finally, I would like to mention that I am one of the owners of Buffington Homes and we would be building all of the homes in this proposed subdivision. As well as adhering to the Hillside Overlay District policies, we will also have Protective Covenants in place limiting tree removal outside of the building footprint that will be more stringent than the HOD. Buffington Homes has valued our successful partnership with the City of Fayetteville for more than ten years now. We have and are currently developing and building in numerous areas of the City, and we hope for this proposed development to be another beneficial partnership. Thank you for your consideration of this appeal request. If you have any questions please feel free to reach out to me at the information below.

Sincerely,



Clay Carlton

479-283-3843

claycarlton@buffingtonhomesar.com



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: April 13, 2015 Updated April 14, 2015

SUBJECT: **RZN 15-5004: Rezone (SOUTH END OF PUMPKIN RIDGE DR./FALLING WATERS, 646):** Submitted by JORGENSEN & ASSOCIATES for property located SOUTH OF PUMPKIN RIDGE DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 17.37 acres. The request is to rezone the property to RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends denial of **RZN 15-5004**.

BACKGROUND:

The subject property is located south of Stonebridge Meadows Subdivision and golf course, approximately 400 feet south of Pumpkin Ridge Drive. With the exception of areas of linear clearing, the site is heavily wooded with much of the property located within the Hillside/Hilltop Overlay District.

The property was previously zoned for a Residential Planned Zoning District, Falling Waters. The project was approved in 2005 for the development of 258 residential lots with a density of approximately 2 units per acre over 137 acres. The property was never developed and the development rights expired. City staff brought forward several rezoning requests in 2011 to address many of the expired PZD developments, including the expired Falling Waters project. Staff recommended and the Planning Commission and City Council approved rezoning the property to R-A, Residential Agricultural. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Golf Course	R-A, Residential Agricultural
South	Undeveloped	R-A, Residential Agricultural
East	Undeveloped	Washington County
West	Undeveloped	R-A, Residential Agricultural

DISCUSSION:

DISCUSSION:

Request: The property owner is requesting to rezone approximately 17.4 acres from R-A, Residential Agricultural to RSF-2, Residential Single-family, 2 units per acre. The RSF-2 zoning district requires lots with at least 17,860 square feet of area and 100 feet of street frontage.

Public Comment: Staff has not received public comment.

Infrastructure:

Streets: The site has does not have to a public street. Pumpkin Ridge Drive will need to be extended approximately 400 feet to the property and another approximately 2,000 feet to serve 30 proposed lots.

Water: Public water is not available to the site. An 8" water main exists in the Stonebridge Meadows subdivision and will need to be extended to serve the development.

Sewer: Public sewer is not available to the site. An 8" main exists in the Stonebridge Meadows subdivision and will need to be extended to serve the development.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain or the Streamside Protection Zones.

Fire: This development will be protected by Ladder 3 located at 1050 S. Happy Hollow Road. It is 2.9 miles from the station with an anticipated response time of 6 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as a **Rural Residential Area**. These areas recognize existing low-density, large lot residential development, but are identified to encourage the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled. They may not have adequate street and water infrastructure or public services, such as police and fire, to support urban or suburban densities and development patterns, nor should these services be expanded to accommodate further growth unless they are in line with the following guiding principles:*

- a. Allow and encourage historical agricultural and related uses to continue and to occur as permanent land uses within planned developments.
- b. If developed, encourage alternative development patterns, such as conservation or cluster development types, to achieve compatibility with surrounding rural areas.
- c. Foster a culture that supports local food production on a variety of scales.
- d. Encourage, preserve and protect viable agribusinesses such as orchards, berry farms and small scale produce-yielding businesses that provide goods for the local market.

FINDINGS OF THE STAFF

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

Finding: The proposed rezoning is not consistent with land use planning objectives, policies or land use plans. The property is located at the edge of the City and with the exception of the Stonebridge Meadows neighborhood 400 feet to the north, the property is surrounded by large agricultural and forested properties. In staff's opinion, introducing more suburban development in this area is incompatible with the prevailing land use in the area.

Further, this area of the City is designated as a rural residential area, which are classified in order to preserve woodlands and agricultural lands. In fact much of this area had been previously designated as a residential area, which encourages urban and suburban development, but the City Council adopted a rural designation for the area in 2011 with the adoption of City Plan 2030. This is a critical change from previous recommendations and policies decisions. Rezoning the property to RSF-2 would allow suburban densities along a wooded hillside that is now envisioned to remain rural.

In addition to the land use policies and planning objectives that would be ignored if the property were rezoned, there are also maintenance and service responsibilities that the City should consider. In order to serve the property, which will be able to support a maximum of 34 houses, the developer will need to construct over 2,500 feet of new water line, 2,500 feet of new sewer line, 2,500 feet of new sidewalk, and 2,500 feet of new street. While this upfront cost will be carried by the developer, the maintenance of this infrastructure will become the responsibility of the City in perpetuity.

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

Finding: In staff's opinion, the zoning request is not needed or justified. The property is currently zoned to allow 2-acre residential lots, which provides development rights that are more compatible with adjacent properties than 17,860 square foot lots. However, neither zoning scenario may actually result in less public infrastructure to be maintained. Larger lots, though, could allow the use of individual septic systems. These systems would be maintained by the property owners instead of a publically maintained sewer line at a great cost compared to the number of residents served. Therefore, from a long-term cost analysis, there is a possible savings to the public.

In addition to development costs, there is a general policy decision that will be made in this case. Should the City encourage more development at the periphery of the City, or should existing development rights be maintained? Unfortunately, there isn't an absolute answer. Each property and area of the City is unique and therefore different responses are expected. In this case the property is clearly in a predominantly rural area. Increasing the density of this property will only encourage more development on the edge of the City and set a new policy for development in southeast Fayetteville.

One final reason to not rezone the property to RSF-2 is that there are other development options available, should the City Council determine that increased density in this area is desired. A conservation subdivision or cluster development could result in the same number of dwelling units while also:

- Reducing short-term infrastructure costs
- Reducing long-term maintenance costs
- Increasing tree preservation
- Preserving natural woodlands
- Preserving animal habitat
- Reducing soil erosion

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

Finding: Rezoning the property to RSF-2 will allow a maximum of 34 dwelling units. It's unlikely that this number of houses would appreciably increase traffic congestion or traffic danger.

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 to RSF-2 will not undesirably increase the load on public services, such as schools, or water and sewer facilities. However, the property in question is estimated to have a response time for fire and/or emergency services of 6 minutes, which is at the outside limit of the City's goals to respond to citizen calls for service.

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:

Staff recommends denial of RZN 15-5004 based on the findings herein.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>April 13, 2015</u>	☐ Tabled	☐ Forwarded	☒ Denied
The motion was to deny the rezoning.			
Motion: <u>Hoffman</u>	Second: <u>Chesser</u>	Vote: 8-1-0 (Commissioner Hoskins voting "no").	
CITY COUNCIL ACTION:	Required	<u>YES</u>	
	☐ Approved	☐ Denied	
Date: May 19, 2015			

BUDGET/STAFF IMPACT:

None

Attachments:

Request Letter
Concept Plan
Fire Comments
Future Land Use Description
One Mile Map
Close Up Map
Current Land Use Map
Future Land Use Map



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

City of Fayetteville
113 W Mountain
Fayetteville, AR 72701

2/20/15

Att: Andrew Garner
Re: Rezoning (Falling Waters)

Attached please find the application and information pertaining to a rezoning request for a portion of a project at the south end of Pumpkin Ridge Street and South of Stonebridge Meadows Golf Course. The existing zoning is R-A and the request is 17.37 acres to RSF-2 for a maximum of 30 single family lots. An 8" water and sewer are stubbed out to this property (in Stonebridge Meadows Subd. Ph 2). All proposed lots will have a minimum of 100' width and 17,860 sf in area.

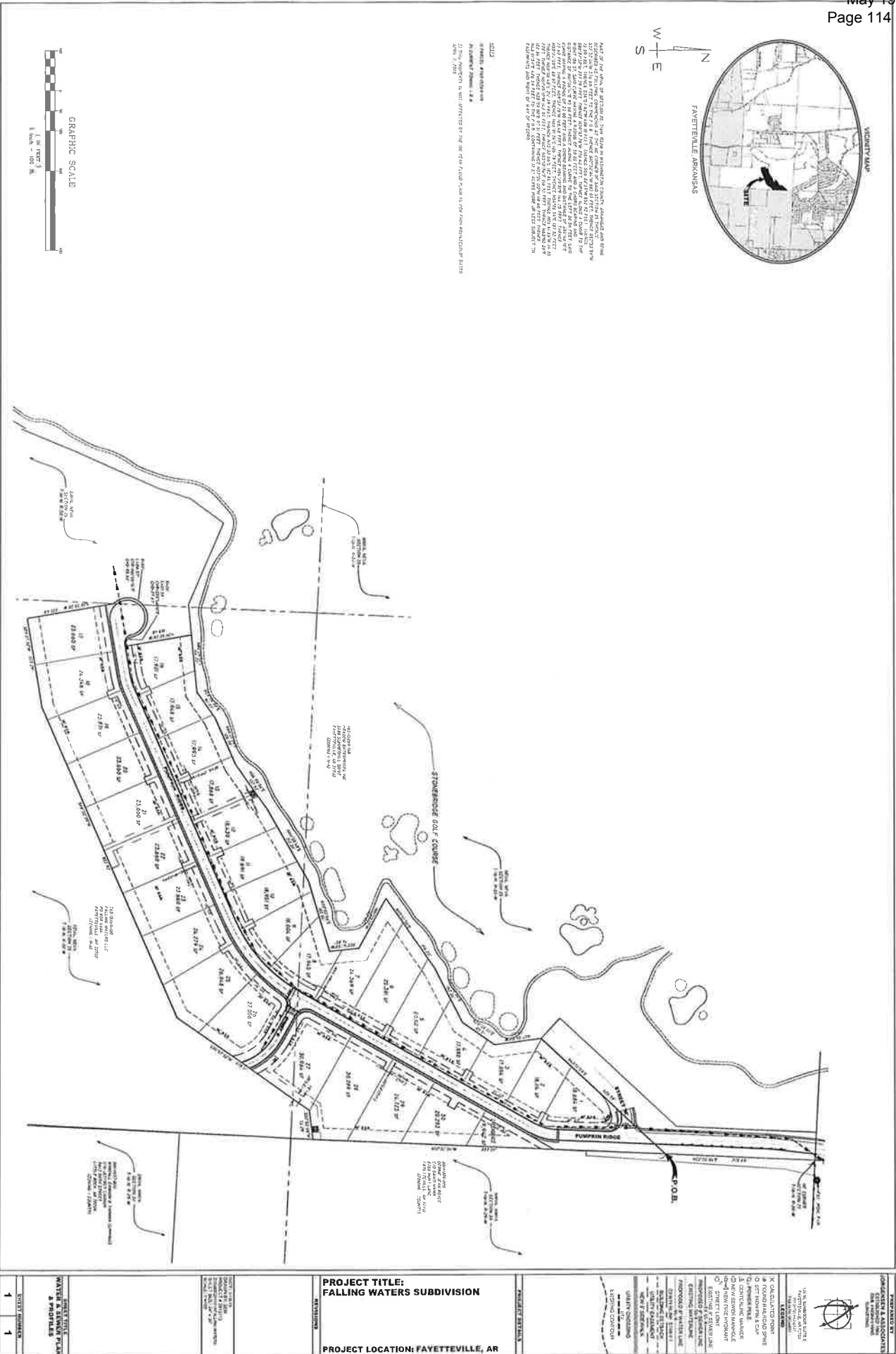
Please call concerning any questions you may have.

Thank you.

Sincerely;



David L. Jorgensen, P.E.





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

To: Jesse Fulcher, Jorgensen and Associates
From: Jeremy Ashley, Assistant Fire Marshal
Date: March 16, 2015
Re: RZN 15-5004

This development will be protected by Ladder 3 located at 1050 S. Happy Hollow Rd. It is 2.9 miles from the station with an anticipated response time of 6 minutes to the beginning of the development.
The Fire Department anticipates 6 (4 EMS -2Fire/other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 - 18 months, after the development is started, before maximum build-out and the service impact to occur. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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

Captain Jeremy Ashley
Fayetteville Fire Department



Rural Residential Areas:

Rural Residential Areas recognize existing low-density, large lot residential development, but are identified to encourage the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled. They may or may not have adequate street and water infrastructure or public services, such as police and fire, to support urban or suburban densities and development patterns nor should these services be expanded to accommodate further growth unless they are in line with the following guiding principles:

Guiding Policies:

- Allow and encourage historical agricultural and related uses to continue and to occur as permanent land uses within planned developments.
- If developed, encourage alternative development patterns, such as conservation or cluster development types, to achieve compatibility with surrounding rural areas.
- Foster a culture that supports local food production on a variety of scales.
- Encourage, preserve and protect viable agribusinesses such as orchards, berry farms and small scale produce-yielding businesses that provide goods for the local market.



Mally Wagnon Road

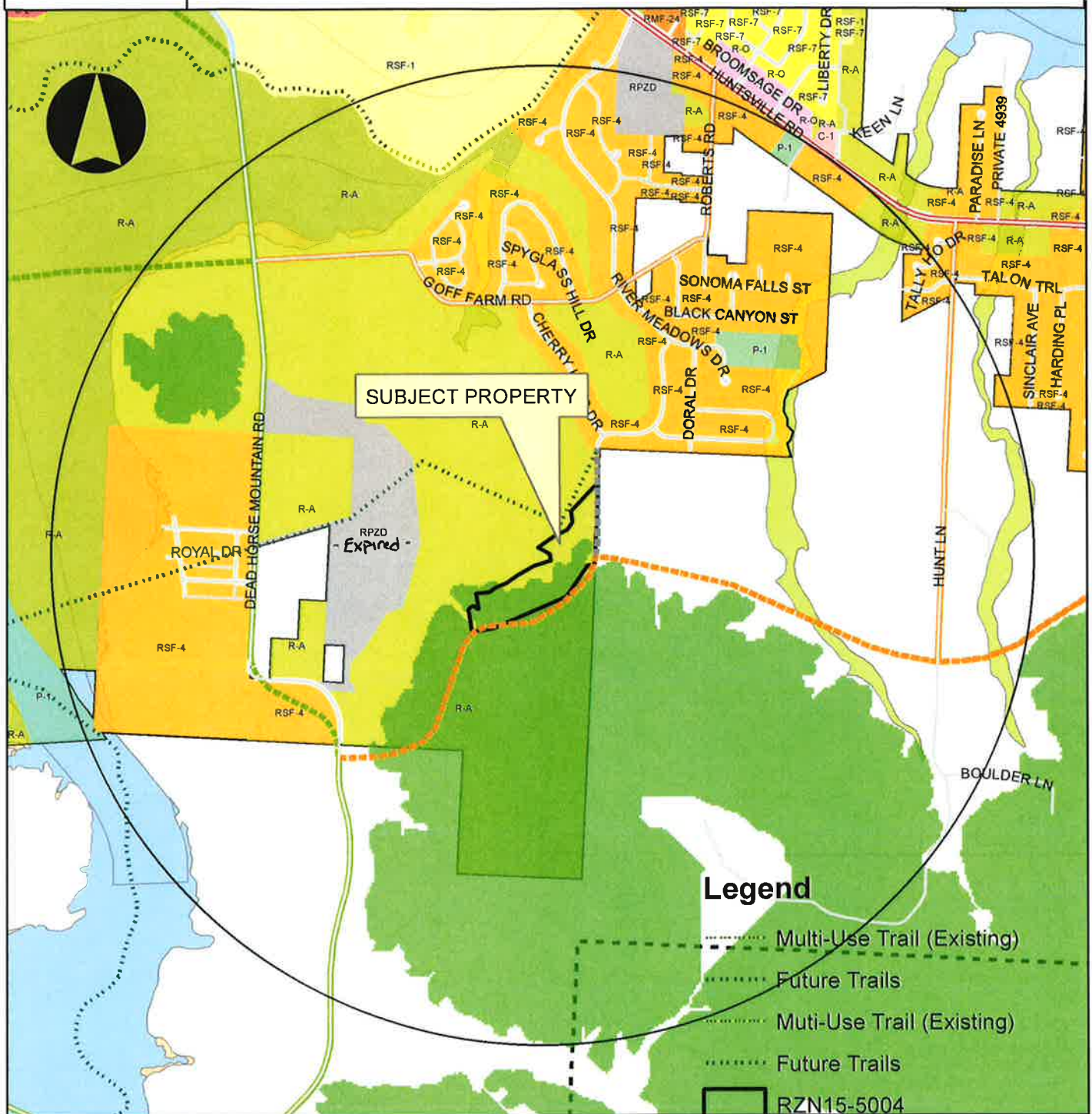


Low Density Rural

RZN15-5004

FALLING WATERS

One Mile View



Overview



Legend

Subject Property

Boundary

0 0.25 0.5

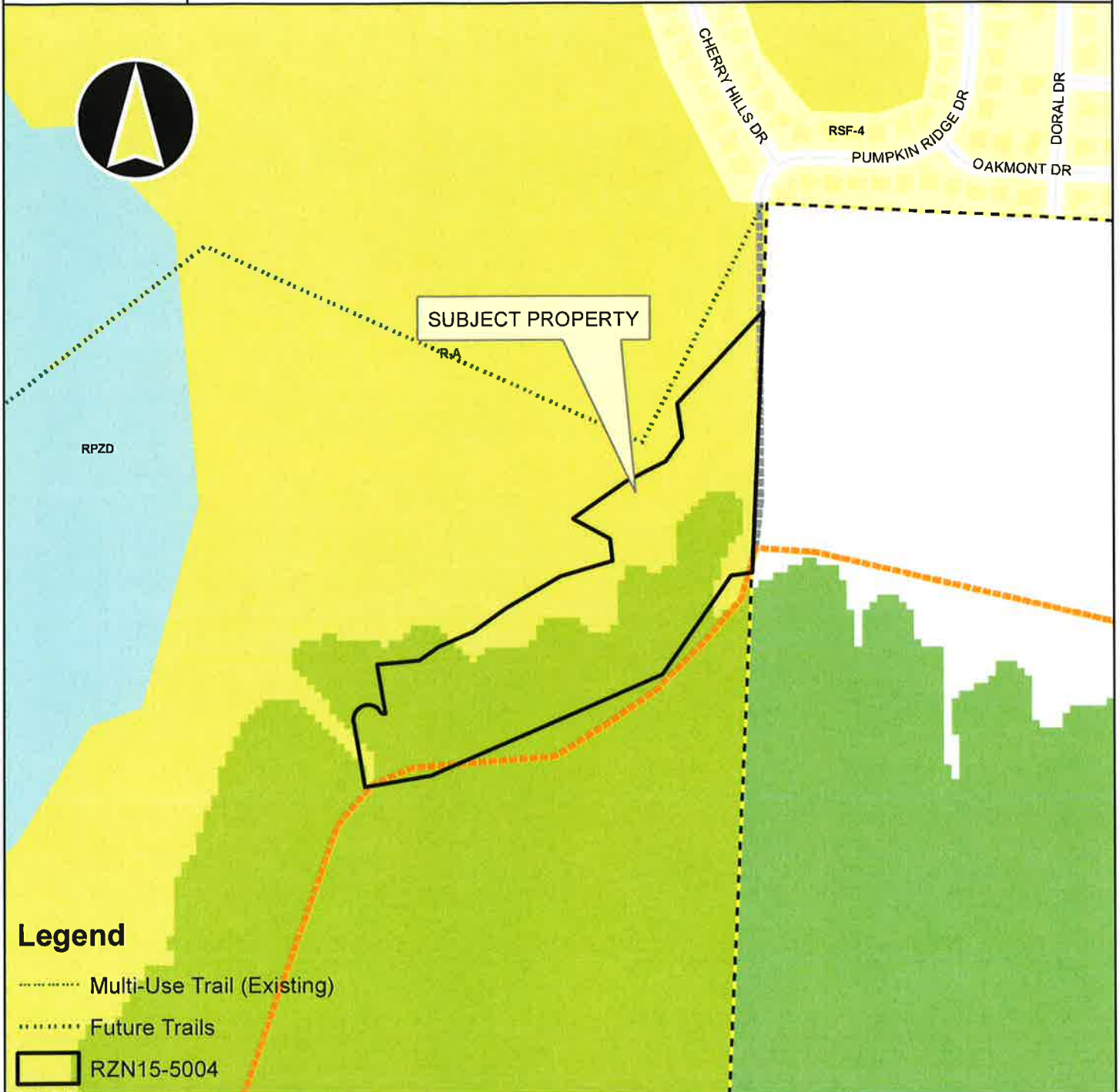


- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville
- 1 Miles

RZN15-5004

FALLING WATERS

Close Up View



Legend

Multi-Use Trail (Existing)

Future Trails

RZN15-5004

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

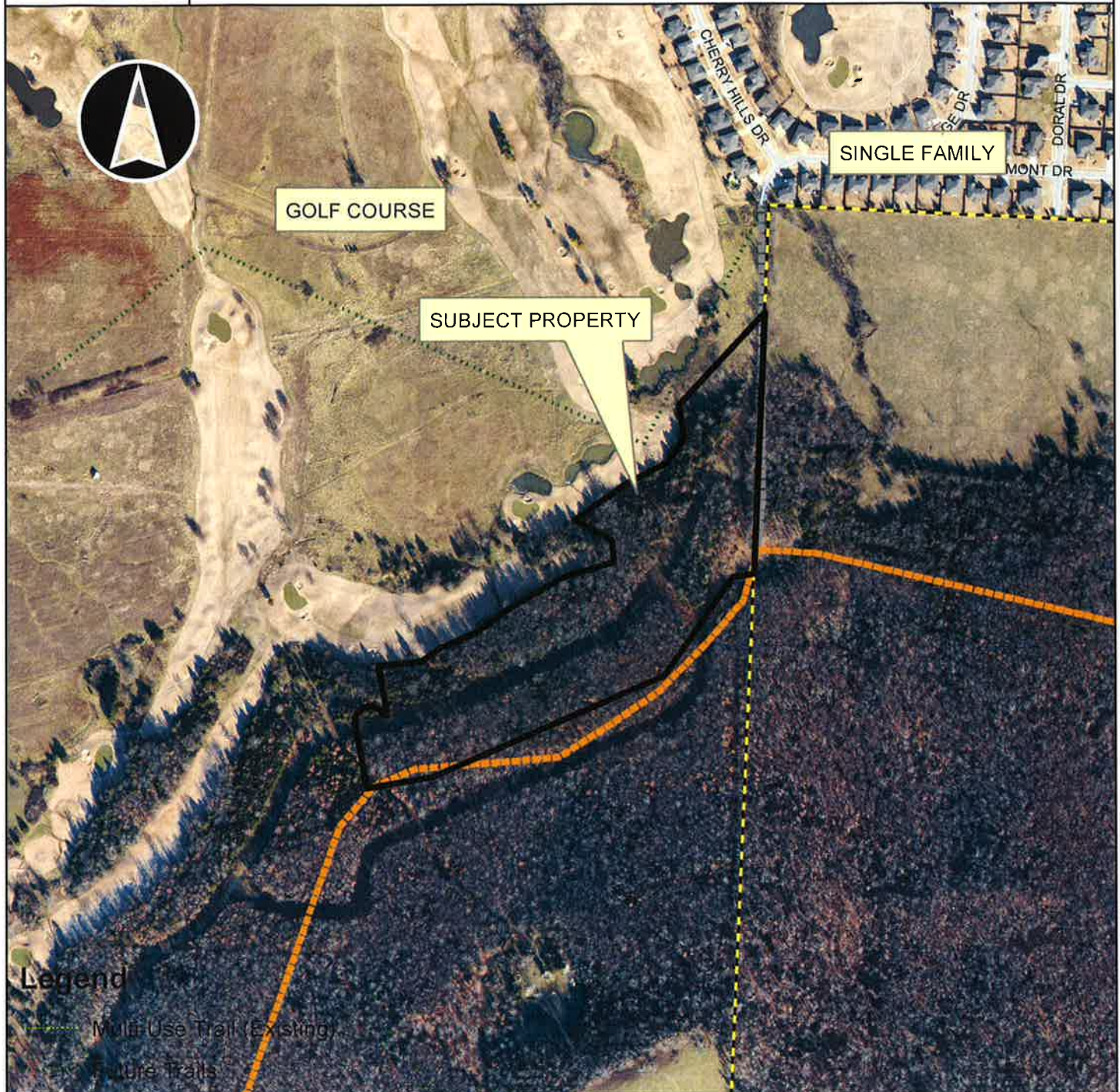
Planning Area

0 200 400 800 1,200 1,600 Feet

RZN15-5004

FALLING WATERS

Current Land Use



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview RZN15-5004

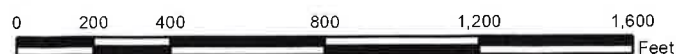
Fayetteville City Limits

Footprints 2010

Design Overlay District

Design Overlay District

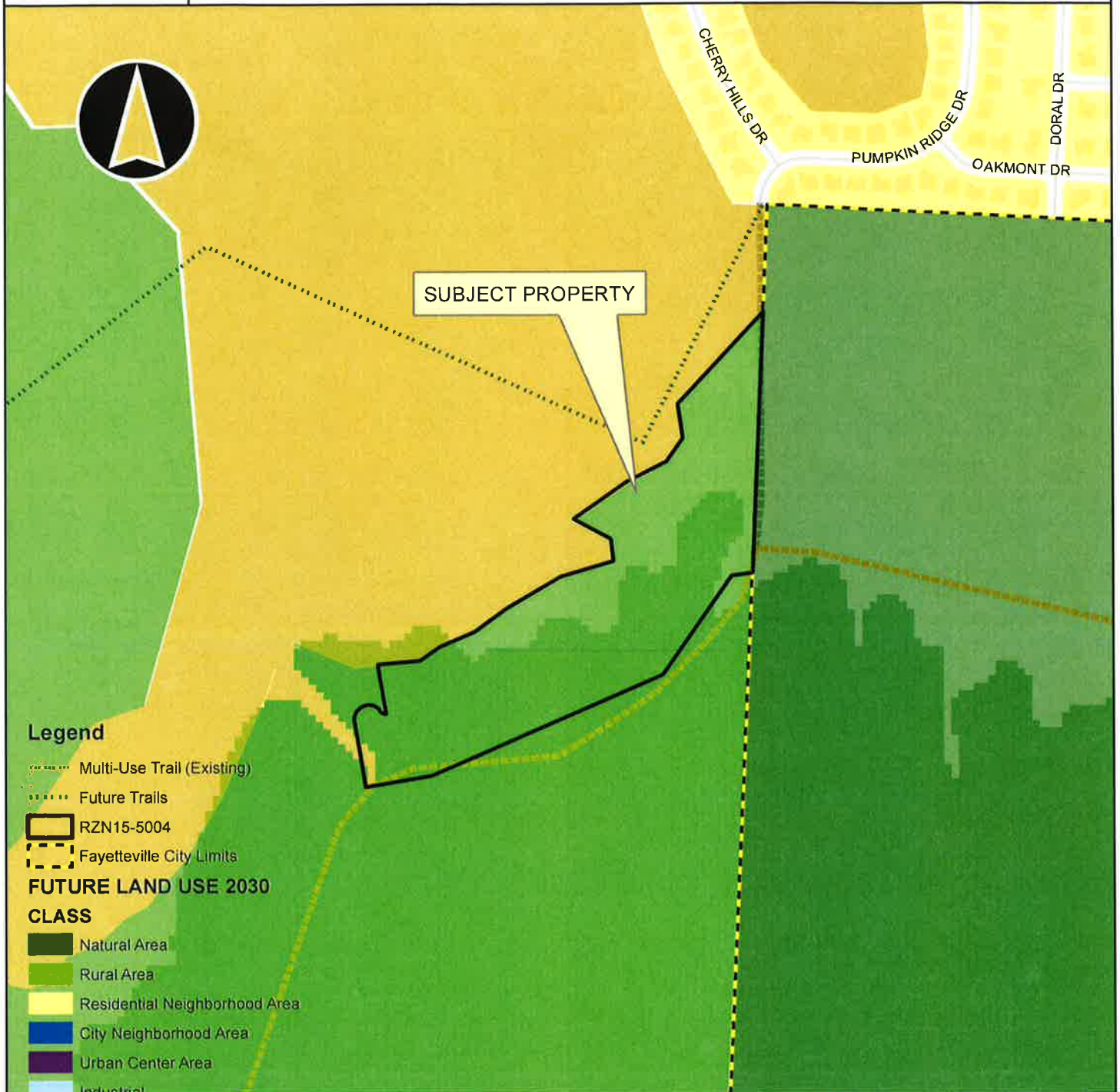
Planning Area



RZN15-5004

FALLING WATERS

Future Land Use



- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- Design Overlay District
- Design Overlay District
- Planning Area





City of Fayetteville, Arkansas

Tentative Agenda
May 19, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 21 of 208

Text File

File Number: 2015-0229

Agenda Date: 5/19/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: C. 5

AMENDMENT OF THE MASTER STREET PLAN

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY REMOVING A BRIDGE CONNECTION ON RAVEN LANE OVER CLABBER CREEK SOUTH OF CRYSTAL SPRINGS PHASE III

WHEREAS, on April 27, 2015, the Planning Commission recommended denial of a request by Crystal Springs Limited Partnership to remove from the Master Street Plan a bridge connection on Raven Lane over Clabber Creek to the south of Crystal Springs Phase III; and

WHEREAS, Crystal Springs Limited Partnership has appealed the recommendation of the Planning Commission and now requests approval of the Master Street Plan amendment by the City Council.

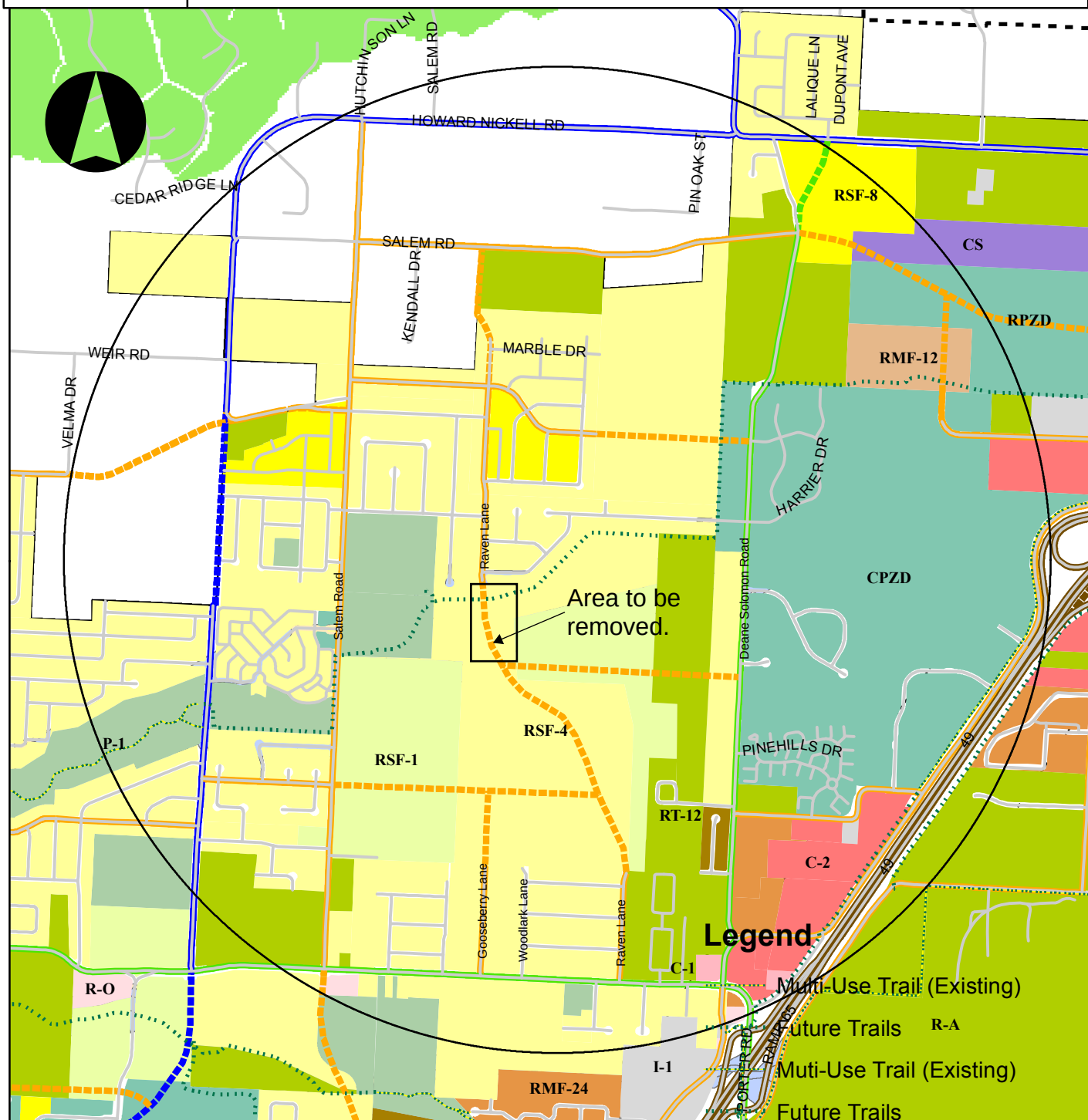
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of Crystal Springs Limited Partnership and, pursuant to its request, hereby amends the Master Street Plan to remove the bridge connection on Raven Lane over Clabber Creek as indicated in Exhibit "A," attached hereto and made a part hereof.

ADM15-5035

CRYSTAL SPRINGS PHASE IV

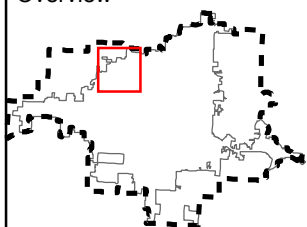
One Mile View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails

Overview



Legend

Subject Property

Boundary



- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

City of Fayetteville Staff Review Form

2015-0229

Legistar File ID

5/19/2015

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

Jeremy Pate 

5/1/2015

City Planning /
Development Services Department
Division / Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 15-5035: Administrative Item (NORTH OF QUAIL DR. & RAVEN LN./CRYSTAL SPRINGS S/D, PH. IV, 285):
Submitted by MILHOLLAND ENGINEERS for property located NORTH OF QUAIL DR. & RAVEN LN. The property is
zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 92.31 acres. The request
is for an amendment to the Master Street Plan to remove the future extension of Raven Lane over Clabber Creek.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 19, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: May 1, 2015

SUBJECT: **ADM 15-5035: Administrative Item (NORTH OF QUAIL DR. & RAVEN LN./CRYSTAL SPRINGS S/D, PH. IV, 285):** Submitted by MILHOLLAND ENGINEERS for property located NORTH OF QUAIL DR. & RAVEN LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 92.31 acres. The request is for an amendment to the Master Street Plan to remove the future extension of Raven Lane over Clabber Creek.

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend denial of a resolution to remove a portion of a future collector street (Raven Lane) over Clabber Creek from the Master Street Plan.

BACKGROUND:

The subject property contains approximately 92 acres and is located between Clabber Creek and the Crofton Manor, Mount Comfort and Bird Haven Terrace Subdivisions. The property is undeveloped with the north portion of the property in the floodway and floodplain of Clabber creek.

In 2006 the land owner proposed to develop the property for Crystal Springs Phase 4, containing 273 single-family lots. The development proposal included a bridge connection over Clabber Creek, which would connect the land to Crystal Springs Phases 1-3 and provide access to Salem Road and Deane Solomon Road. The Raven Lane bridge connection has been shown on the City's adopted Master Street Plan since at least 2000.

The Planning Commission approved the Crystal Springs 4 preliminary plat with two street connections to the south, through Raven Lane and Woodlark Lane and the bridge connection over Clabber Creek. There was insufficient right-of-way to make a connection to Gooseberry Lane. The approval was appealed to the City Council. The City Council modified the approval and limited connections to the south through Raven Lane only. In addition, the bridge connection over Clabber Creek was required to be constructed prior to Phase 3, which would permit 77 lots prior to bridge construction.

Crystal Springs Phase 4 was never constructed and all approvals have expired. This includes Resolution No. 113-06, which required bridge construction to the north and connectivity only through Raven Lane.

Master Street Plan: The Raven Lane connection has been shown on the Master Street Plan for the last 15 years, but it wasn't until 2011 when the Gooseberry extension was added to the plan. Based on research, however, there is insufficient right-of-way for Gooseberry to be extended unless the property owners on either side of the street dedicate additional right-of-way. Therefore, it is very unlikely that the street will be extended if the Crystal Springs property is developed. Both Woodlark Lane and Raven Lane were constructed as stub outs and provide sufficient right-of-way for street connections into Crystal Springs.

MASTER STREET PLAN AMENDMENT:

The applicant is proposing an amendment to the Master Street Plan to remove a section of the future Raven Lane extension over Clabber Creek. The applicant is requesting this amendment prior to finalizing plans for Crystal Springs Phase IV to determine if bridge construction, or an assessment for a future bridge will be required at the time of development. The applicant is not requesting determinations on connections to the south through Gooseberry Lane, Woodlark Lane or Raven Lane.

The applicant has submitted a traffic study and conceptual site plan showing 271 single-family lots and no bridge connection to the north. The traffic study provides the number of 24-hour vehicle trips from the subdivision to be approximately 2,593, as well as traffic distribution through three proposed streets that would connect to Salem Road and Deane Solomon Road. The traffic study indicates the three new streets, as well as the receiving streets, Salem Road, Deane Solomon Road, Howard Nickel Road and Mount Comfort Road, have sufficient capacity to handle the additional traffic created by the development. The traffic study does not show any street connections to the south. However, data for these streets is included in the 2006 traffic study, which is attached.

City staff does have reservations about another bridge connection over Clabber Creek. One concern is the long-term maintenance responsibility by the public. There are four existing bridges over Clabber Creek in the vicinity of this property that must be maintained and potentially even upgraded as development in the area grows. A fifth bridge increases connectivity in the area, but at a long-term cost to the public. The second concern is the additional environmental impacts through the floodplain and floodway of Clabber Creek. Bridge construction requires significant land disturbance that has negative impacts on water quality and aquatic habitat. Ultimately, it must be determined if the benefits or needs of another north/south connection outweigh the short and long-term costs of construction and maintenance.

The scenario presented by the development team provides three new street connections to Salem Road and Deane Solomon Road. Salem Road and Deane Solomon Road already cross Clabber Creek and are signalized at Mount Comfort Road. Salem Road also provides direct access to Holcomb Elementary School. The need to construct a new bridge is greatly reduced, and possible negated, if these new east/west connections can be constructed concurrently with the Crystal Springs development.

However, if the east/west connections can't be provided, then a new connection over Clabber Creek is essential. Woodlark Lane and Raven Lane are two-lane, local streets that should not provide the only means of ingress and egress to 271 new residential lots. Staff's concern with removing the bridge connection from the Master Street Plan at this time is that the east/west connections are critical for traffic circulation. Staff conversations with the land owners to the west, both in 2006, again in 2015, and the landowners public comment at the April 27, 2015 Planning Commission meeting indicate that they don't support a street across their property.

DISCUSSION:

On April 27, 2015 the Planning Commission voted on this item with a recommendation for denial with a vote of 7-0-0. Staff recommends denial of the request finding that it is premature to remove the bridge crossing from the Master Street Plan until there are guarantees in place for street connections to the east and west when Crystal Springs Phase 4 is developed. The neighborhoods and streets to the south can't support the development of 271 lots without new street connections to the east and west, or to the north. There were nine members of the public that spoke at the April 27, 2015 Planning Commission meeting. Public comment centered around existing traffic congestion on Mount Comfort Road and that the neighborhoods do not want their streets connected to Crystal Springs 4.

BUDGET/STAFF IMPACT:

N/A

Attachments:

Exhibit 'A'

Planning Commission Staff Report

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~April 27, 2015~~ Updated April 28, 2015

SUBJECT: **ADM 15-5035: Administrative Item (NORTH OF QUAIL DR. & RAVEN LN./CRYSTAL SPRINGS S/D, PH. IV, 285):** Submitted by MILHOLLAND ENGINEERS for property located NORTH OF QUAIL DR. & RAVEN LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 92.31 acres. The request is for an amendment to the Master Street Plan.

RECOMMENDATION:

Staff recommends tabling **ADM 15-5035** until such time as agreements are in place to allow street construction across adjacent properties to Salem Road and Deane Solomon Road.

BACKGROUND:

The subject property contains approximately 92 acres and is located between Clabber Creek and the Crofton Manor, Mount Comfort and Bird Haven Terrace Subdivisions. The property is undeveloped with the north portion of the property in the floodway and floodplain of Clabber creek.

In 2006 the land owner proposed to develop the property for Crystal Springs Phase 4, containing 273 single-family lots. The development proposal included a bridge connection over Clabber Creek, which would connect the land to Crystal Springs Phases 1-3 and provide access to Salem Road and Deane Solomon Road. The Raven Lane bridge connection has been shown on the City's adopted Master Street Plan since at least 2000.

The Planning Commission approved the Crystal Springs 4 preliminary plat with two street connections to the south, through Raven Lane and Woodlark Lane and the bridge connection over Clabber Creek. There was insufficient right-of-way to make a connection to Gooseberry Lane. The approval was appealed to the City Council. The City Council modified the approval and limited connections to the south through Raven Lane only. In addition, the bridge connection over Clabber Creek was required to be constructed prior to Phase 3, which would permit 77 lots prior to bridge construction.

Crystal Springs Phase 4 was never constructed and all approvals have expired. This includes Resolution No. 113-06, which required bridge construction to the north and connectivity only through Raven Lane. The surrounding zoning and land uses are listed in *Table 1*.

Master Street Plan: The Raven Lane connection has been shown on the Master Street Plan for the last 15 years, but it wasn't until 2011 when the Gooseberry extension was added to the plan. Based on research, however, there is insufficient right-of-way for Gooseberry to be extended,

unless the property owners on either side of the street dedicate additional right-of-way. Therefore, it is very unlikely that the street will be extended if the Crystal Springs property is developed. Both Woodlark Lane and Raven Lane were constructed as stub outs and provide sufficient right-of-way for street connections into Crystal Springs.

Table 1
Surrounding Land Use/Zoning

Direction from Site	Land Use	Zoning
North	Single-family homes	RSF-4
South	Single-family homes	RSF-4
East	Golf Course	R-A/RSF-1
West	Single-family homes	RSF-1

Proposal: The applicant is not requesting approval of a new subdivision at this time. Nor are they requesting determinations on connections to the south through Gooseberry Lane, Woodlark Lane or Raven Lane. The intent of the request is to determine if a bridge needs to be constructed over Clabber Creek with the development of Crystal Springs Subdivision.

The applicant has submitted a traffic study and conceptual site plan showing 271 single-family lots and no bridge connection to the north. The traffic study provides the number of 24-hour vehicle trips from the subdivision to be approximately 2,593, as well as traffic distribution through three proposed streets that would connect to Salem Road and Deane Solomon Road. The traffic study indicates the three new streets, as well as the receiving streets, Salem Road, Deane Solomon Road, Howard Nickel Road and Mount Comfort Road, have sufficient capacity to handle the additional traffic created by the development. The traffic study does not show any street connections to the south. However, data for these streets is included in the 2006 traffic study, which is attached.

City staff does have reservations about another bridge connection over Clabber Creek. One concern is the long-term maintenance responsibility by the public. There are four existing bridges over Clabber Creek in the vicinity of this property that must be maintained and potentially even upgraded as development in the area grows. A fifth bridge increases connectivity in the area, but at a long-term cost to the public. The second concern is the additional environmental impacts through the floodplain and floodway of Clabber Creek. Bridge construction requires significant land disturbance that has negative impacts on water quality and aquatic habitat. Ultimately, it must be determined if the benefits or needs of another north/south connection outweigh the short and long-term costs of construction and maintenance.

The scenario presented by the development team provides three new street connections to Salem Road and Deane Solomon Road. Each of the streets already cross Clabber Creek and are signalized at Mount Comfort Road. Salem Road also provides direct access to Holcomb Elementary School. The need to construct a new bridge is greatly reduced, and possibly negated, if these new east/west connections can be constructed concurrently with the Crystal Springs development.

However, if the east/west connections can't be provided, then a new connection over Clabber Creek is essential. Woodlark Lane and Raven Lane are two-lane, local streets that should not provide the only means of ingress and egress to 271 new residential lots. Staff's concern with removing the bridge connection from the Master Street Plan at this time is that the east/west connections are critical for traffic circulation. Staff conversations with the land owners to the west,

both in 2006 and again in 2015, lead us to believe that they don't support a street across their property.

RECOMMENDATION: Staff doesn't support removing the Raven Street bridge connection until there are guarantees that new street connections to the east and west will be constructed with the development of Crystal Springs Phase 4. The neighborhoods and streets to the south can't support the development of 271 lots without new street connections to the east and west, or to the north.

Planning Commission Action: ☐ Approved ☒ Forwarded ☐ Denied

Meeting Date: April 27, 2015

Motion: Brown The Planning Commission forwarded the request to the City Council with
Second: Hoskins a recommendation for denial.
Vote: 7-0-0

BUDGET/STAFF IMPACT:
None.

Attachments:

- Applicant's letter
- 2006 Crystal Springs Plat
- Resolution 113-06
- 2006 Traffic Study
- 2015 Traffic Study
- Existing Street Connections
- Proposed Street Connections
- Land Use Map
- Close Up Map
- One Mile Map

Miltholland Company
Engineering & Surveying
Melvin L. Miltholland, PE, PLS

REGISTRATIONS:
ARKANSAS: PE, PLS

CRYSTAL SPRINGS, PHASE IV

Crystal Springs Ltd. Partnership
Howard Davis, Managing Partner
5247 Harbor Avenue
Springdale, AR 72762

March 20, 2015

City of Fayetteville
Jesse Fulcher, City Planner
Planning Department
113 West Mountain Street
Fayetteville, AR 72701

PROJECT: CRYSTAL SPRINGS, PHASE IV

MATTER: REQUEST: "AMENDMENT" TO CITY OF FAYETTEVILLE
MASTER STREET PLAN MAP

Mr. Jesse Fulcher:

Please be advised that Land Owners of "Crystal Springs, Phase IV", respectfully request the City's Master Street Plan Map be "AMENDED" in accordance with MAPS submitted by Melvin Miltholland, P.E., Miltholland Engineers and a "TRAFFIC STUDY" developed by Peters and Associates, Ernie Peters, P.E. The primary objective is to provide Collector Streets through Crystal Springs, Phase IV, to direct traffic flows Westerly to Salem Road, an Existing Collector Street, and Easterly to Deane Solomon Road, an Existing Minor Arterial.

The City's favorable review and recommendation to the Fayetteville Planning Commission and City Council is very much appreciated!

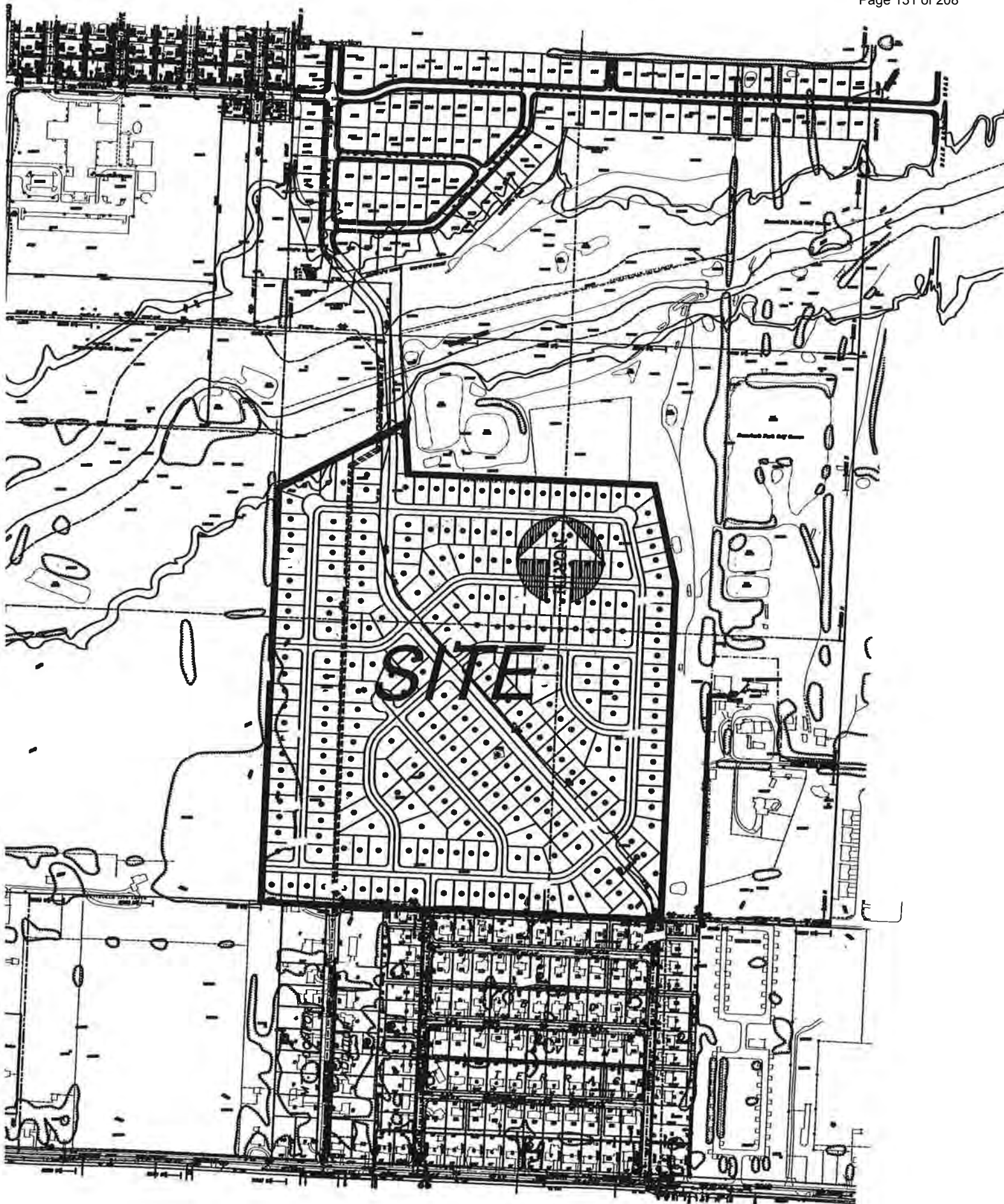
Respectfully submitted,


Howard Davis, Managing Partner

Land Owner: Crystal Springs Ltd. Partnership
Parcel: 756-16658-050
Phone: 479-409-9393

2006 PLAT

Tentative Agenda
May 19, 2015
Page 131 of 208



RESOLUTION NO. 113-06

A RESOLUTION TO GRANT THE APPEAL OF THE
APPROVAL OF PPL 06-1977 (CRYSTAL SPRINGS IV) AND
TO APPROVE PPL 06-1977 AS SLIGHTLY MODIFIED BY
THE CITY COUNCIL

WHEREAS, Raven Lane is a collector street on the Master Street Plan and should provide sufficient north/south connectivity between Mt. Comfort Road and Crystal Drive without the need to connect Woodlark Lane, a residential street; and

WHEREAS, the neighborhood served by Woodlark, Quail, Dove, Meadowlark and Raven has requested that Woodlark not be connected to the north through its current cul-de-sac.

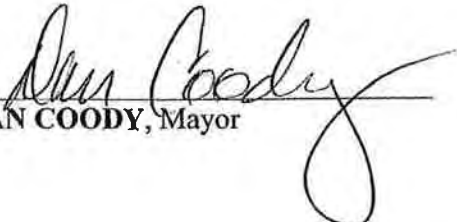
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of the approval of Preliminary Plat 06-1977 (Crystal Springs Phase IV), but approves a slightly modified Preliminary Plat for PPL 06-1977 (Crystal Springs Phase IV) which removes the street connection from the north end of Woodlark to Street B between lots 33 and 34, but retains a five foot wide sidewalk connection at this location. An additional condition of approval to PPL 06-1977 is also added which requires the construction of the bridge crossing Clabber Creek to the north to be completed and accepted by the City with Phase I and II of the subdivision and prior to the construction of any house within the subdivision.

PASSED and APPROVED this 20th day of June, 2006.

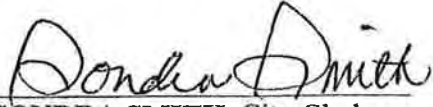
APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:


SONDRA SMITH, City Clerk



2006 TRAFFIC STUDY

Traffic Study

Crystal Springs

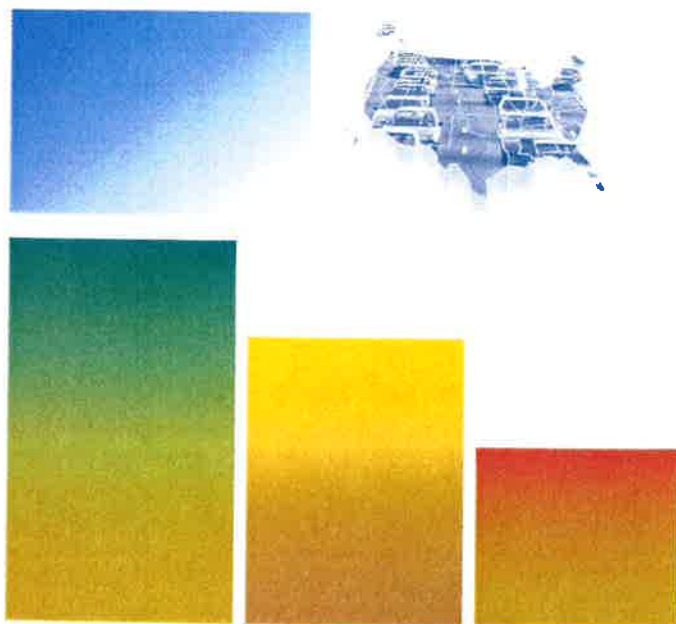
Residential Subdivision

prepared for:
JED Enterprises, Inc.



Raven Lane

Fayetteville, Arkansas



PETERS & ASSOCIATES
ENGINEERS, INC

• CIVIL & TRAFFIC ENGINEERING •
P.O. BOX 21638 (501) 225-0500
LITTLE ROCK, ARKANSAS 72221

Project No.: P-1182

March 21, 2006

Traffic Study

Appendix. The worst-case conditions of adjacent street AM and PM peak traffic periods were used for these calculations. Factors included in the analysis are as follows:

- o Existing traffic volumes and patterns.
- o Directional distribution of projected traffic volumes.
- o Proposed intersection geometry (including elements such as turn lanes).
- o Existing background traffic volumes (and three-year growth in the volumes), projected site-generated volumes and projected volumes generated by other planned developments in the immediate vicinity.
- o Existing and proposed traffic control.

CAPACITY ANALYSIS

Results and Level of Service Analysis -

Existing Traffic Conditions

Capacity and level of service analysis was performed for existing traffic conditions (existing traffic volumes, lane geometry and traffic control) for the AM and PM peak hours for the following intersections:

- o Mt. Comfort Road and Raven Lane
- o Mt. Comfort Road and Woodlark Lane
- o Crystal Drive and Salem Road
- o Crystal Drive and Deane Solomon Road.

EXISTING TRAFFIC CONDITIONS		Traffic Control	EB LT	EB TH	EB RT	WB LT	WB TH	WB RT	NB LT	NB TH	NB RT	SB LT	SB TH	SB RT	Overall Intersection
INTERSECTION		PEAK HOUR - LEVEL OF SERVICE													
PEAK HR															
AM	Mt. Comfort Road and Raven Lane	SIGN	A				A					C		C	n/a
PM			A				A					C		C	n/a
AM	Mt. Comfort Road and Woodlark Lane	SIGN	A				A					C		C	n/a
PM			A				A					C		C	n/a
AM	Salem Road and Crystal Drive	SIGN		B			B		A				A		n/a
PM				A			A		A				A		n/a
AM	Crystal Drive and Deane Solomon Road	SIGN		A			A		A				A		n/a
PM				A			A		A				A		n/a

Table 3 - Level of Service Summary - Existing Traffic Conditions

As indicated in Table 3, "Level of Service Summary – Existing Traffic Conditions," for each intersection included in this study all of the existing vehicle movements for existing traffic conditions presently operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours. Traffic volumes used for this analysis are shown on Figure 3, "Existing Traffic Volumes."

Results and Level of Service Analysis -

Projected Traffic Conditions

Capacity and level of service analyses were performed for projected traffic conditions for the adjacent street AM and PM peak hours for the following intersections in the vicinity of the site:

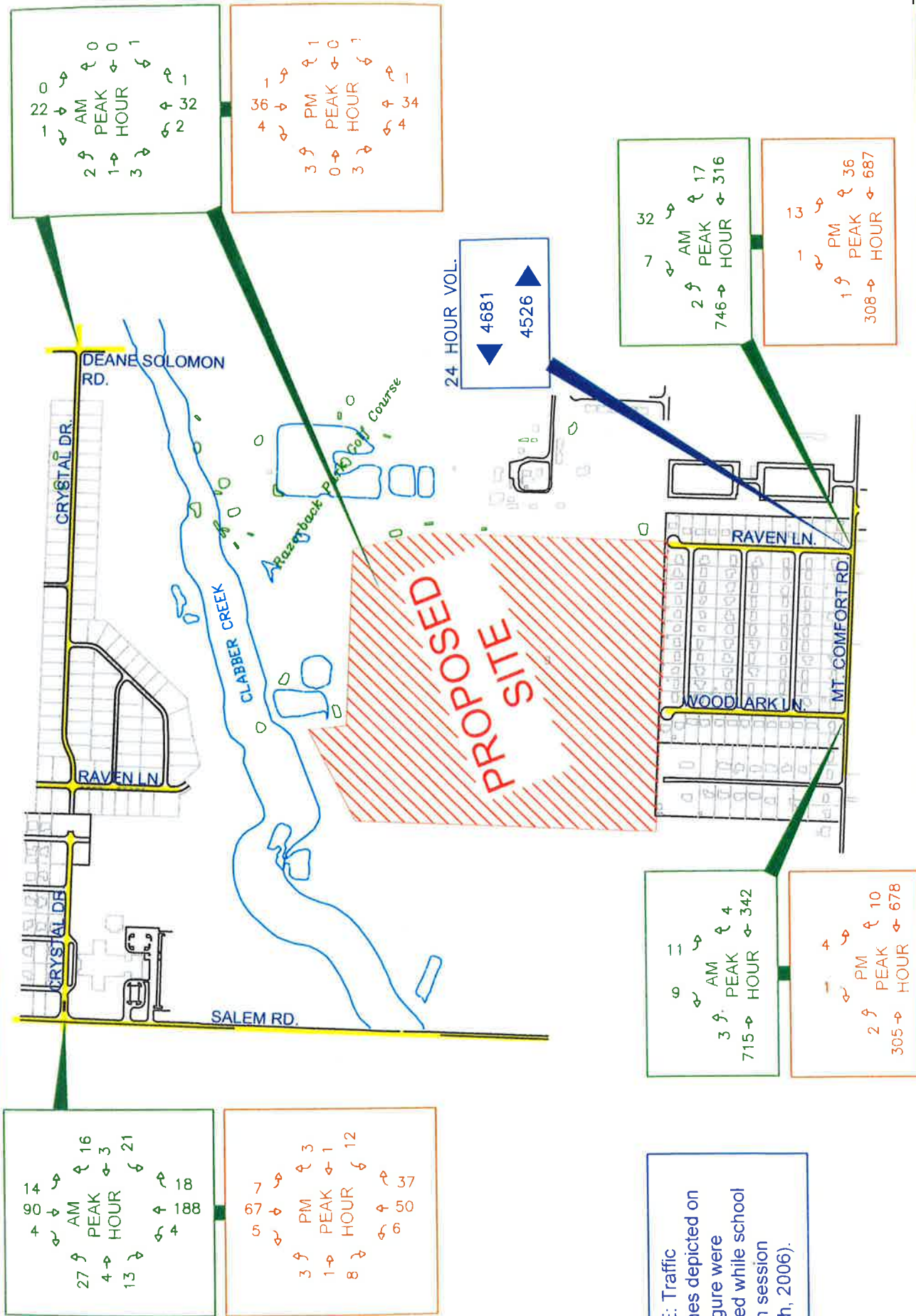
- o Mt. Comfort Road and Raven Lane
- o Mt. Comfort Road and Woodlark Lane
- o Crystal Drive and Salem Road
- o Crystal Drive and Deane Solomon Road
- o Salem Road and New East West Street.

Projected traffic operating conditions were analyzed with existing lane geometry at the study intersections plus New East / West Street as a two-lane roadway.

PROJECTED TRAFFIC CONDITIONS		Traffic Control	EB LT	EB TH	EB RT	WB LT	WB TH	WB RT	NB LT	NB TH	NB RT	SB LT	SB TH	SB RT	Overall Intersection
INTERSECTION															
PEAK HR	PEAK HOUR - LEVEL OF SERVICE														
AM	Mt. Comfort Road and Raven Lane	SIGN	A				A					E		E	n/a
PM			A				A					D		D	n/a
AM	Mt. Comfort Road and Woodlark Lane	SIGN	A				A					D		D	n/a
PM			A				A					C		C	n/a
AM	Salem Road and Crystal Drive	SIGN	B			B			A			A			n/a
PM			A			B			A			A			n/a
AM	Crystal Drive and Deane Solomon Road	SIGN	A			A			A			A			n/a
PM			A			A			A			A			n/a
AM	Salem Road and New East/West Street	SIGN				B		B	A			A			n/a
PM						B		B	A			A			n/a

Table 4 - Level of Service Summary - Projected Traffic Conditions

EXISTING TRAFFIC
VOLUMES



NOTE: Traffic volumes depicted on this figure were counted while school was in session (March, 2006).

CRYSTAL SPRINGS RESIDENTIAL SUBDIVISION
RAVEN LANE AND MT. COMFORT ROAD
FAYETTEVILLE, ARKANSAS



DIRECTIONAL DISTRIBUTION
 SITE TRAFFIC

CRYSTAL SPRINGS RESIDENTIAL SUBDIVISION
 RAVEN LANE AND MT. COMFORT ROAD
 FAYETTEVILLE, ARKANSAS

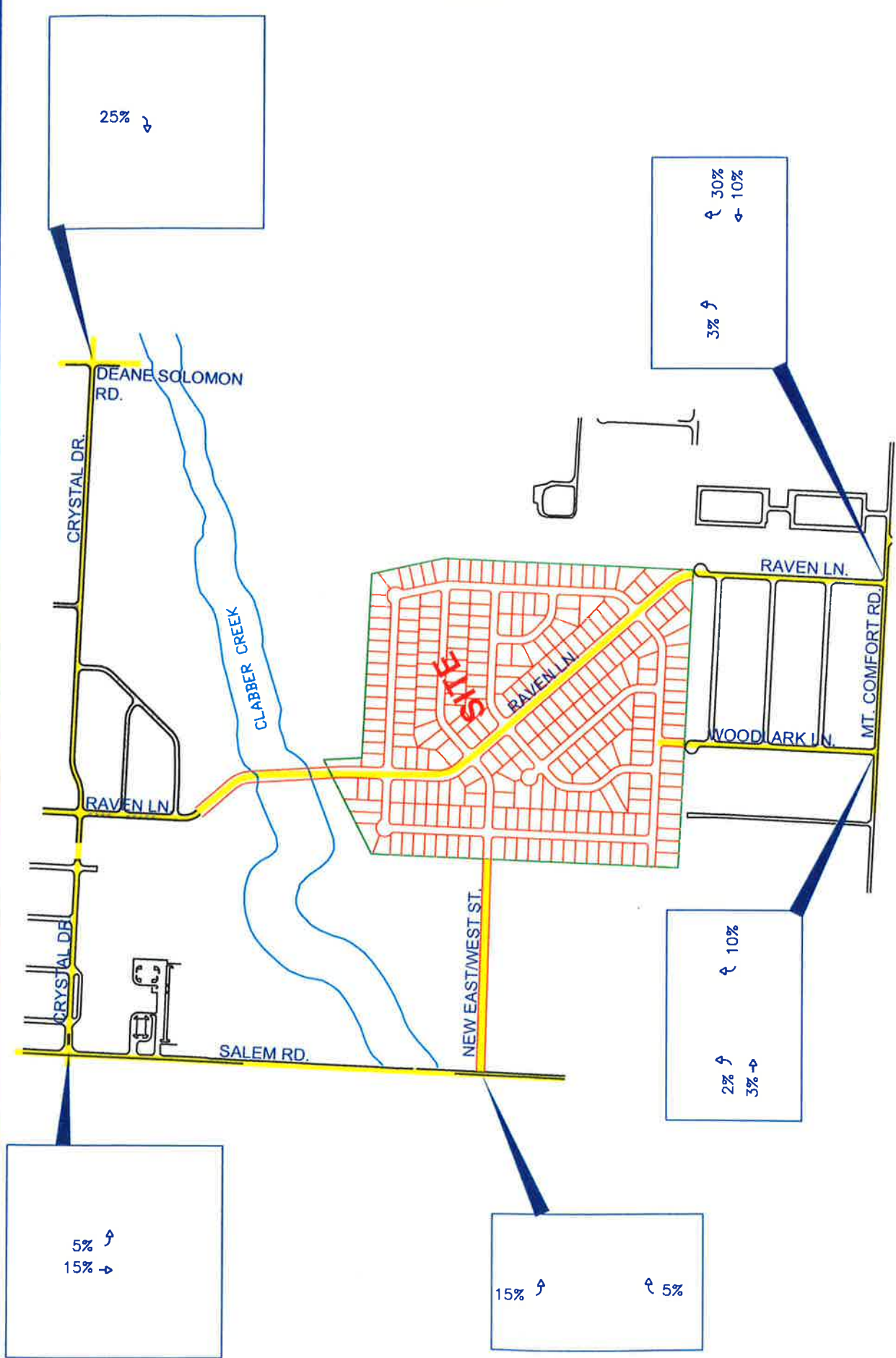
PROJECT No. P-1182
 DATE: 3-20-2006
 PETERS & ASSOCIATES
 ENGINEERS, INC.

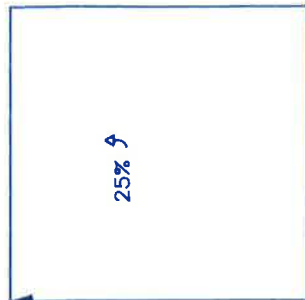
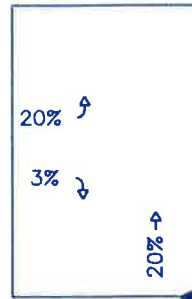
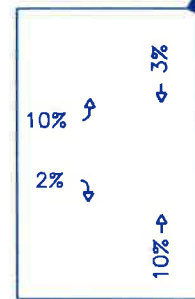
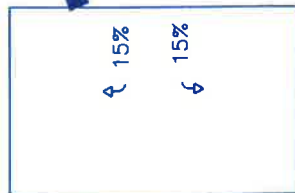
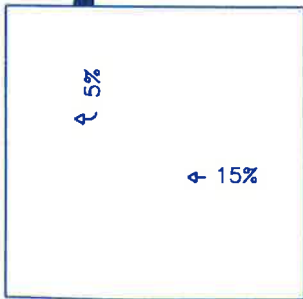


ENTERING TRAFFIC
 PERCENTAGE TURNS

CRYSTAL SPRINGS RESIDENTIAL SUBDIVISION
 RAVEN LANE AND MT. COMFORT ROAD
 FAYETTEVILLE, ARKANSAS

PROJECT No. P-1182
 DATE: 3-20-2006
 PETERS & ASSOCIATES
 ENGINEERS, INC.





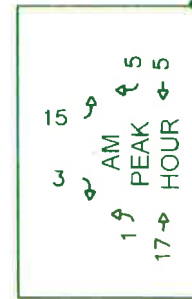
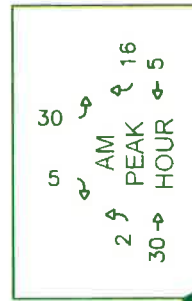
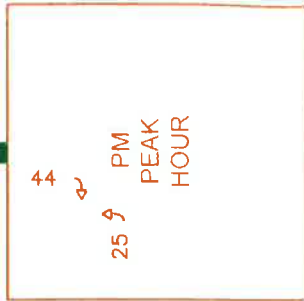
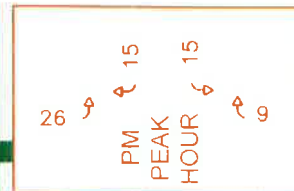
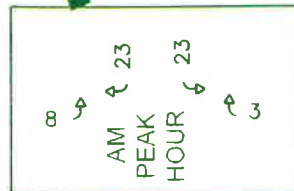
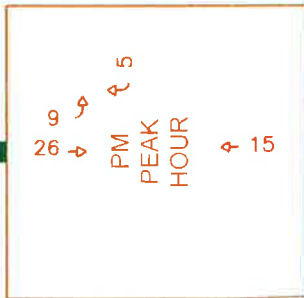
PROJECT No. P-1182
DATE: 3-20-2006

PETERS & ASSOCIATES
ENGINEERS, INC.



CRYSTAL SPRINGS RESIDENTIAL SUBDIVISION
RAVEN LANE AND MT. COMFORT ROAD
FAYETTEVILLE, ARKANSAS

EXITING TRAFFIC
PERCENTAGES



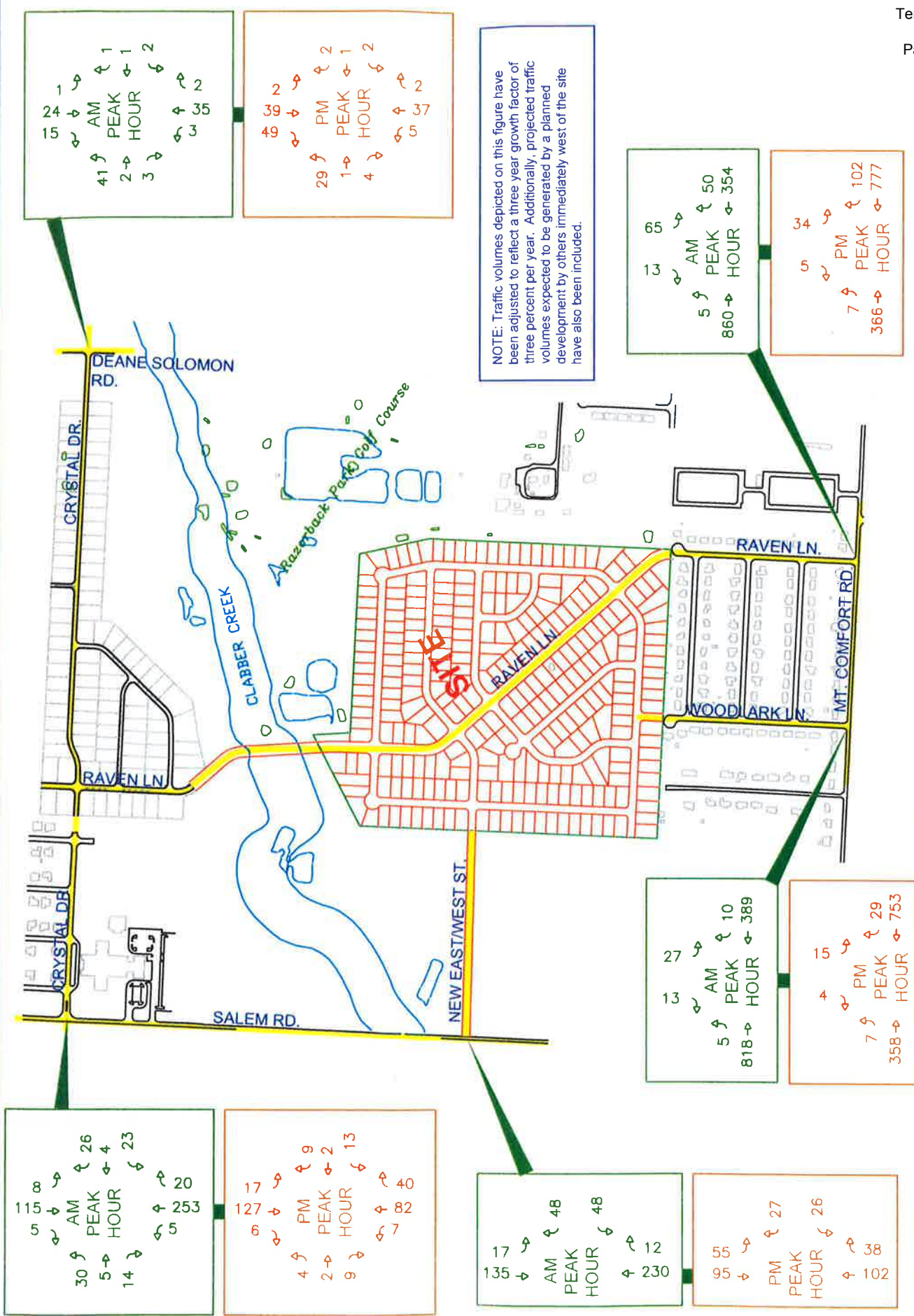
PROJECT No. P-1182
DATE: 3-20-2006

PETERS & ASSOCIATES
ENGINEERS, INC.



CRYSTAL SPRINGS RESIDENTIAL SUBDIVISION
RAVEN LANE AND MT. COMFORT ROAD
FAYETTEVILLE, ARKANSAS

SITE-GENERATED
TRAFFIC VOLUMES
AM AND PM PEAK HOURS



2015 TRAFFIC STUDY

Traffic Study

Proposed City of Fayetteville Master Street Plan Revisions

prepared for:
Mr. Gerald Johnson

Crystal Springs IV
Subdivision Vicinity

Fayetteville, Arkansas



A handwritten signature in black ink, appearing to read "Ernest J. Peters", located below the professional seal.

Project No.: P-1743



**PETERS & ASSOCIATES
ENGINEERS, INC.**

• CIVIL & TRAFFIC ENGINEERING •

5507 Ranch Drive - Suite 205 (501) 868-3999
Little Rock, Arkansas 72223 Fax (501) 868-9710

March 2, 2015

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The Study Area	3
Existing Traffic Conditions	6
Trip Generation & Site Traffic Projections	9
Projected Traffic Volumes	10
Summary of Findings	15

APPENDIX

Subdivision Plat and Proposed Street Network
Trip Generation Data

Traffic Study

INTRODUCTION

Peters & Associates Engineers, Inc., has conducted a traffic engineering study relating to proposed City of Fayetteville Master Street Plan (MSP) revisions in the immediate vicinity of the planned Crystal Springs IV Residential Subdivision. The study area is bound by Dean Solomon Road to the east, Mt. Comfort Road to the south, Salem Road to the west and Howard Nickell Road to the north in Fayetteville, Arkansas. The Crystal Springs IV Residential Subdivision development is proposed to be constructed within this study area and consist of approximately 271 single-family lots. The primary focus of this study is to determine the effect of changes proposed to the MSP. Included in this study is a comparison of projected daily traffic volumes including existing plus Crystal Springs IV Residential Subdivision generated traffic volumes at several key locations in the vicinity to the typical service volumes for corresponding City of Fayetteville MSP street classifications. A reduced copy of the subdivision plat and proposed street network within the site is included in the Appendix for reference.

This is a report of methodology and findings relating to a traffic engineering study undertaken to:

- Evaluate existing traffic average daily traffic (ADT) volumes at the following locations:
 - o Mt. Comfort Road near Salem Road
 - o Deane Solomon Road, just north of Mt. Comfort Road
 - o Salem Road, just north of Mt. Comfort Road
 - o Howard Nickell Road between Salem Road and Deane Solomon Road.
- Calculate re-distributed existing daily traffic volumes to account for the proposed MSP revisions .
- Determine projected traffic volumes expected to be associated with Crystal Springs IV Residential Subdivision at several key locations within the study area.

Traffic Study

- Identify the traffic volumes that can be expected for existing traffic in combination with site-generated traffic associated with the development as proposed.
- Make a comparison of projected daily traffic volumes to the typical service volumes for corresponding City of Fayetteville MSP street classifications.

In the following sections of this traffic study report are traffic data, study methods summary of findings.



Traffic Study

THE STUDY AREA

The study area and proposed development is within the city limits of Fayetteville in Washington County, Arkansas. The study area is bound by Dean Solomon Road to the east, Mt. Comfort Road to the south, Salem Road to the west and Howard Nickell Road to the north. The existing MSP in the vicinity of the study area is shown on Figure 1 which follows.

The surrounding study streets, MSP classifications and MSP daily service volumes are as follows:

- o Mt. Comfort Road and Dean Solomon Road are each classified as a Minor Arterial on the City of Fayetteville MSP. Per the City's MSP, typical service volumes for a Minor Arterial street is 7,000 to 14,000 vehicles per day.
- o Salem Road is classified as a Collector on the City of Fayetteville MSP. Per the City's MSP, typical service volumes for a Collector street is 2,000 to 7,000 vehicles per day. Additionally several of the street sections within the proposed subdivision are proposed to be classified as Collector streets.
- o Howard Nickell Road is classified as a Principal Arterial on the City of Fayetteville MSP. Per the City's MSP, typical service volumes for a Principal Arterial street is over 14,000 vehicles per day.

This development, as shown on the attached site plan, calls for approximately 271 single-family residential lots and an internal street network proposed to serve the subdivision and the vicinity. The proposed MSP revisions are shown on Figure 2, "Proposed Master Street Plan Revisions."

Traffic Study

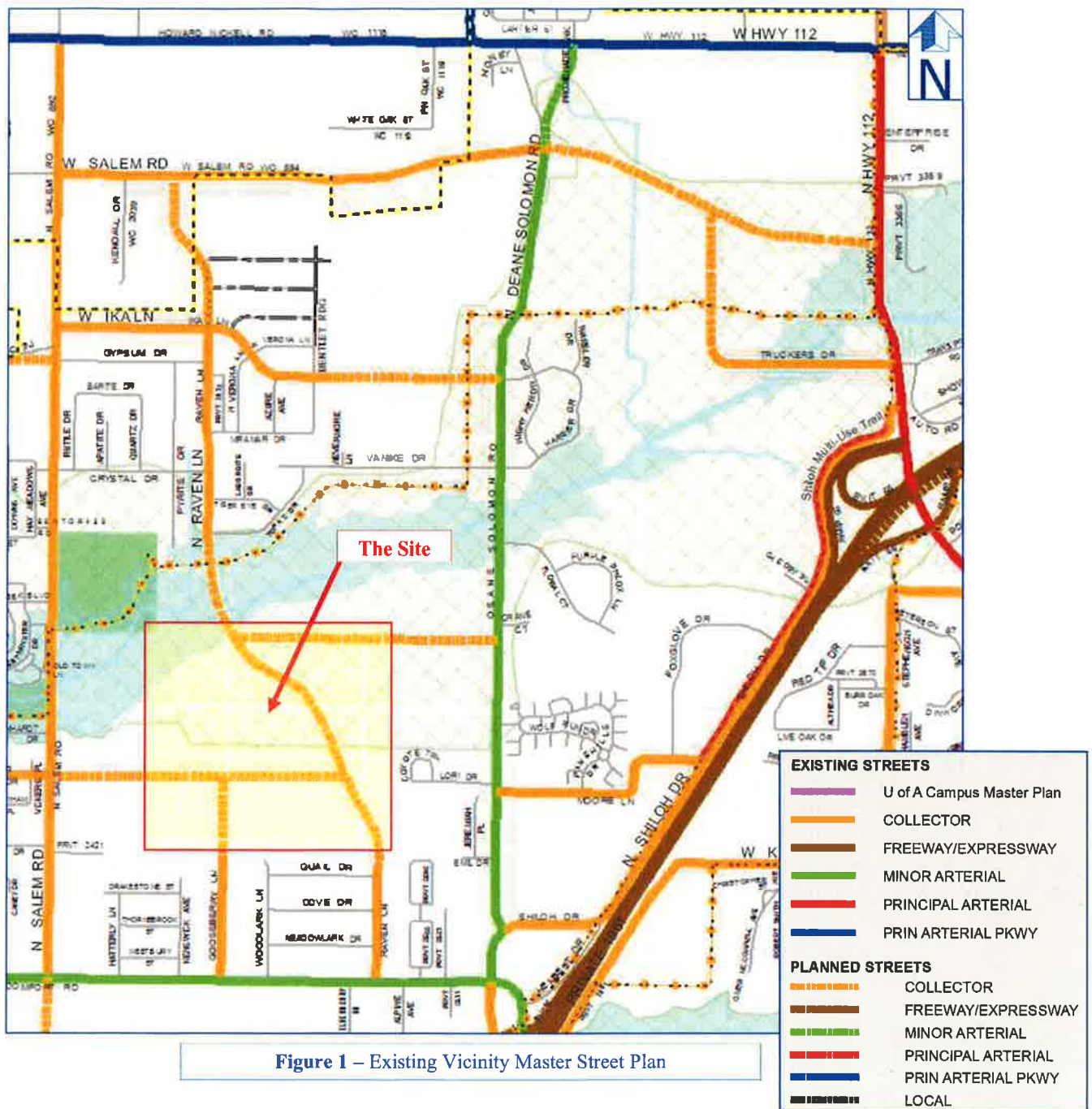


Figure 1 – Existing Vicinity Master Street Plan

Traffic Study



Traffic Study

EXISTING TRAFFIC CONDITIONS

As a part of this study, this consultant researched city of Fayetteville and Arkansas State Highway and Transportation Department (AHTD) 2013 average daily traffic volumes (ADT) or conducted 24-hour directional typical weekday traffic volume counts at the following locations:

- o Mt. Comfort Road near Salem Road
- o Deane Solomon Road, just north of Mt. Comfort Road
- o Howard Nickell Road between Salem Road and Deane Solomon Road
- o Salem Road, just north of Mt. Comfort Road
- o Salem Road, just south of Howard Nickell Road.

24-hour traffic counts at these locations in the vicinity of the study area are summarized as followed:

STREET	24-HOUR TWO-WAY VOLUME	SOURCE	TABLE & CHART
Mt. Comfort Road at Salem Road	11,000	*AHTD	n/a
Deane Solomon Road, just North of Mt. Comfort Road	3,900	*AHTD	n/a
Howard Nickel Road Between Salem Road and Deane Solomon Road	3,700	*AHTD	n/a
Salem Road, just North of Mt. Comfort Road	4,887	**P&A	Table 1/Chart 1
Salem Road, just South of Howard Nickell Road	2,647	**P&A	Table 2/Chart 2
*AHTD = AHTD 2013 ADT.			
**P&A = Peters & Associates 2015 Count Data.			

Hourly 24-hour traffic count data for the Salem Road count locations are summarized on Table 1 and Chart 1 and Table 2 and Chart 2.

The existing 24-hour traffic count data all of these locations are shown on Figure 3, "Existing Traffic Volumes, MSP Classifications and Typical Service Volumes."

Traffic Study

TIME	N. Salem Rd., Just North of W. Mt. Comfort Rd.		
	Northbound	Southbound	NB + SB
01:00 PM	109	120	229
02:00 PM	181	97	278
03:00 PM	168	249	417
04:00 PM	189	168	357
05:00 PM	265	320	585
06:00 PM	203	174	377
07:00 PM	119	100	219
08:00 PM	104	73	177
09:00 PM	75	42	117
10:00 PM	34	21	55
11:00 PM	16	16	32
12:00 AM	3	6	9
01:00 AM	5	7	12
02:00 AM	5	1	6
03:00 AM	3	3	6
04:00 AM	5	6	11
05:00 AM	8	22	30
06:00 AM	54	81	135
07:00 AM	362	450	812
08:00 AM	107	172	279
09:00 AM	68	112	180
10:00 AM	85	73	158
11:00 AM	98	99	197
12:00 PM	101	108	209
24-Hour Total:	2367	2520	4887

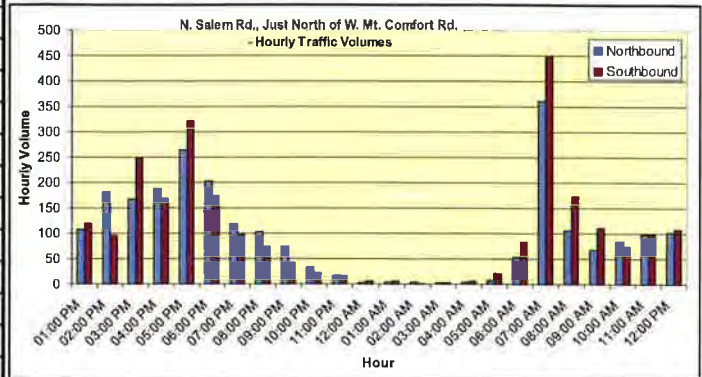


Table 1 - Chart 1
24-Hour Traffic Counts
Salem Road, Just North of Mt. Comfort Road

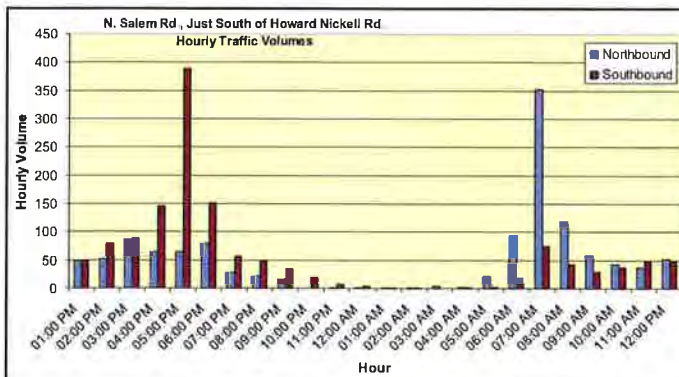


Table 2 - Chart 2
24-Hour Traffic Counts
Salem Road, Just South of Howard Nickell Road

TIME	N. Salem Rd., Just South of Howard Nickell Rd.		
	Northbound	Southbound	NB + SB
01:00 PM	50	50	100
02:00 PM	52	80	132
03:00 PM	87	89	176
04:00 PM	65	146	211
05:00 PM	65	388	453
06:00 PM	80	151	231
07:00 PM	29	57	86
08:00 PM	22	49	71
09:00 PM	16	34	50
10:00 PM	0	19	19
11:00 PM	2	8	10
12:00 AM	1	4	5
01:00 AM	1	2	3
02:00 AM	1	1	2
03:00 AM	5	0	5
04:00 AM	3	1	4
05:00 AM	22	3	25
06:00 AM	95	19	114
07:00 AM	352	75	427
08:00 AM	120	43	163
09:00 AM	60	30	90
10:00 AM	44	38	82
11:00 AM	38	49	87
12:00 PM	53	48	101
24-Hour Total:	1263	1384	2647

Traffic Study



Traffic Study

TRIP GENERATION and SITE TRAFFIC PROJECTIONS

The Trip Generation, an Informational Report, published by the Institute of Transportation Engineers (ITE) and The Trip Generation Manual by Trafficware, LLC (9th Edition), 2012, were utilized in calculating the magnitude of traffic volumes expected to be generated by the proposed land-use of residential single-family lots. These are reliable sources for this information and are universally used in the traffic engineering profession.

Using the selected trip generation rates, calculations were made as a part of this study to provide a reliable estimate of traffic volumes that can be expected to be associated with the development as proposed. Applying the appropriate trip-generation rates to the land use proposed for the development makes these calculations. Results of these calculation are summarized on Table 3, “Summary of Trip-Generation.”

PROPOSED LAND USE	APPROXIMATE SIZE	ITE CODE	24-HOUR TWO-WAY WEEKDAY VOLUME
Residential Single-Family	271 Lots	210	2,593

Table 2 – Summary of Trip-Generation

Traffic Study

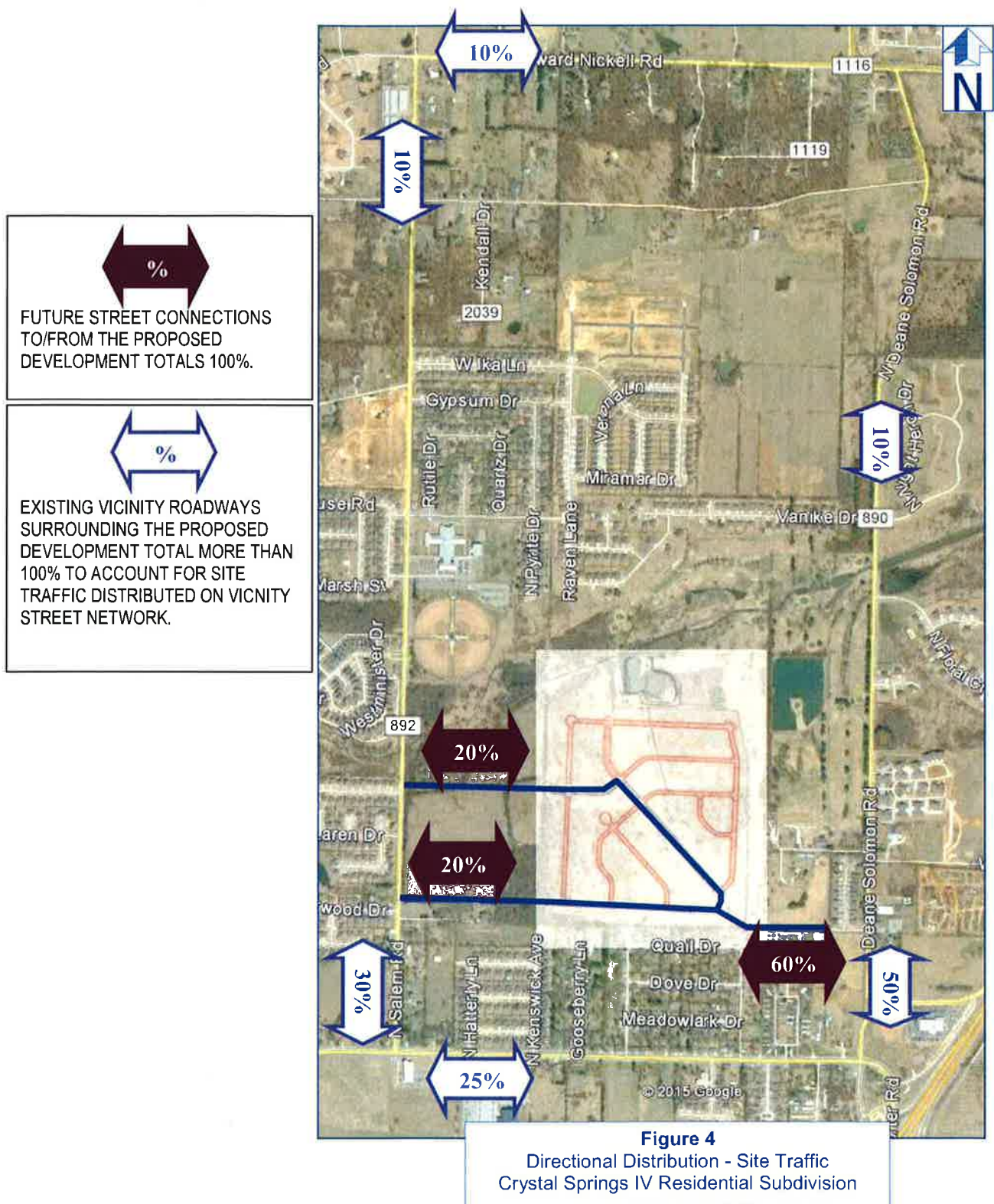
PROJECTED TRAFFIC VOLUMES

Once projected traffic was estimated for the site, directional distributions were made to reflect the percent of traffic volumes at several of the study roadway sections within the study area. Vehicle trip distribution was developed based on current traffic counts and expected travel patterns to and from the proposed development. Directional distribution percentages used in this report are shown on Figure 4, "Directional Distribution - Site Traffic - Crystal Springs IV Residential Subdivision."

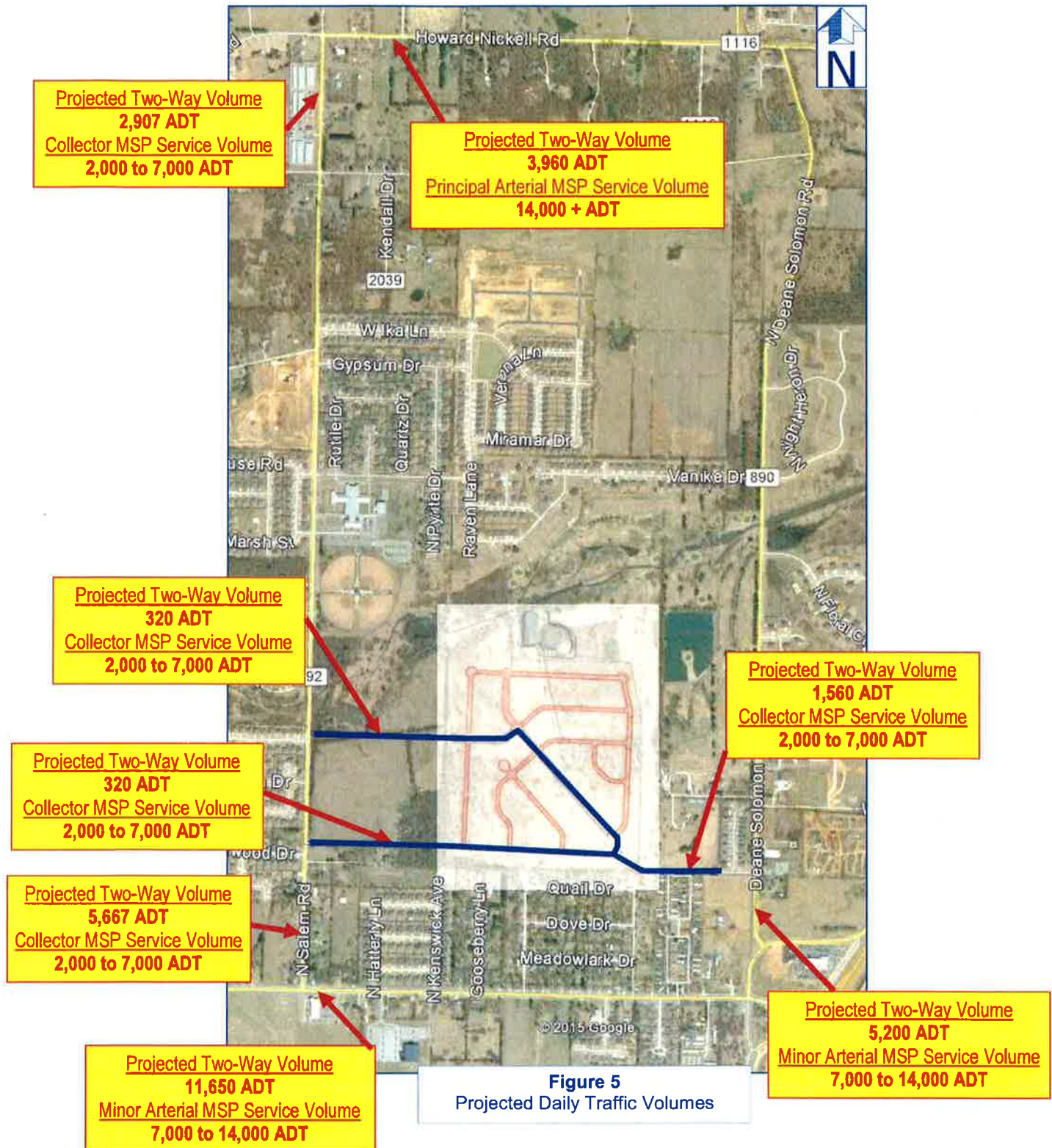
The projected traffic volumes result from applying the projected directional distribution to the corresponding projected site-generated traffic volumes summarized on Table 3, "Summary of Trip- Generation." The site-generated traffic volumes and existing background traffic volumes shown on Figure 3 have been combined and the results are depicted on Figure 5, "Projected Daily Traffic Volumes."

Traffic volumes shown on Figure 5, "Projected Traffic Volumes," are the values used to make comparisons of projected daily traffic volumes to the typical service volumes of the City of Fayetteville MSP street classifications. The effect of existing background traffic (i.e. the adjacent street non-site traffic which exists) and projected traffic associated with the development as proposed has thus been accounted for in these projected traffic volumes.

Traffic Study



Traffic Study



Traffic Study

The surrounding study streets, the proposed Collector streets within the development as proposed, projected traffic volumes, MSP street classifications and MSP daily service volumes are as follows:

- o Howard Nickell Road is classified as a Principal Arterial street on the City of Fayetteville MSP. Per the City's MSP, service for a Principal Arterial street is over 14,000 vehicles per day. Projected traffic volumes on Howard Nickell Road (3,960 ADT) are well below the MSP upper range service volume for a Principal Arterial street. Reserve capacity is available for future growth of background traffic volumes with the proposed MSP revisions.
- o Mt. Comfort Road and Dean Solomon Road are each classified as a Minor Arterial streets on the City of Fayetteville MSP. Per the City's MSP, service for a Minor Arterial street is 7,000 to 14,000 vehicles per day. Projected traffic volumes on Mt. Comfort Road (11,650 ADT) and on Dean Solomon Road (5,200 ADT) are well below the MSP upper range service volume for a Minor Arterial street. Reserve capacity is available for future growth to background traffic volumes with the proposed MSP revisions.
- o Salem Road is classified as a Collector street on the City of Fayetteville MSP. Per the City's MSP, service for a Collector street is 2,000 to 7,000 vehicles per day. Projected traffic volumes on Salem Road, just north of Mt. Comfort Road (5,667 ADT) and on Salem Road just south of Howard Nickell Road (2,907 ADT) are well below the MSP upper range service volume for a Collector street. Reserve capacity is available for future growth to background traffic volumes with the proposed MSP revisions.

Traffic Study

- o There are several of the street sections through the proposed site development to be classified as Collector streets with the proposed MSP revisions. Per the City's MSP, typical service volumes for a Collector street is 2,000 to 7,000 vehicles per day. As shown on Figure 5, projected traffic volumes on these new proposed Collector streets (maximum projected volume of 1,560 ADT) are well below the MSP upper range service volume for a Collector street. Reserve capacity is available for future growth to background traffic volumes with the proposed MSP revisions.

Traffic Study

SUMMARY OF FINDINGS

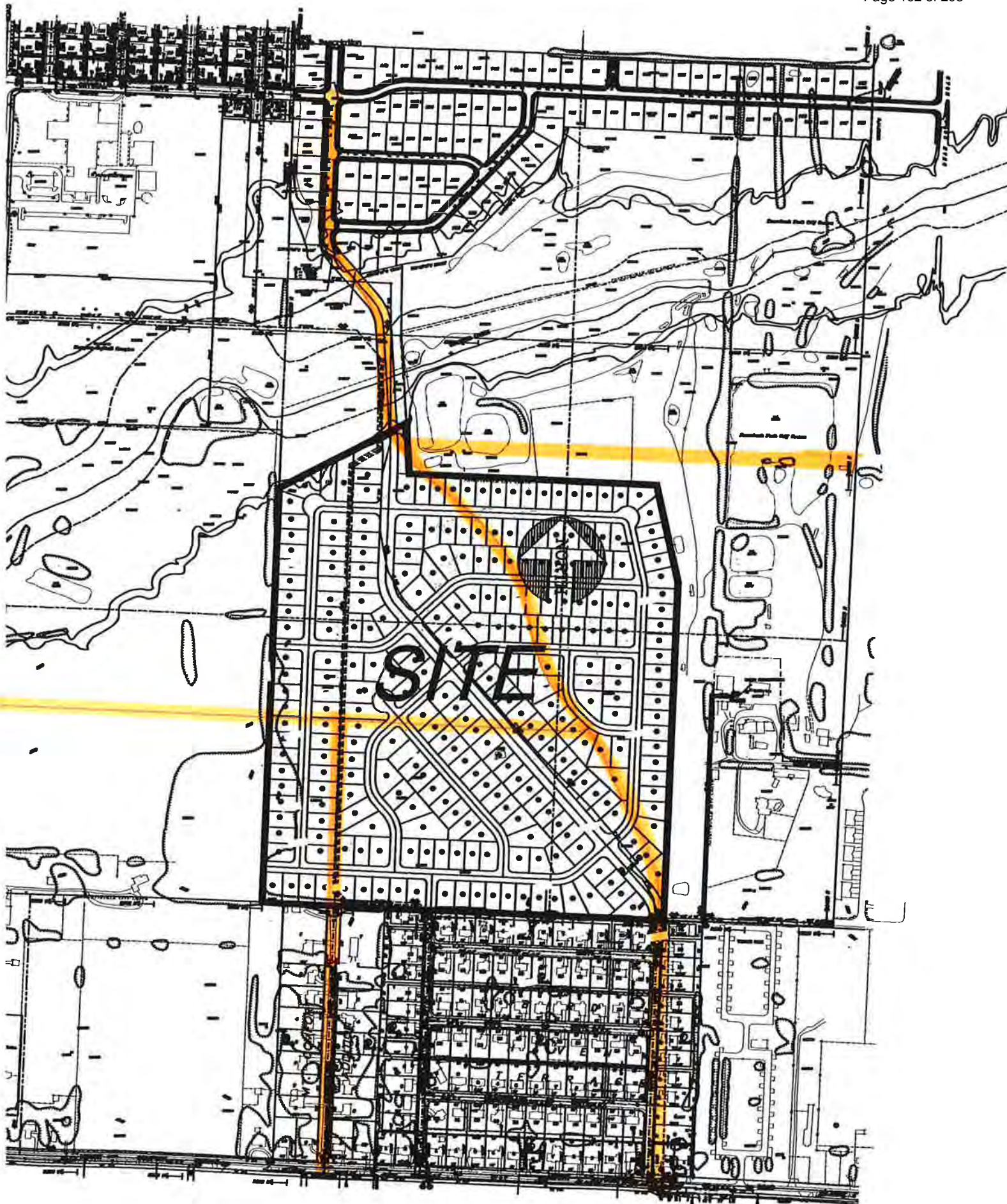
Findings of this study are summarized as follows:

- Approximately 2,593 vehicle trips (combined in and out) per average weekday are projected to be generated by the proposed Crystal Springs IV Residential Subdivision land use.
- There is found to be reserve capacity available in City of Fayetteville MSP service volumes to the vicinity roadways with the MSP revisions as proposed. With these proposed MSP revisions, minor changes in traffic follow would be accommodated as follows:
 - Some traffic can connect to the east to Deane Solomon Road (Minor Arterial) via Emil Drive adjacent to the southern boundary of the Razor-back Golf Course.
 - Some traffic can connect to the west to Salem Road (Collector) via two future Collector extensions through the proposed development.
 - Some traffic can connect to the south to Mt. Comfort Road (Minor Arterial) through the existing Raven Lane, which future connection was planned with a temporary cul-de-sac.
- It was found that with these proposed MSP revisions, there is justification to eliminate a bridge crossing Clabber Creek since proposed street connections to the east and the west to Deane Solomon Road (Minor Arterial) and to Salem Road (Collector) rather than to Mt. Comfort Road to the south thereby disrupting an existing residential neighborhood. Since Salem Road and Deane Solomon Road are expected to have reserve capacity for future growth of background traffic volumes with the proposed MSP revisions, an additional north / south Collector streets between them is not justified.

MAPS

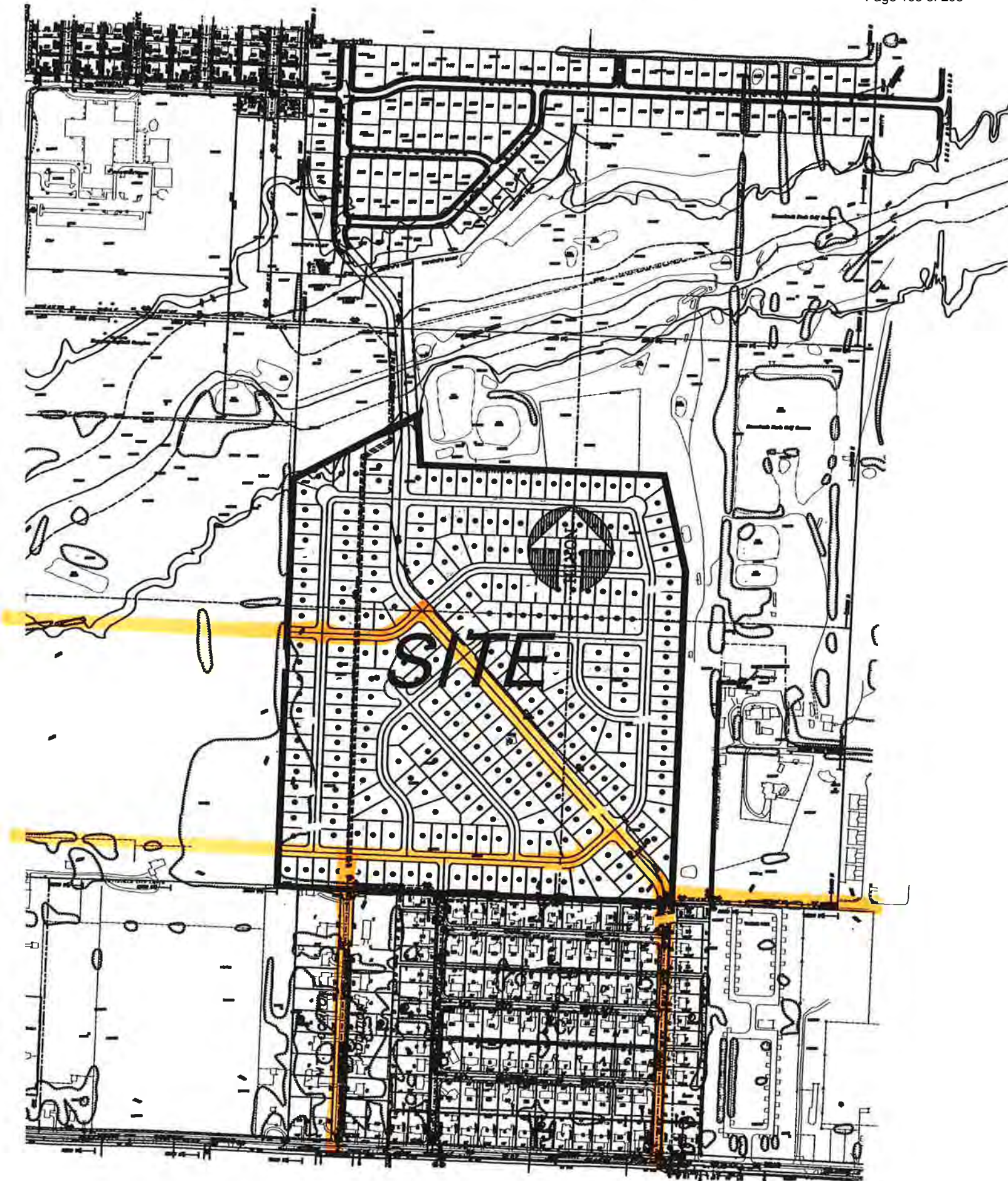
EXISTING MSP

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PROPOSED MSP

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May 19, 2015
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ADM15-5035

CRYSTAL SPRINGS PHASE IV

Aerial View



Legend

..... Drake Middle School Use Trail (Existing)

Overview Future Trails

----- Fayetteville City Limits

----- Footprints 2010

----- Hillside-Hilltop Overlay District

----- Design Overlay District

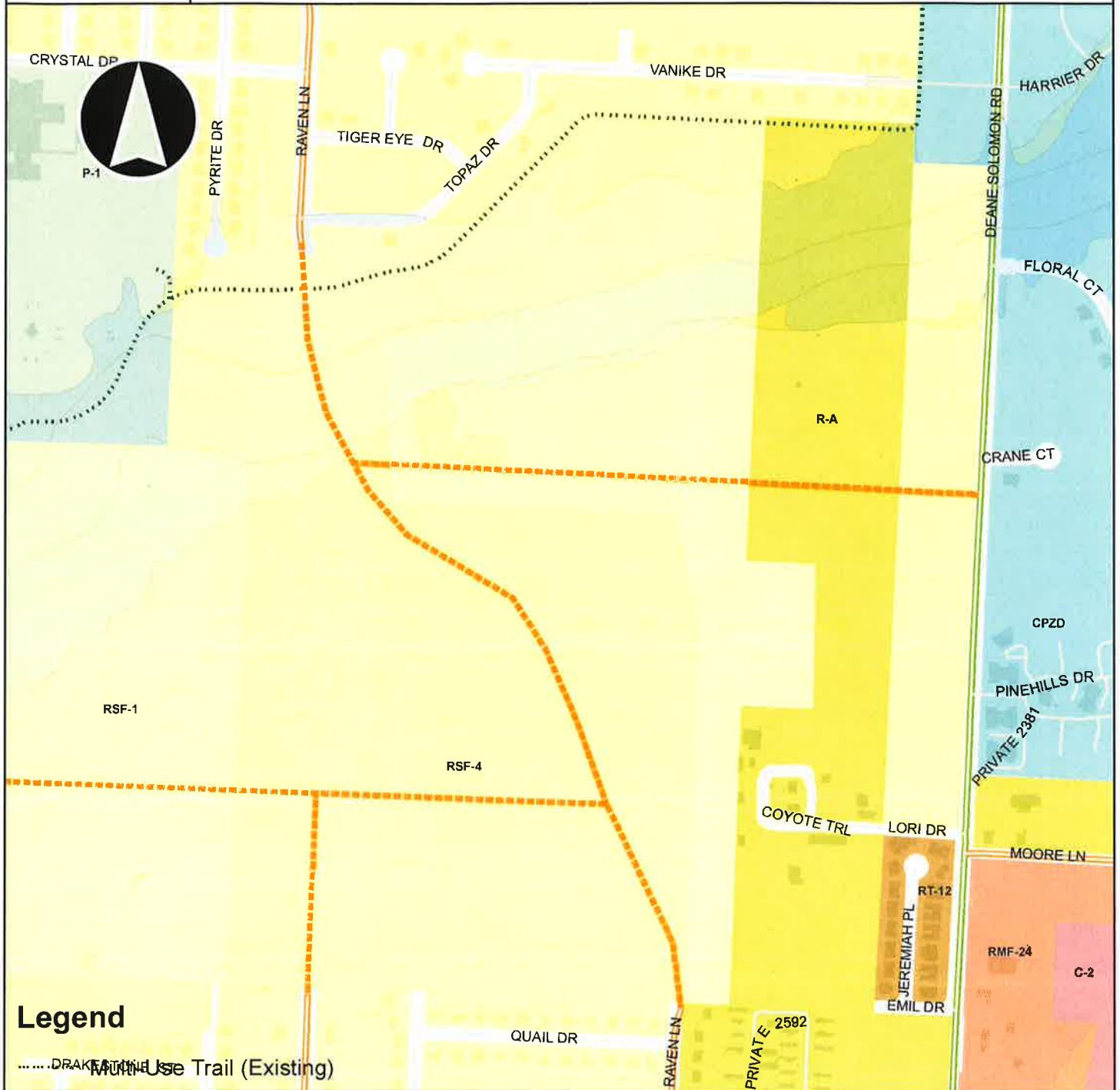
----- Planning Area

0 225 450 900 1,350 1,800 Feet

ADM15-5035

CRYSTAL SPRINGS PHASE IV

Close Up View



Legend

..... DRAFT Future Trail (Existing)

Overview Future Trails

----- Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

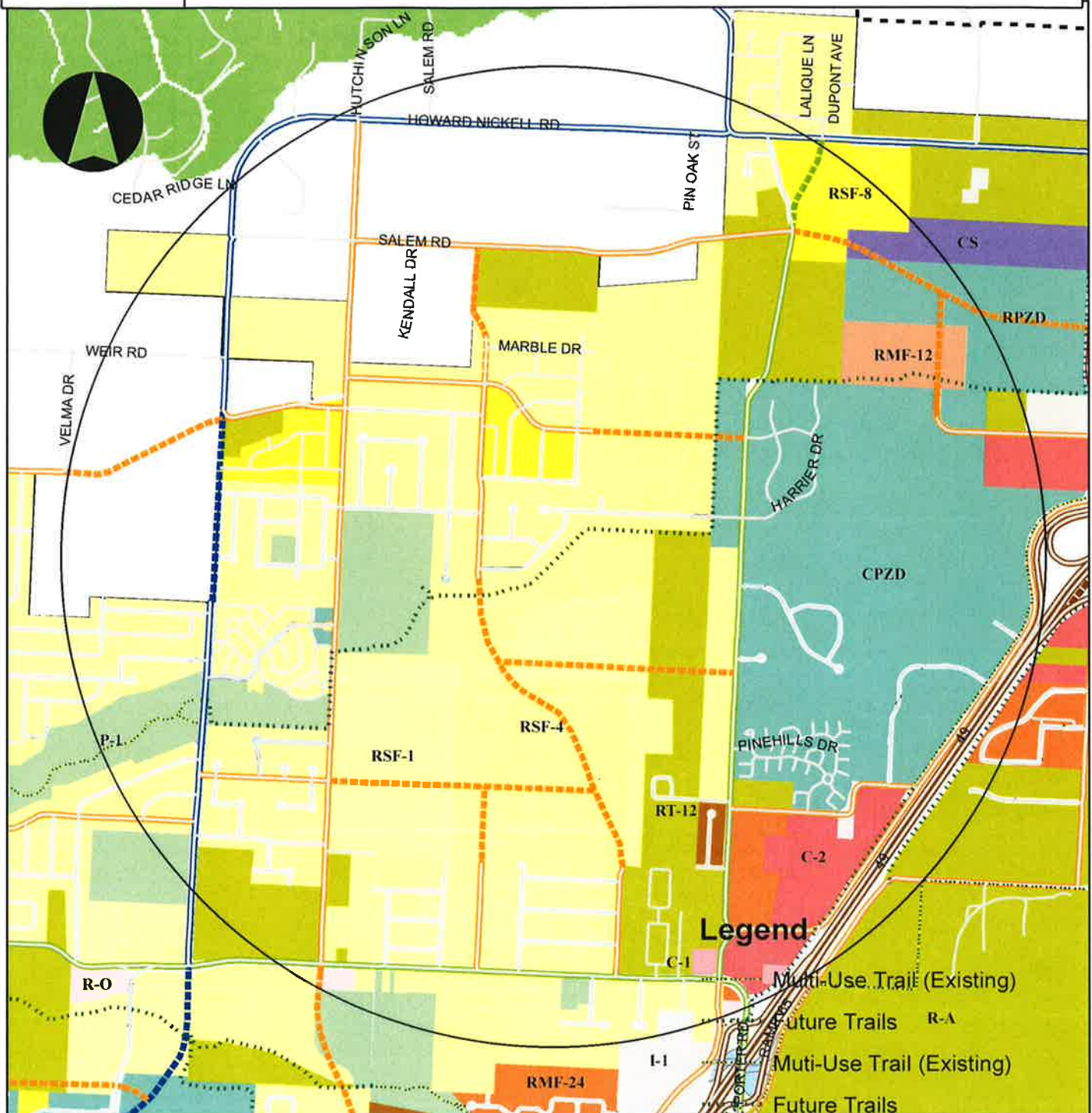
----- Planning Area



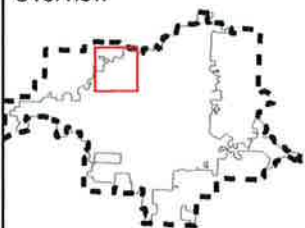
ADM15-5035

CRYSTAL SPRINGS PHASE IV

One Mile View



Overview



Legend

Subject Property

Boundary

0 0.25 0.5

1 Miles

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

April 16, 2015

TO: Fayetteville Planning Commission

RE: Amendment to Master Street Plan proposed by Crystals Springs Ltd.

I am writing this letter regarding plans to amend the Master Street Plan Map. I think the developer is wasting your time with this plan and they know it. The only way out of this piece of property is through the Birdhaven Subdivision. The Birdhaven subdivision is a small established neighborhood who has vehemently protested this developments traffic coming through their neighborhood. For the following reasons:

- We have a very low crime rate and would like to keep it that way
- We have very few sidewalks but children and adults feel safe and comfortable walking in the neighborhood. Kids play basketball in the streets and several people in the neighborhood ride their bikes.
- Traffic flowing out onto Mt. Comfort still poses a problem due to the amount of traffic Mt. Comfort generates from other completed developments.

As you may or may not be aware a Resolution 113-06 was passed by City Council in 2006 which removed the street connection from the north end of Woodlark and also added an additional condition of a bridge to the north prior to any construction of any house within the subdivision. Residents of our subdivision and Gooseberry put in a lot of time and effort with meetings, petitions etc. to get this resolution passed. Please do not disregard our concerns with this development.

In 2006, from documentation I reviewed city staff stated it was necessary to have the bridge so traffic could flow to the north. The developer in 2006 failed to gain access to the east and west (which is what they are trying to do again).

I am requesting you stand by the City Councils resolution from 2006 in regards to removing the connection from the north end of Woodlark. Require the developer to reduce the scope of his project of 271 houses and put a tree barrier between the adjacent properties to reduce intrusion of our neighborhoods from this development.

I understand that the April 27th meeting will not be addressing all these issues but want to make sure the Planning Commission has a clear picture of the issues involved.

Thanks for your consideration

Kathleen Stocker

Resident 2848 W. Quail Drive

479-521-9264

Fulcher, Jesse

From: Vicki Kelley <vicki-k@att.net>
Sent: Sunday, April 26, 2015 4:38 PM
To: Harrison, Andy
Subject: The proposed Master Street Plan Change to add a bridge across Clabber Creek

RE: The proposed Master Street Plan Change to add a bridge across Clabber Creek

I STRONGLY OBJECT to the proposed change to the Master Street Plan calling for a bridge across Clabber Creek. I relocated to Fayetteville from another state and purchased my home on Raven Lane in 2012.

Had I ANY idea Raven Ln. would become a higher traffic area (i.e., other than a normal, quiet residential neighborhood street) I would NOT have ever considered purchasing a home on Raven Lane.

Also, this subdivision is not setup for high traffic, the street is barely wide enough for two cars to pass. If there are cars parked in the street, which there always are, two cars cannot even pass at the same time.

Making Raven Ln. a higher traffic route will REDUCE property values without any doubt and will greatly impinge on the quiet enjoyment of my property.

The purpose of a Master Street Plan should be to plan ahead and communicate the plan so those who may be impacted by the plan can make informed decisions.

The City also needs to also consider the negative impacts of any increase in traffic along streets bordering the golf course. I hadn't even lived here a year before my windshield was busted by a golf ball while driving down Deanne Solomon. Some cities have ordinances that require golf courses to erect fences to protect public roads. It cost over \$300 for me to have my windshield replaced and I no longer take that route home. It's a shooting gallery; no telling how many other drivers and homes in the area have been hit and suffered a financial loss. The golf course doesn't have to pay for fencing and the rest of us pay the price. It makes me wonder who or what is pressing to add a bridge across Clabber Creek. One thing I know for sure, me and my neighbors will be paying the price in lower property values, more difficulty (time/cost) selling our homes in the future, and greatly reduced quiet enjoyment of our property.

Vicki Kelley

Wayland Harris
2397 Woodlark Lane
Fayetteville, AR 72704
Phone 479-521-6269

April 14, 2015

Mr. Andy Harrison
125 West Mountain Street
Fayetteville, Arkansas 72701

Dear Mr. Harrison,

I am referencing the documents I discussed with you concerning the Crystal Springs IV subdivision development. The documents can be found in the City of Fayetteville, AR files.

Currently the subdivision developer has not met the current agreement agreed upon by Crystal Springs Developer and the Birdhaven Addition homeowners immediately south of the Crystal Springs IV development. The agreement was for a bridge to be built across Clabber Creek and it would be completed before any building started in Crystal Springs IV south of Clabber Creek. As of this date, no bridge has been built or even started. The agreement, also, stated that Woodlark Lane would not be opened up into Crystal Springs IV (current cul de sac would remain a cul de sac).

Howard Davis, Managing Partner, Crystal Springs Ltd. Partnership is proposing an Amendment to Master Street Plan Map. They are proposing as part of this change to eliminate the cul de sac and make Woodlark Lane into a through street.

The above changes requested returns the Crystal Springs IV to the original development plan that was repealed by Resolution No. 113-06. I oppose any change or modification to the Woodlark Lane cul de sac now and in the future. I oppose any and all other changes being proposed or considered for Crystal Springs IV until the bridge across Clabber Creek is built as agreed to in the appeal dated June 20, 2006 and all the property for building Emil Drive is owned by the Howard Davis, Managing Partner, Crystal Springs Ltd. Partnership.

All the conditions that justified the original appeal in 2006 still exists and will impact the Birdhaven addition.

Thanks,

Wayland Harris

Refer to follow documents:

Resolution No. 113-06 Approved: June 20, 2006

Letter to appeal PPL 06-1977 from Lioneld Jordan to Sondra Smith Dated May 11, 2006

Fulcher, Jesse

From: Zach Davis <zacharyldavis@gmail.com>
Sent: Monday, April 27, 2015 9:23 AM
To: Harrison, Andy
Subject: Crystal Springs Phase IV Proposal

Hi,

I would like to voice my opposition to the above proposal. I live at 3176 W Ika Lane and the thought of having a major traffic thoroughfare on my street is disturbing. There is already enough traffic and speeders (which hasn't been addressed) on this completely residential street. Children are always playing on this street. Putting more traffic and moving vehicles on this street would without a doubt lead to a tragic accident. I believe this would also bring down property value which isn't fair to the residents that have made this street a nice place to live.

Thanks,

Zach Davis

Fulcher, Jesse

From: Holly Davidson <hollymartin81@gmail.com>
Sent: Monday, April 27, 2015 3:23 PM
To: Harrison, Andy
Subject: Crystal Springs, Phase IV bridge OPPOSITION

Hi,
My name is Holly Davidson and I live at 3229 W. Ika Lane with my husband Nick and our six month old son. We strongly oppose the bridge that is planned in our area, which would increase traffic on our street. We already have issues with cars flying down our road and running the stop sign at Ika and Raven. As a parent, and living in a neighborhood full of small children, I think this is a horrible idea as our street is already heavily used as a through way. I am also concerned about how this would affect our property value. Please do not approve this project. Thank you.
Holly Davidson
479-459-8322

Fulcher, Jesse

From: Tim Taylor <timtay4@gmail.com>
Sent: Sunday, April 26, 2015 10:57 AM
To: Harrison, Andy
Subject: Crystal Springs, phase IV

To whom this may concern,

I live on the corner of Topaz and Raven and I'm 100% against the bridge being built. We don't need more traffic driving around our neighborhood.

Thank you,
Tim Taylor

Fulcher, Jesse

From: carlajean nail <cjnail@yahoo.com>
Sent: Monday, April 27, 2015 3:51 PM
To: Harrison, Andy
Subject: Clabber Creek bridge opposition

We are writing to oppose the proposed change to the Master Street Plan that involves a bridge over Clabber Creek. We live on Vanike Drive and our daughter, Elsa, lives on W Topaz Drive. It is our understanding that the road would meet the intersection of North Raven and West Topaz Drive. We are concerned about the increased traffic that would be generated as a result of this bridge. Not only is this a residential area, but also home to Holcomb Elementary and the Hampton Softball Complex. We do not need more traffic in this area.

Please reconsider this proposed bridge.

Thank you,

Mike and Jean Nail

Fulcher, Jesse

From: elsanail@ymail.com
Sent: Monday, April 27, 2015 2:46 PM
To: Harrison, Andy
Subject: Clabber Creek Bridge

I am writing to express my opposition to the proposed bridge across Clabber Creek. This bridge would result in more traffic through my residential neighborhood since the bridge would result in a road entering the intersection of N Raven Lane and W Topaz Drive. I live on W Topaz Drive. There is currently so much construction on Raven, Topaz, Vanike and the surrounding roads, that the CURRENT traffic flow at times is slowed to a one-lane situation. I can only imagine what it would do if there were more access from the proposed bridge. I ask you to also consider that the potential increased traffic is near Holcomb Elementary School and The Gary Hampton Softball Complex. Do we really need more traffic near this school?

I respectfully ask you to please reconsider this bridge.

Thank you,

Elsa Nail

Fulcher, Jesse

From: Bill Hamilton <wmhjd@cox.net>
Sent: Monday, April 27, 2015 9:55 AM
To: Harrison, Andy
Subject: Citizen's Notice

Please register our vote as being OPPOSED to the proposed bridge across Clabber Creek due to the likelihood of increased traffic down Gypsum Drive. Thank you!

Bill & Donna Hamilton
3136 W Gypsum Drive
Fayetteville, AR. 72704
(479) 841-2271

Sent from my Verizon Wireless 4G LTE DROID

**City Planning Division
Jeremy Pate
125 West Mountain Street
Fayetteville, AR 72701**

May 4, 2015

City Planning Division
Jeremy Pate
113 West Mountain Street
Fayetteville, AR 72701

Re: Amending the Master Street Plan
No Bridge (cost of about 2 million)
Collector Street from Salem Road to Deane Solomon Road

The reason I bought my house on Gooseberry Lane 43 years ago is because it is a dead end street.. Raven Street as a collector street has 3 streets that go over to Woodlark which gives more than one outlet..and the streets have Curbs and gutters..

Herbert Holcomb plotted Gooseberry Lane (Mt Comfort Addition) around the seventies and designated this as a dead end street and told me it could never be a thru street.

At the end of Gooseberry about 2300 feet is Clabber Creek that has Beaver and their dams which can contribute to waterfowl habitat and other wild life. There are deer that Come into the neighborhood. A bridge would take away from this.

Crystal Springs is a wet land, there are springs all under the ground. Houses are a very Expensive investment to build in a wet land.

Enclosed are signed documents by Gooseberry Lane Homeowners attesting to the fact that they want Gooseberry Lane to remain a dead end street.

I want to Thank everyone that has taken their time and energy to work on this

Sincerely ,

Bettie Patrick
2361 N Gooseberry Lane
Fayetteville, AR 72704
479-521-3749
bettiepatrick@att.net

cc: Milholland Company

May 4, 2015

**City Planning Division
Jeremy Pate
125 West Mountain Street
Fayetteville, AR 72701**

**Enclosed are Originals of home owners signatures that want Gooseberry Lane,
Fayetteville, AR to remain a dead end street. Copies will be hand delivered to Milholland
Company..**

**Bettie Patrick
2361 N Gooseberry Lane
Fayetteville, AR 72704
479-521-3749
bettiepatrick@att.net**

cc: Milholland Company

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: Terry & Liz Carpenter

Address: 2333 Gooseberry Lane

City: Fayetteville

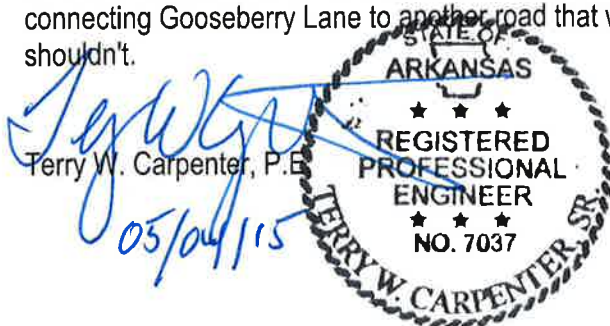
Phone: 479-521-4389 (H) 479-530-0913 (C)

E mail: twcarpenter@att.net

My family and I have lived at the above address since January 1st, 1991. Most of the residents have been there since it was constructed. Several have died in recent years. I am also a practicing professional engineer and design streets and highways in NW Arkansas as well as other types of infrastructure. Gooseberry Lane is only about 18 feet wide and is not designed to handle the increased traffic that would result in connecting it to the subdivisions that are to the north. Also, there is no where for the traffic to go except onto Mount Comfort road, which has line of site issues now and is difficult to get on during peak traffic times. It cannot be extended to the south unless the residence directly across from Gooseberry is purchased.

I understand the need for cities to develop Master Street Plans. However, I do not see the sensibleness of connecting Gooseberry Lane to another road that would greatly overload it. It was never meant to be and shouldn't.

Terry W. Carpenter, P.E.



May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: *Bettie Patrick*

Address: *2361 N. Gooseberry Lane*

City: *Fayetteville On 72704*

Phone: *479-521-3749*

E mail: *bettiepatrick@att.net*

Resident for 43 years.

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: Jay Moseley.
Address: 2306 Gooseberry LN
City: Fayetteville, AR 72704
Phone: 479-387-2923
E mail: john joy abigail @ hot mail . com

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: Michael Freeman

Address: 2327 Gooseberry

City: Fayetteville +

Phone: 521-6473

E mail:

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: William Treet
Address: 2246 N. Gooseberry
City: Fayetteville
Phone: 479 459 4031
E mail: btreet2002@yahoo.com

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: *Jim H. Morton*
Address: *2218 Gooseberry*
City: *Fayette.*
Phone: *521 9710*
E mail:

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: Cynthia + Kevin Smith
Address: 2299 N Gooseberry Lane
City: Fayetteville,
Phone: 466-1650 601-1750
E mail: kevin.smith@iscanwa.net
cynfam00@yahoo.com

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: *Betty Young*
Address: *2330 Gooseberry*
City: *Fayetteville AR 72704*
Phone: *479-301-7591*
E mail:

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name:

Vickie Stafford

Address:

2325 Gooseberry

City:

Fair

Phone:

300-

E mail:

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: Burke Russell
Address: 2395 Gooseberry
City: Fayetteville
Phone: 479 236 6971
E mail:



City of Fayetteville, Arkansas

Tentative Agenda
May 19, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 10 of 208

Text File

File Number: 2015-0202

Agenda Date: 5/19/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 6

AMEND §162.01 (B)(2) TO ADD "LANDSCAPE CONTRACTING BUSINESS"

AN ORDINANCE AMENDING UNIFIED DEVELOPMENT CODE §162.01 (B)(2) TO ADD "LANDSCAPE CONTRACTING BUSINESS" AS A USE ALLOWED BY CONDITIONAL USE PERMIT IN ALL ZONING DISTRICTS

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 Unified Development Code §162.01 (B)(2) to add "Landscape contracting business" as an included use under "Public and private facilities."

City of Fayetteville Staff Review Form

2015-0202

Legistar File ID

5/5/2015

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

Jeremy Pate

4/17/2015

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of an ordinance amending Unified Development Code §162.01 (B)(2) to add "landscape contracting businesses" as a use allowed by conditional use permit in all zoning districts.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF MAY 05, 2015

TO: Mayor Jordan, Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Jeremy Pate, Development Services Director 

DATE: April 14, 2015

SUBJECT: Landscape Contracting Businesses

RECOMMENDATION:

Staff recommends approval of an ordinance amending Unified Development Code §162.01 (B)(2) to add "landscape contracting businesses" as a use allowed by conditional use permit in all zoning districts.

BACKGROUND:

Currently landscape contracting businesses – which exist to perform services for citizens such as mowing, trimming, mulching, landscape design/planting and irrigation installation – are not specifically referenced in the City's chapter on use unit classifications. As such, the Zoning & Development Administrator is charged with interpreting the use within a use unit that is closest in type of services provided. Landscape contracting has thus been interpreted to be closest to Use Unit 21, in which can be found a number of other types of construction contracting businesses. However, this essentially only allows landscaping businesses to be located in our heavy commercial/light industrial zones. However, landscape contracting businesses can vary dramatically in their scale, impact to surrounding properties, and operations. After meeting with applicants faced with difficulty finding properties within Fayetteville to operate a landscaping contracting business, staff is proposing an ordinance amendment to specifically list "landscape contracting businesses" within Use Unit 2, which are city-wide uses by conditional use permit. Plant nurseries are already permitted within this use unit classification, and it seems to be a natural fit for landscape contracting businesses to be afforded the opportunity to be reviewed in a like manner.

DISCUSSION:

If added to Use Unit 2, landscape contracting businesses could then be located in any zone within the city limits, subject to approval of a conditional use permit by the Planning Commission. The Planning Commission, as they do with plant nurseries, would review the scale of the project, its impact and compatibility with surrounding properties, and can set limits like hours of operation, noise limits, screening, or reduced operations based upon the surrounding context. Staff feels confident this process will result in creating good neighbors, and the inclusion of this business type provides a service within the City that many citizens use on a daily basis.

BUDGET/STAFF IMPACT: N/A



City of Fayetteville, Arkansas

Tentative Agenda
May 19, 2015
113 West Mountain Road, Suite 208
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0233

Agenda Date: 5/19/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 7

AMEND § 167.04 (J)(3) OFF-SITE FORESTATION

AN ORDINANCE TO AMEND § 167.04 (J)(3) *OFF-SITE FORESTATION* TO AUTHORIZE THE CITY COUNCIL TO ALLOW FORESTATION WITHIN A NEARBY CITY PARK IF DETERMINED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF OUR CITIZENS

WHEREAS, § 167.04 (J)(3) *Off-site forestation* currently requires that land which would be planted with mitigation trees by a developer which cannot reasonably meet the tree preservation requirements on the development site be owned by the developer; and

WHEREAS, such a requirement is normally a very proper and reasonable requirement, but if the City Council believes a nearby city park and its neighboring citizens would benefit from forestation, the City Council should have the option and authority to allow a developer to plant and maintain necessary mitigation trees in the nearby city park.

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 § 167.04 (J)(3) *Off-site forestation* by placing all existing wording in subsection (a) and enacting a new subsection (b) as shown below:

"§ 167.04 (J)(3)

(b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in the Tree Preservation and Protection Chapter in a nearby city park if expressly approved by City Council Resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant."

City of Fayetteville Staff Review Form

2015-0233

Legistar File ID

5/19/2015

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

Ken Eastin

4/30/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a proposed ordinance amendment to UDC Chapter 167 to allow off-site mitigation trees to be planted in nearby parks, when expressly approved by City Council Resolution.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 19TH 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director
Alison Jumper, Park Planning Superintendent

FROM: Ken Eastin, Urban Forester

DATE: April 30th, 2015

SUBJECT: Amendment to Chapter 167: Regarding Off-site Forestation

PROPOSAL:

It is the purpose of Chapter 167 of the Unified Development Code to preserve and protect the health, safety, and general welfare, and to preserve and enhance the natural beauty of Fayetteville. The chapter outlines four (4) principles in which preservation is the first, best, and standard approach. Since preservation cannot always be fully achieved, the City Council authorized tree mitigation and payment into the Tree Escrow Account as additional ways to meet the tree preservation requirement.

Chapter 167.04 (J)(3) *Off-site forestation* currently allows the developer to plant mitigation trees required with the development *off-site*—that is, on another piece of land also owned by the developer. Although this is typically a very proper and reasonable requirement, there are times when a nearby city park and its neighboring citizens would benefit from the trees being planted on a publically owned and accessed property.

This proposal would allow an applicant / developer—at their request—to plant and maintain off-site mitigation trees needed for the development in a nearby city park, if expressly approved by City Council Resolution.

Per the attached language revision, the City Council would seek advice from the Urban Forester, Parks and Recreation Department staff, and citizens about the advisability of planting the trees within the nearby city park. Further, just as currently required of mitigation trees, the trees would be installed, managed and watered or irrigated by the applicant during the three year establishment period. The existing requirement of a three year surety for each mitigation tree would also remain.

RECOMMENDATION:

Staff recommends approving the proposed ordinance amendments to Chapter 167: Tree Preservation and Protection.

BUDGET/STAFF IMPACT:

The ordinance requirement will not have an impact on the City budget. The developer would install, manage, and water the trees approved for planting on park land, just as is currently required of mitigation trees planted on private land.

Attachments:

Existing Ordinance Language

Proposed Ordinance Language

Existing Ordinance Language

TITLE XV UNIFIED DEVELOPMENT CODE

- (3) *Off-site forestation.* If off-site preservation cannot be achieved, the applicant may seek approval from the urban forester to plant the required number of trees on another site owned by the applicant and located within the city limits or, with the express approval of the City Council by its resolution, within one-quarter mile of the Fayetteville city limits. A tree conservation easement must be conveyed by the applicant to the city to protect any off-site preservation or forestation.
- (4) *Tree escrow account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation and off-site forestation to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four years to ensure it remains the fair market costs for tree planting and maintenance for three years.
- (a) Residential Subdivisions which cannot achieve the Base Density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The City shall use the money paid into the Tree Escrow Account to plant trees within the subdivision along rights-of-ways, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the subdivision is built out or as approved by the urban forester.
- (b) Money contributed in lieu of On-Site Mitigation or Off-Site Forestation shall be paid prior to issuance of a Building Permit on all Commercial, Industrial, or Multi-Family Residential buildings and prior to Final Plat acceptance for all Residential and Non-Residential Subdivisions.
- (c) Money contributed under this section:
- (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either City Staff or contract labor;
 - (ii) Shall not revert to the general fund for ongoing operations.
- (d) If it is not possible to plant trees within the subdivision, planting locations will be sought in appropriate sites within a one (1) mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to J (2) and (3). Data extracted from the Urban Forest Analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
- (e) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a four percent (4%) annual rate.
- (f) Refunds shall be paid to the Applicant who made the original contribution.
- (g) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the Applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the Applicant shall be sufficient to satisfy the requirement of notice.
- (h) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
- (i) At the time of the contribution to the Tree Escrow Account, the Urban forester shall provide the Applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this Ordinance.



City of Fayetteville, Arkansas

Tentative Agenda
May 19, 2015
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 18 of 208

Text File

File Number: 2015-0235

Agenda Date: 5/19/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 8

AMEND ARTICLE IX TELECOMMUNICATIONS BOARD

AN ORDINANCE TO AMEND ARTICLE IX TELECOMMUNICATIONS BOARD OF THE CODE OF FAYETTEVILLE TO CONFORM TO CHANGES IN STATE LAW AND TO CLARIFY DEFINITIONS AND DUTIES OF THE BOARD

WHEREAS, in 2013, the Arkansas General Assembly passed legislation which effectively ended the use of franchise agreements between cities and communications providers; and

WHEREAS, the Telecommunications Board, in its role as an advisory board to the City Council, has recommended amendments to the City Code to conform to the changes in state law as well as clarify certain definitions and duties of the board.

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

Section 1: That §33.205 through §33.211, **Telecommunications Board**, is hereby repealed and Exhibit "A," attached hereto and made a part hereof, is enacted in its place.

Exhibit "A"

ARTICLE IX TELECOMMUNICATIONS BOARD

33.205 Purpose And Intent

It is the purpose and intent of the City Council of the City of Fayetteville to define the scope of the Telecommunications Board to advise the City Council on telecommunications issues and use of the public rights of way designated for public access, educational, and government (PEG) television use in the City of Fayetteville.

(A) *Definitions.* For the purposes of the Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *Education Channels.* Education channels telecast non-commercial programming that is educational and informational, with an emphasis on locally-produced programming. Programs may also be instructional, with learning potential for all audiences.
- (2) *Government Channels.* Government channels telecast non-commercial programming that is information about the City and other governmental entities, government services, and community life. Government channels support the City's communications initiatives by providing television coverage of public meetings, government programs, and government activities.
- (3) *Public Access Channels.* Public access channels telecast non-commercial programming that is provided by private individuals. The channel operator exercises no control over the content of the programming, provided the programming is not in violation of the law.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.205; Ord. 4504 07-15-03; Ord. 5478, 1-17-12)

33.206 Composition

The Fayetteville Telecommunications Board shall consist of seven members appointed by the City Council. Members should have experience in one or more of the following areas: telecommunications infrastructure management, public policy development regarding communication and telecommunications issues, television, or other appropriate expertise. All members shall serve staggered four-year terms.

(Ord. No. 3549, 5-21-91; Ord. No. 3986, §1, 7-16-96; Ord. No. 4219, 2-1-00; Code 1991, §33.206; Ord. 4504 07-15-03; Ord. 5478, 1-17-12)

33.207 Officers

The Telecommunications Board shall elect from its members a chairperson, who shall serve a one-year term and shall be eligible for re-election to a subsequent

term or terms. Further, the Telecommunications Board may elect such additional officers and establish any committees as it deems necessary for the proper performance of its duties.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.207; Ord. 4504, 07-15-03; Ord. 5478, 1-17-12)

33.208 Staff Support

The Mayor may designate city employees to assist the Telecommunications Board in performing its duties and carrying out its responsibilities under this ordinance.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.208; Ord. 4504, 07-15-03; Ord. 5478, 1-17-12)

33.209 Procedures

- (A) The Telecommunications Board shall meet at least once each month and may meet more frequently if necessary to carry out its duties. Four members shall constitute a quorum.
- (B) The Telecommunications Board may establish rules and regulations governing its procedures.
- (C) The Telecommunications Board's meetings and records shall be subject to the provisions of the Arkansas Freedom of Information Act, A.C.A. §§25-19-101 *et seq.*
- (D) The Telecommunications Board shall provide the City Council an annual report briefly summarizing its previous year's activities and outlining its goals for the next year.

(Ord. No. 3549, 5-21-91; Code 1991, §33.209; Ord. No. 4219, 2-1-00; Ord. 4504, 07-15-03; Ord. 5478, 1-17-12)

33.210 Duties

- (A) The Telecommunications Board shall advise the City Council and make recommendations on telecommunications infrastructure issues, including but not limited to the following:
 - (1) Use and administration of cable TV channels designated for public access, educational, and governmental (PEG) use;
 - (2) Use and administration of telecommunications facilities and use of public rights of way for telecommunications infrastructure;
 - (3) Use and administration of the City's television production and telecasting facility, as it is used for producing or telecasting public access, educational, or government programming;

- (4) Any reports submitted to the City by a PEG channel operator, a telecommunications agency, or other entities regarding telecommunications matters;
 - (5) Funding for public access, educational, and government television operations;
- (B) The Telecommunications Board shall have the following duties and responsibilities:
- (1) Regularly review the administration of the City's television production and telecasting facility;
 - (2) Regularly review the administration of any cable television channels or other facilities designated for public access, educational, or government television use, unless the City Council enters into a contract with another entity or institution for such administration. If the city enters into a contract with another entity for administration of a PEG channel, the Telecommunications Board shall ensure contract compliance. Whether administered by the city or contracted, the Telecommunications Board shall work with City staff to facilitate the creation of policies regarding programming content selection, time guidelines for programming, viewer and facility user complaint/feedback practices, and other such policies regarding the use and administration of the channels. A summary of all evaluations

shall be forwarded to the City Council quarterly for their review.

- (4) Facilitate dispute resolution concerning PEG channels, including but not limited to operations or program content.
 - (5) Track the complaints filed by Fayetteville residents to ensure that PEG channel operators are responding to complaints in an effective and timely manner.
- (4) Promote public awareness, use, and viewership of PEG channels; and,
 - (5) Promote public awareness of telecommunications policy issues;
- (C) The Telecommunications Board shall have authority to establish and disseminate such guidelines and regulations for itself as are necessary to carry out the duties and responsibilities set forth in this section.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.210; Ord. 4504, 7-15-03; Ord. 5478, 1-17-12)

33.211-33.225 Reserved

(Ord. No. 3549, 5-21-91; Code 1991, §33.212; Ord. No. 4219, 2-1-00)

City of Fayetteville Staff Review Form

2015-0235

Legistar File ID

5/19/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Lindsley Smith

4/30/2015

Communications & Marketing /
Communications & Marketing Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

Adoption of Telecommunications Board proposed technical revisions to Article IX, Telecommunications Board

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item?

☐

Current Budget

\$

-

Funds Obligated

\$

-

Current Balance

\$

-

Does item have a cost?

No

Item Cost

Budget Adjustment Attached?

☐

Budget Adjustment

Remaining Budget

\$

-

Previous Ordinance or Resolution # Ord. No. 4219

V20140710

Original Contract Number: _____

Approval Date: _____

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 19, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Lindsley Smith, Director of Communications, Marketing, and Volunteer Services 

DATE: April 30, 2015

SUBJECT: Revision of Article IX, Telecommunications Board

RECOMMENDATION:

Adoption of Telecommunications Board proposed technical revisions to Article IX, Telecommunications Board

BACKGROUND:

In 2013, the Arkansas General Assembly passed legislation affecting municipal franchising agreements. The Telecommunications Board worked to propose changes to the existing Telecommunications Board Article to conform to the change in law and also recommends wording changes that both update and clarify three sections of this Article. The Board recommended that staff present it to the City Attorney for his insight as to their recommendations. City Attorney Kit Williams provided helpful information for the Board for its April meeting with a recommended change. The Telecommunications Board voted unanimously in its April meeting to accept the change and approve sending the revised Article to the City Council for its approval.

DISCUSSION:

The City of Fayetteville Telecommunications Board and staff approve the recommended changes now before the City Council and ask for the approval of the City Council.

BUDGET/STAFF IMPACT:

None.

Attachments:

- Letter to the City Council dated April 21, 2015, outlining the Board's advice
- Memo from City Attorney Kit Williams dated April 16, 2015
- Mark-up copy of Article IX with proposed changes
- Clean copy of Article IX with proposed changes accepted

April 21, 2015

City Council,

The City Council's Telecommunications Board unanimously approved an advisory item for submission by staff to the Fayetteville City Council for its consideration—proposed revisions to the Telecommunications Board Article IX.

In the 2013 Arkansas General Assembly Session, the State Legislature passed a bill that became law that permits the ending of franchise contracts between cities and communications providers. In the Board's February meeting, it worked on recommended changes to the City's Telecommunications Board Article and drafted changes to correspond with the legislation passed by the Arkansas General Assembly and updated wording for accuracy as required and asked staff to have the draft reviewed by the City Attorney before its final vote to advance this recommended wording change to the City Council.

The City Attorney reviewed the work of the Telecommunications Board and provided a memo and edit recommendation, which was presented to the Telecommunications Board in its April meeting (held the evening of April 16, 2015). At that meeting, the Board voted to accept the recommendation of the City Attorney, and the Board unanimously voted to move this item to the City Council for its consideration of a change to Article IX.

In accordance with the vote and direction of the City Council's advisory Board, I, as staff of the Telecommunications Board, submit the attached documents, which include the City Attorney memo, the ordinance with mark-up designation of the changes voted upon by the Board, and a "clean copy" of the Article as passed by the Board without the mark-ups for your review.

Respectfully Submitted,



Lindsley Smith, Staff
Telecommunications Board



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Lindsley Smith, Communications & Marketing Director

CC: Mayor Lioneld Jordan
Chief of Staff Don Marr
Telecommunications Board

FROM: Kit Williams, City Attorney

DATE: April 16, 2015

RE: Revision of Article IX, Telecommunications Board

Thank you for providing me a copy of the proposed revisions of the Telecommunication Board ordinance which was created by a large committee with then Aldermen Jordan and Marr serving as co-chairs. Creating that original ordinance was very time consuming and difficult so I wanted to ensure that that effort would be honored by any new revisions.

The revisions now proposed appear to be a good update of the current Article's provisions. We no longer need to reference and should delete current references to franchise agreements and regulations as the State Legislature removed the franchise power from the City. I think the other proposed revisions also improve Article IX, **Telecommunications Board**.

I do suggest making one stylistic change. Now that the Telecommunications Board ordinance has been codified, the *Definitions* subsection should read: "for purposes of the **Article**" (rather than "ordinance").

ARTICLE IX TELECOMMUNICATIONS BOARD

33.205 Purpose And Intent

It is the purpose and intent of the City Council of the City of Fayetteville to ~~redefine the scope of the Telecommunications Board to advise the City Council on telecommunications issues, telecommunications franchise systems and use of the public rights of way designated for public access, educational, and governmental (PEG) television use in the City of Fayetteville as part of the city's telecommunications infrastructure.~~

(A) *Definitions.* For the purposes of ~~this ordinance~~ the Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) *Education Channels.* Education channels ~~shall provide telecast non-commercial programming that is educational and informational, with an emphasis on locally-produced programming. Programs may also be instructional, with learning potential for all audiences.~~

(2) *Government Channels.* Government channels ~~provide telecast non-commercial programming that is information about the City and other governmental entities, government services, and community life. Government channels support the City's communications initiatives by providing television coverage of public meetings, government programs, and government activities, citizens with convenient access to the city government. The station shall be operated in an unbiased manner. The goal is to create an informed and involved citizenry. Content will generally be created or acquired by local government employees, elected officials, and volunteers, and will typically provide information about services provided by local, State, and regional governments, issues faced by local governments, and public meeting coverage.~~

(3) *Public Access Channels.* Public access channels ~~provide telecast non-commercial programming that is provided by private individuals. The channel operator exercises no control over the content of the programming, provided the programming is not in violation of the law, a forum for Fayetteville residents to express themselves. Content may include video and other electronic information produced, directed and engineered by community members. These productions focus on many aspects of community life, ranging from the services and activities of community organizations to the opinions,~~

~~beliefs and artistic expressions of individuals in the community, or outside productions requested and introduced by community members.~~

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.205; Ord. 4504 07-15-03; Ord. 5478, 1-17-12)

33.206 Composition

The Fayetteville Telecommunications Board shall consist of seven members appointed by the City Council. Members should have experience in one or more of the following areas: telecommunications infrastructure management, public policy development regarding communication and telecommunications issues, television, or other appropriate expertise. All members shall serve staggered four-year terms.

(Ord. No. 3549, 5-21-91; Ord. No. 3986, §1, 7-16-96; Ord. No. 4219, 2-1-00; Code 1991, §33.206; Ord. 4504 07-15-03; Ord. 5478, 1-17-12)

33.207 Officers

The Telecommunications Board shall elect from its members a chairperson, who shall serve a one-year term and shall be eligible for re-election to a subsequent term or terms. Further, the Telecommunications Board may elect such additional officers and establish any committees as it deems necessary for the proper performance of its duties.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.207; Ord. 4504, 07-15-03; Ord. 5478, 1-17-12)

33.208 Staff Support

The Mayor ~~should~~ may designate city employees to assist the Telecommunications Board in performing its duties and carrying out its responsibilities under this ordinance.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.208; Ord. 4504, 07-15-03; Ord. 5478, 1-17-12)

33.209 Procedures

(A) The Telecommunications Board shall meet at least once each month and may meet more frequently if necessary to carry out its duties. Four members shall constitute a quorum.

(B) The Telecommunications Board may establish rules and regulations governing its procedures.

(C) The Telecommunications Board's meetings and records shall be subject to the provisions of the Arkansas Freedom of Information Act, A. C.A. §§25-19-101 *et seq.*

(D) The Telecommunications Board shall provide the

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City Council an annual report briefly summarizing its previous year's activities and outlining its goals for the next year.

(Ord. No. 3549, 5-21-91; Code 1991, §33.209; Ord. No. 4219, 2-1-00; Ord. 4504, 07-15-03; Ord. 5478, 1-17-12)

33.210 Duties

(A) The Telecommunications Board shall advise the City Council and make recommendations on telecommunications infrastructure issues, including but not limited to the following:

- (1) Use and administration of cable TV channels designated for public access, educational, and governmental (PEG) use;
- (2) Use and administration of telecommunications facilities and use of public rights of way for telecommunications infrastructure;
- (3) ~~Establishment and use and administration of the City's PEG television production and telecasting facility, as it is used for producing or telecasting public access, educational, or government programming;~~
- (4) Any reports submitted to the City by a ~~cable TV operator, PEG channel operator, user, a telecommunications agency, or other entities~~ regarding telecommunications matters;
- (5) Funding for public access, educational, and government ~~televisual~~ (PEG) operations;
- (6) ~~Performance of any cable operator, IP television provider or telecommunications franchisee serving the City, with regard to customer service, technical standards, programming, and requirements of the applicable franchise agreement; and~~
- (7) ~~Renewal of any franchise agreement by any such provider.~~

(B) The Telecommunications Board shall have the following duties and responsibilities:

- (1) Regularly review the administration of the City's ~~PEG television production and telecasting~~ facility;
- (2) Regularly review the administration of any cable television channels or other

~~telecommunications~~ facilities designated for public access, educational, or government ~~television al~~ (PEG) use, unless the City Council enters into a contract with another entity or institution for such administration. If the city enters into a contract with another entity for administration of a PEG channel, the Telecommunications Board shall ensure contract compliance. Whether administered by the city or contracted, the Telecommunications Board shall work with City staff to facilitate the creation of policies regarding ~~cablecast programming content~~material selection, time guidelines for ~~cablecast material~~programming, viewer and facility user complaint/feedback practices, and ~~og~~ther such policies regarding the use and administration of the channels. A summary of all evaluations shall be forwarded to the City Council quarterly for their review.

- (4) ~~3~~ Facilitate dispute resolution concerning PEG channels, including but not limited to operations ~~or~~ program content.
 - (5) ~~etc.~~ ~~Track~~ the complaints filed by Fayetteville residents to ~~ensure~~ that telecommunications franchisees and ~~access~~PEG channel operators providers are responding to complaints in an effective and timely manner.
 - (4) Promote public awareness, use, and viewership of PEG channels; ~~and~~.
 - (5) Promote public awareness of telecommunications policy issues; ~~and~~.
 - (6) ~~Forward a report to the City Council recommending either renewal or replacement of any cable or telecommunications franchisee no less than 45 days before the contract's expiration.~~
- (C) The Telecommunications Board shall have authority to establish and disseminate such guidelines and regulations ~~for itself~~ as are necessary to carry out the duties and responsibilities set forth in this section.

(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.210; Ord. 4504, 7-15-03; Ord. 5478, 1-17-12)

33.211-33.225 Reserved

(Ord. No. 3549, 5-21-91; Code 1991, §33.212; Ord. No. 4219, 2-1-00)

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ARTICLE IX TELECOMMUNICATIONS BOARD

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 - (3) Use and administration of the City's television production and telecasting facility, as it is used for producing or telecasting public access, educational, or government programming;

- (4) Any reports submitted to the City by a PEG channel operator, a telecommunications agency, or other entities regarding telecommunications matters;
 - (5) Funding for public access, educational, and government television operations;
- (B) The Telecommunications Board shall have the following duties and responsibilities:
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 - (2) Regularly review the administration of any cable television channels or other facilities designated for public access, educational, or government television use, unless the City Council enters into a contract with another entity or institution for such administration. If the city enters into a contract with another entity for administration of a PEG channel, the Telecommunications Board shall ensure contract compliance. Whether administered by the city or contracted, the Telecommunications Board shall work with City staff to facilitate the creation of policies regarding programming content selection, time guidelines for programming, viewer and facility user complaint/feedback practices, and other such policies regarding the use and administration of the channels. A summary of all evaluations

shall be forwarded to the City Council quarterly for their review.

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(Ord. No. 3549, 5-21-91; Ord. No. 4219, 2-1-00; Code 1991, §33.210; Ord. 4504, 7-15-03; Ord. 5478, 1-17-12)

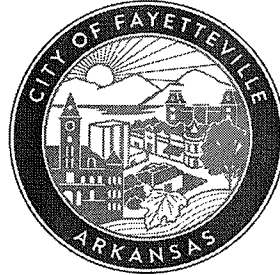
33.211-33.225 Reserved

(Ord. No. 3549, 5-21-91; Code 1991, §33.212; Ord. No. 4219, 2-1-00)

Agenda Session 5/12/15
No changes

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, May 12, 2015

4:30 PM

City Hall Room 326

City Council

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

A. 1 2014-0503

APPROVAL OF THE MAY 5, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 2015-0231

RAINMAKER SALES, INC.

A RESOLUTION TO AUTHORIZE THE PURCHASE OF AN EXPANSION POLY TRAILER FROM RAINMAKER SALES, INC. OF SHAWNEE, OKLAHOMA IN THE AMOUNT OF \$6,000.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

SRP 4-30-15 WSWD trailer 9215

4-28-15 BA - Galvanized Pipe Rehab-Trailer

B. Unfinished Business:

C. New Business:

~~C.~~ 12015-0234**RZN 15-5033 (232 W.ASJ ST./KOUTROUMBIS)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5033, FOR APPROXIMATELY 0.30 ACRES, LOCATED AT 232 W. ASH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE

Attachments:15-5033 CC Exhibits15-5033 RZN Staff Report copy

✓ C. 2

2015-0230**VAC 15-5020 (2288 N. HIDDEN CREEK DR./KENNEDY)**

AN ORDINANCE APPROVING VAC 15-5020 SUBMITTED BY JEREMY KENNEDY FOR PROPERTY LOCATED AT 2288 N. HIDDEN CREEK DRIVE TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT

Attachments:15-5020 CC EX A & B15-5020 Full Packet15-5020 CC ORD

✓ C. 3

2015-0228**RZN 15-4965 (SOUTH END OF RUPPLE RD./RUPPLE ROAD EXTENSION CORRIDOR)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-4965, FOR APPROXIMATELY 642 ACRES, LOCATED AT THE SOUTHERN END OF RUPPLE ROAD FROM R-A, RESIDENTIAL-AGRICULTURE; RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE; and RSF-8, RESIDENTIAL SINGLE FAMILY EIGHT UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; CS, COMMUNITY SERVICES, UT, URBAN THOROUGHFARE; and R-A, RESIDENTIAL AGRICULTURAL

Attachments:15-4965 CC EX A15-4965 CC reports

C. 42015-0232**RZN 15-5004 (SOUTH END OF PUMPKIN RIDGE DR./FALLING WATERS) APPEAL**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5004, FOR APPROXIMATELY 17.37 ACRES, LOCATED SOUTH OF PUMPKIN RIDGE ROAD FROM R-A, RESIDENTIAL-AGRICULTURE TO RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE

Attachments:15-5004 CC EX A & B15-5004 Full Packet**C. 5**2015-0229**AMENDMENT OF THE MASTER STREET PLAN APPEAL**

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY REMOVING A BRIDGE CONNECTION ON RAVEN LANE OVER CLABBER CREEK SOUTH OF CRYSTAL SPRINGS PHASE III

Attachments:Ex A15-5035 Full Packet**C. 6**2015-0202**AMEND §162.01 (B)(2) TO ADD "LANDSCAPE CONTRACTING BUSINESS"**

AN ORDINANCE AMENDING UNIFIED DEVELOPMENT CODE §162.01 (B)(2) TO ADD "LANDSCAPE CONTRACTING BUSINESS" AS A USE ALLOWED BY CONDITIONAL USE PERMIT IN ALL ZONING DISTRICTS

Attachments:Agenda Item

~~C. 7~~2015-0233**AMEND § 167.04 (J)(3) OFF-SITE FORESTATION**

AN ORDINANCE TO AMEND § 167.04 (J)(3) *OFF-SITE FORESTATION* TO AUTHORIZE THE CITY COUNCIL TO ALLOW FORESTATION WITHIN A NEARBY CITY PARK IF DETERMINED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF OUR CITIZENS

Attachments:2015-0233 - Chapter 167 - off-site forestation amendment2015-0233 - Attachment - Existing Ordinance Language~~C. 8~~2015-0235**AMEND ARTICLE IX TELECOMMUNICATIONS BOARD**

AN ORDINANCE TO AMEND ARTICLE IX TELECOMMUNICATIONS BOARD OF THE CODE OF FAYETTEVILLE TO CONFORM TO CHANGES IN STATE LAW AND TO CLARIFY DEFINITIONS AND DUTIES OF THE BOARD

Attachments:Telecomm Board - Ex A2015-0235 Telecommunications Board Ordinance Revision Item**D. City Council Agenda Session Presentations:****D. 1** 2015-0227

AGENDA SESSION PRESENTATION - CH2M ANNUAL REPORT,
BILLY AMMONS

E. City Council Tour:**F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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5-6-15 Pre Agenda Meeting

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, May 12, 2015

4:30 PM

City Hall Room 326

City Council

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

2014-0503

A.1

APPROVAL OF THE MAY 5, 2015 CITY COUNCIL MEETING MINUTES.

2015-0231

RAINMAKER SALES, INC.

A.2

A RESOLUTION TO AUTHORIZE THE PURCHASE OF AN EXPANSION POLY TRAILER FROM RAINMAKER SALES, INC. OF SHAWNEE, OKLAHOMA IN THE AMOUNT OF \$6,000.00 PLUS APPLICABLE SALES TAXES FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

SRP 4-30-15 WSWD trailer 9215

4-28-15 BA - Galvanized Pipe Rehab-Trailer

B. Unfinished Business: None

C. New Business:

2015-0229Amendment of
AMEND THE MASTER STREET PLAN Appeal

C.5

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY REMOVING A BRIDGE CONNECTION ON RAVEN LANE OVER CLABBER CREEK SOUTH OF CRYSTAL SPRINGS PHASE III

Attachments:Ex A15-5035 Full Packet2015-0228**RZN 15-4965 (SOUTH END OF RUPPLE RD./RUPPLE ROAD EXTENSION CORRIDOR)**

C.3

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-4965, FOR APPROXIMATELY 642 ACRES, LOCATED AT THE SOUTHERN END OF RUPPLE ROAD FROM R-A, RESIDENTIAL-AGRICULTURE; RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE; and RSF-8, RESIDENTIAL SINGLE FAMILY EIGHT UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; CS, COMMUNITY SERVICES, UT, URBAN THOROUGHFARE; and R-A, RESIDENTIAL AGRICULTURAL

Attachments:15-4965 CC EX A15-4965 CC reports2015-0232**RZN 15-5004 (SOUTH END OF PUMPKIN RIDGE DR./FALLING WATERS**

C.4

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5004, FOR APPROXIMATELY 17.37 ACRES, LOCATED SOUTH OF PUMPKIN RIDGE ROAD FROM R-A, RESIDENTIAL-AGRICULTURE TO RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE

Attachments:15-5004 CC EX A & B15-5004 Full Packet

2015-0234

C.1

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5033, FOR APPROXIMATELY 0.30 ACRES, LOCATED AT 232 W. ASH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE

Attachments:

15-5033 CC Exhibits

15-5033 RZN Staff Report copy

2015-0230

C.2

VAC 15-5020 (2288 N. HIDDEN CREEK DR./KENNEDY)

AN ORDINANCE APPROVING VAC 15-5020 SUBMITTED BY JEREMY KENNEDY FOR PROPERTY LOCATED AT 2288 N. HIDDEN CREEK DRIVE TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT

Attachments:15-5020 CC EX A & B15-5020 Full Packet15-5020 CC ORD**2015-0202**

C.4

AMEND §162.01 (B)(2) TO ADD "LANDSCAPE CONTRACTING BUSINESS"

AN ORDINANCE AMENDING UNIFIED DEVELOPMENT CODE §162.01 (B)(2) TO ADD "LANDSCAPE CONTRACTING BUSINESS" AS A USE ALLOWED BY CONDITIONAL USE PERMIT IN ALL ZONING DISTRICTS

Attachments:Agenda Item**2015-0233**

C.7

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2015-0235

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C.A.

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TO CLARIFY DEFINITIONS AND DUTIES OF THE BOARD

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Telecomm Board - Ex A

2015-0235 Telecommunications Board Ordinance Revision Item

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2015-0227

D.I.

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BILLY AMMONS

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F. Announcements:

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Current Wastewater Operations and Maintenance Information

Owner:	City of Fayetteville, Arkansas	Operator:	CH2M
Owner Contact:	Tim Nyander Utilities Department Director 113 West Mountain Street Fayetteville, Arkansas 72701 479.575.8390	Operator Contact:	Billy Ammons Project Manager 1400 North Fox Hunter Road Fayetteville, Arkansas 72701 479.443.3292

Facilities:

Paul R. Noland Water Resource Recovery Facility (WRRF) (Noland WRRF) 1400 North Fox Hunter Road Fayetteville, Arkansas 72701 The Noland WRRF is a 12.6 million gallons per day (mgd) advanced WRRF, currently permitted to discharge 11.2 mgd, with influent fine screens, grit removal, Anaerobic/Anoxic/Oxic (A2/O®) plug flow biological nutrient removal (BNR) secondary treatment, secondary clarification, single-media sand filtration, ultraviolet (UV) disinfection, and post oxygenation. The treated effluent discharges to the White River. Odors from the Noland WRRF are captured and treated by two multi-stage chemical scrubbers.	West Side WRRF 15 South Broyles Avenue Fayetteville, Arkansas 72704 The West Side WRRF is a 10-mgd advanced WRRF with influent fine screens, grit removal, Anaerobic/Anoxic/Carrousel (A2C™) BNR secondary treatment, secondary clarification, deep-bed sand filtration, UV disinfection, and post aeration. The treated effluent discharges to Goose Creek. Odors from the West Side WRRF are captured and treated by biofilters and carbon adsorbers. CH2M also assists with daily monitoring of a 43.65-acre constructed wetland mitigation site.	Biosolids Management Site (BMS) 16464 East Wyman Road Fayetteville, Arkansas 72701 The BMS is located on 670-acres adjoining the Noland WRRF property. The BMS employs six solar houses and a thermal drying operation, which process belt filter-pressed biosolids from the WRRFs to Class A biosolids fertilizer for bulk sale. The site is permitted for land application of water treatment residuals (WTR) and treated wastewater effluent. Nutrient uptake from the old land application site is achieved through hay harvesting, marketing, appropriate supplemental nutrient application, and irrigation with treated plant effluent.
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Staff Size:	47 full-time equivalents
Hours of Operation:	The Noland WRRF is operated 24 hours per day, Monday through Friday, and 20 hours per day, Saturday and Sunday. The West Side WRRF is operated 10 hours per day, Monday through Friday, and 4 hours per day on Saturday and Sunday. The BMS is operated up to 24 hours per day, 7 days a week, during the colder months; and up to 16 hours per day Monday through Friday, and 3 hours per day on Saturday and Sunday for the remainder of the year.
No. of Sewer Lift Stations:	37 lift stations plus site maintenance of 5 abandoned stations
Type of Lift Stations:	Wet well, dry well, submersible
SCADA Support:	40 wastewater and 31 water locations plus the BMS
Other Permitted Programs:	Industrial Pretreatment Program (IPP), No Discharge Permit, Industrial General Stormwater Permit, and Air Permits
Original Contract Date:	January 1987
Renewal Date(s):	January 1989, August 1994, January 2001, May 2003, December 2009, and July 2014
Completion Date:	December 2019

Executive Summary

CH2M is pleased to present our 2014 annual report to our client and partner, the City of Fayetteville (the City). The completion of our work in 2014 marks 28 years of successful partnering between CH2M and the City, as well as another year of quality service provided to Fayetteville citizens. This report summarizes activities and highlights accomplishments from contract year 2014.

Performance Excellence

Permit Compliance

By the end of December, the WRRFs treated a total of more than 4.1 billion gallons of wastewater with approximately 21 million gallons of the treated effluent used for irrigation. CH2M regional technical staff continued to provide invaluable support throughout the year and helped WRRF staff maintain permit compliance. CH2M achieved nearly 100-percent compliance with the National Pollutant Discharge Elimination System (NPDES) discharge requirements for both WRRFs in 2014. The only exceptions were three reporting issues in May. We are required by rule to report violations due to laboratory analysis results being out of range, even though there was no reason to suspect that the actual effluent quality was not within permit limits.

Exhibits 1 and 2 display the average percent removal efficiency the plants achieved in 2014 for biochemical oxygen demand (BOD), total suspended solids (TSS), total phosphorus (Phos), and ammonia-nitrogen (Ammonia).

Paul Hairston, Arkansas Department of Environmental Quality (ADEQ) Air Inspector, performed an annual air permit compliance audit at the West Side WRRF and Hamestring Lift Station. Records of generator run times were provided to the inspector as requested. Both facilities were found in compliance with the air permits.

Exhibit 1
2014 Noland Percent Removal

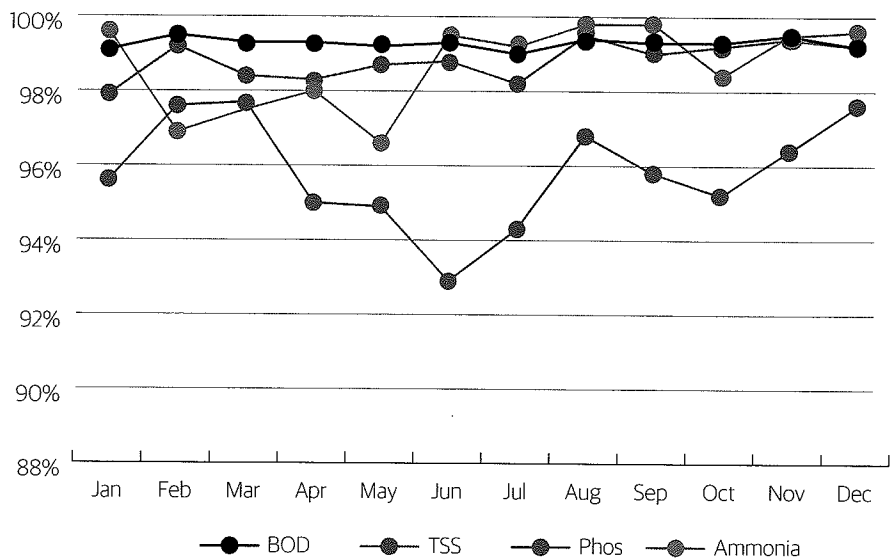
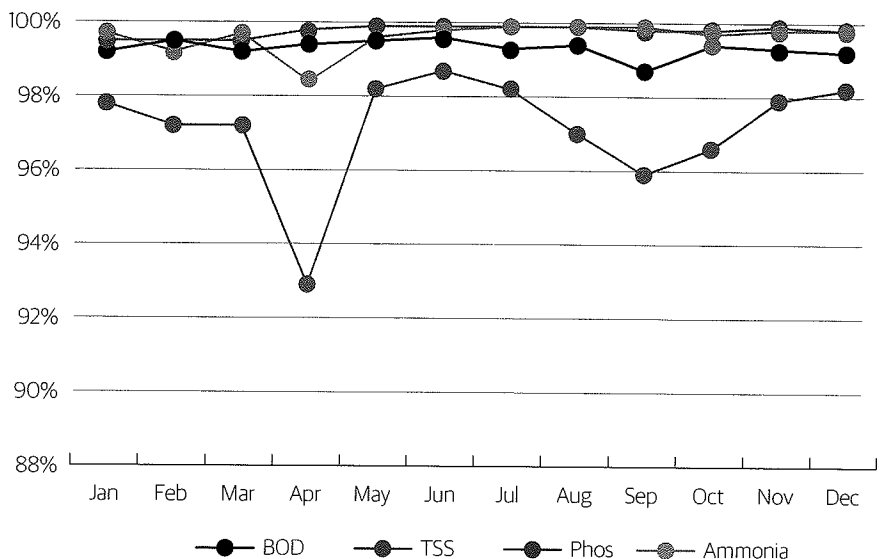


Exhibit 2
2014 West Side Percent Removal



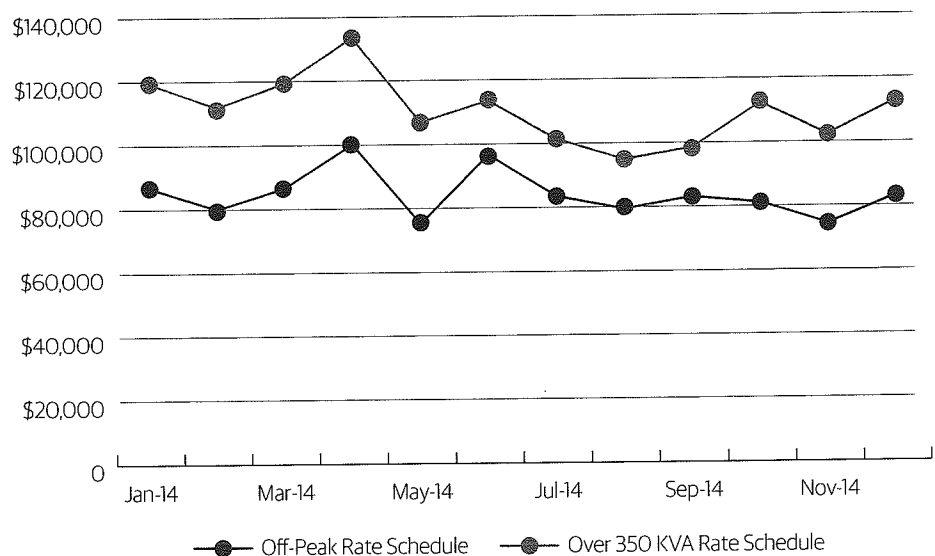
Cost Management

Electrical Savings

Significant electrical savings continued to accumulate in 2014 through the use of power generators and implementation of our Power Management Plan to maintain the off-peak rate structure for the Noland WRRF, West Side WRRF, and Hamestring Lift Station.

The Power Management Plan uses three, 2-megawatt (MW) power generators to operate the facilities during peak demand periods to eliminate the use of grid-supplied energy during the peak setting periods. Using the generators allowed us to take advantage of off-peak rates, yielding \$316,978 in combined estimated savings in 2014 from both WRRFs and the Hamestring Lift Station, which is approximately \$26,415 per month. Exhibit 3 displays estimated energy savings for 2014.

Exhibit 3
2014 Energy Savings



Revenue

Exhibit 4 represents revenue for 2014.

Exhibit 4
2014 Revenue

	Area	Revenue
Industrial Pretreatment	Industrial Surcharge	\$614,225
	Hauled Wastewater Fees	\$10,400
	Application Fees	\$1,500
	Administrative Fines	\$0
Biosolids Management Site	Hay Sale	\$87,173
	Fertilizer Sale	\$53,470
	Water Treatment Residuals Application	\$109,570
Total		\$876,338

Ozone Disinfection System Design

CH2M was presented with the opportunity to finalize the design of a highly innovative ozone disinfection system and to coordinate the path forward to enable procurement of the equipment and ultimate installation of the system at the Noland plant. Final design of the system was accomplished in 2014 through the utilization of staff from Dallas, Texas; Cincinnati, Ohio; Gainesville, Florida; Tulsa, Oklahoma; and our local staff. ADEQ approval of the concept and permit to construct was received, allowing the purchase order for the equipment to be issued and a contractor selected for the construction/installation. The equipment has a significant lead time for production and the actual installation is expected to take place in the spring/summer of 2015.

Highway 112 (Maple Street) Water and Sewer Relocation Design

Another significant challenge for the CH2M team in 2014 was the design of water and sewer relocation required by an Arkansas State Highway and Transportation Department (AHTD) project to widen Highway 112 (more commonly known as Maple Street) from Garland to Razorback Road due north of Reynolds Razorback Stadium in Fayetteville. Although the length of piping to be replaced is relatively short, the highly used and sensitive area where the work is to be done, coupled with the complex design requirements and the ever present difficulty of coordinating efforts between the AHTD and the University of Arkansas, made this task extremely difficult to complete. Additionally, the timeframe granted by the agencies involved to provide the finished design in order to comply with existing funding requirements was less than half the normally allotted time. Again using a combination of local CH2M staff, City of Fayetteville Engineering staff, and remote staff from the Cincinnati office, the work was accomplished within the restricted timeframe and a suitable design meeting the requirements of all parties was produced. A contractor was selected for the work and the relocations were initiated in 2014.

Noland and West Side WRRF Rain Gardens

Project staff partnered with the Illinois River Watershed Partnership and Beaver Water District as participants in their Rain Garden Project. This grant program, funded through Arkansas Natural Resource Commission and the United States Environmental Protection Agency (US EPA), promotes enhancement of water quality in both the Illinois River and White River watersheds through installation of rain gardens. Rain gardens are a stormwater pollution prevention best management practice that work to capture and retain stormwater run-off from small to medium sized rain events. Stormwater then slowly infiltrates into the rain garden soil as opposed to quickly flowing through storm drains or ditches to nearby streams and rivers. Additionally these 'gardens' promote desirable vegetation that also help to absorb and filter the captured stormwater through their root systems.

Four rain gardens were installed at the Paul R. Noland WRRF with Rain Garden Grant

funds. The Noland rain gardens cover a combined 7,200 square feet, while their stormwater run-off catchment area is nearly 125,000 square feet or just under 3 acres. Much of this catchment area includes impervious surfaces such as the Administration Building and Operations Office metal roof and asphalt parking spaces. Literally every ounce of rain falling onto these non-absorbant surfaces will normally run-off, potentially carrying water-borne pollutants, and eventually make its way to the nearest stream or river. By strategically placing rain gardens to intercept much of this run-off, stormwater pollutants are essentially pretreated through soil and/or plant absorption before working their way into streams or rivers. An added benefit of collectively intercepting as much stormwater run-off as possible is the reduction of stormwater volume entering streams and rivers that result in erosive flood damage to stream banks.

Two rain gardens were installed at the West Side WRRF through the Rain Garden Project. These rain gardens, though fewer in number than Noland, were over twice as large measuring just over 17,500 square feet in area. Similarly, their stormwater run-off catchment area is over 4.6 acres. Although certainly not sized to capture all the run-off from such a large area, the idea is to capture as much stormwater run-off as possible – especially from much more frequent < 1" rain events.



Rain Garden

Lake Sequoyah Sediment Removal

The primary focus of Lake Sequoyah Sediment Removal in 2014 has been designing all construction, structural, and operational project components to meet both Federal and State regulatory guidance and requirements in preparation for removing sediment from Lake Sequoyah in 2015. In response to regulatory feedback, the primary project objective has evolved to removing accumulated sediment from Lake Sequoyah while meeting the following project constraints:

- **No Return of Removed Water Back to Lake Sequoyah:** Since returning water recovered from the removed sediment directly back to Lake Sequoyah would require potentially exhaustive investigations and ongoing permitting, project designers plan to pump recovered water into Fayetteville's collection system and direct it through the Noland WRRF treatment process. Sending recovered water through the existing permitted treatment process will ensure all water quality standards are met before sediment removal process water is returned to the White River watershed.
- **No Impact or Disturbance of Onsite Wetland Areas:** All construction and operational activities will be excluded from the 13.58 acres of onsite wetland areas. In addition to preserving these federally protected ecosystems, by designing an operational process that meets this constraint the sediment removal project will not require any federal permits or wetland mitigation actions.
- **Minimize Soil Disturbance to Preserve Possible Cultural Resources:** In addition to avoiding disturbances to wetland areas, the sediment removal project will be designed to minimize disturbance to native soils. Maintaining as much existing soil structure as possible will protect and preserve any cultural resources of historic significance that may be contained therewithin.

Although engineering solutions for additional project constraints has pushed back actual sediment removal until 2015, having an operational process in place that accommodates such environmental considerations will help create a more sound and sustainable long-term operation.

Commitment to Sustainability

By the nature of our business, our CH2M team is environmentally focused. Environmental stewardship is something we care deeply about, and we have implemented several programs to make our environmental impact more "green." Our 2014 sustainable practices yielded the following results:

- Reused 21.2 million gallons of effluent for hay irrigation and WTR application,
- 2,465 dry tons of biosolids were beneficially reused and sold as fertilizer,
- Recycled 1,430 gallons of used oil,
- Recycled 1,720 pounds of cardboard, 70 pounds of plastics, 165 pounds of mixed batteries, 78 pounds of aluminum, 15 pounds of steel cans, 850 pounds of mixed paper, and 18 pounds of glass,
- Maintained Noland and West Side facilities as contributing habitats for the National Wildlife Federation Fayetteville Community Habitat Designation,
- Completed the prescribed burn for the Noland Xeriscape (1 acre) and meadow restoration habitat (5 acres) with assistance from the Forestry Commission to facilitate establishment of native plant species and reduce invasive plants,
- Contributed 5 years of energy consumption data to client for STAR Communities award application,
- Constructed six rain gardens,
- Evaluated electrical efficiency of large motors at Noland and West Side facilities,
- Contacted Ozark Electric Cooperative to replace capacitor at Noland to improve power factor, allowing for more efficient usage of electricity,
- Replaced 10 sodium halide ballasts that were not operational with LED lighting,
- Saved 561,291 kWh by reducing run times on blower motors for estimated cost savings of \$21,000,
- Planted 189 trees to establish buffer zone of woodland habitat to enhance appearance at BMS and donated 36 used plastic drums to the Washington County Master Gardeners' rain barrel project. The Master Gardeners hosted an educational rain barrel seminar that taught how to build a rain barrel and discussed the importance of using rain barrels. At this seminar the rain barrels the Master Gardeners built were sold. The revenue from the sale of the rain barrels went to help cover maintenance expenses for a new rain garden that was built at the West Fork Library.
- BMS staff repurposed used liner material from the sediment removal pilot project to line hay barn floors. This prevented the liner from entering the landfill and the need to purchase the plastic that is normally used.
- Site staff arranged with the University of Arkansas County Extension Service to conduct Private Applicator License training at the BMS during scheduled work hours. In previous years, staff had to attend this training at night. This creative change allowed the site to increase its normal trained staff from three to five.
- The drivers noticed that if we optimized the pickup times for West Side solids trucks that we could reduce driving labor hours and also save money on personal and City of Fayetteville fuel and maintenance costs. Staff recommended adjusting truck pickup times at the West Side Plant to reflect the shift start hours of the drivers. This eliminated the drivers driving their personnel vehicles the 28 miles round trip from the West Side and back. This change also eliminated the driver using a City of Fayetteville vehicle for the 28 mile round trip to pick up the solids truck at the West Side Plant and then drive back to the BMS to get their personal vehicles. The savings resulted in 225 hours of labor reduction, 8,400 less miles driven on City of Fayetteville vehicles, 8,400 less miles driven on personal vehicles, and a combined 988 gallons of fuel savings.

Awards and Recognition

Laboratory Director Bruce Richart received the Arkansas Water Environment Association (AWEA) Laboratory Analyst of the Year for 2014 in recognition of his continued excellence in his field.

Operations Manager Tim Luther and CH2M were recognized by The National Committee for Employer Support of the Guard and Reserve as a Patriotic Employer for contributing to national security and protecting liberty and freedom by supporting employee participation in America's National Guard and Reserve Force.

Operations Supervisor Tim Tinsley was presented with the 2014 Water Environment Federation (WEF) William D. Hatfield award for outstanding performance and professionalism. Tim was also presented with the Arkansas Water Works & Water Environment Association (AWW&WEA) 2014 Wastewater Outstanding Achievement award.

Previous Project Manager Duyen Tran was awarded the grand prize for the National Association of Water Companies Living Water Awards, an award given to recognize outstanding commitment and achievement in the water/wastewater industry. Although the award is targeted at an individual, the achievements which were listed as reasons for receiving the award were largely a result of project activities in Fayetteville, especially involving sustainability related practices.

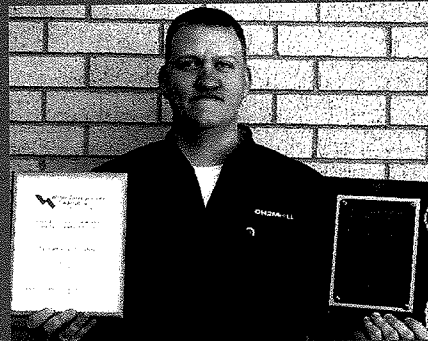


Exhibit 5
Tim Tinsley proudly displays his awards.

O&M Scope Overview

CH2M has performed operations and maintenance (O&M) services for the City since January 1, 1987 at the original Water Pollution Control Facility on the White River, and at the Noland WRRF since February 25, 1988, when the new BNR facility first began treating wastewater. In November 2005, the City initiated construction of the new West Side WRRF, and CH2M began operating that facility in June 2008.

In 2014, the WRRFs served approximately 80,000 Fayetteville citizens and the neighboring communities of Greenland, Farmington, Elkins, and part of Johnson.

We perform complete O&M services including:

- WRRF O&M
- Water and sewer utility engineering
- Lift station maintenance
- Supervisory control and data acquisition (SCADA) monitoring
- Hay harvesting and marketing operation with nutrient uptake program
- Wetland mitigation site monitoring
- Laboratory services
- IPP administration and management
- Capital improvement budgeting and planning
- Rolling stock maintenance
- Staff training
- Computerized maintenance management and inventory control
- Installation of standard CH2M management systems
- Sludge dewatering system and biosolids drying operations
- Fertilizer marketing
- WTR application
- Public awareness assistance through various tours and presentations, as well as supporting a number of environmentally oriented educational activities



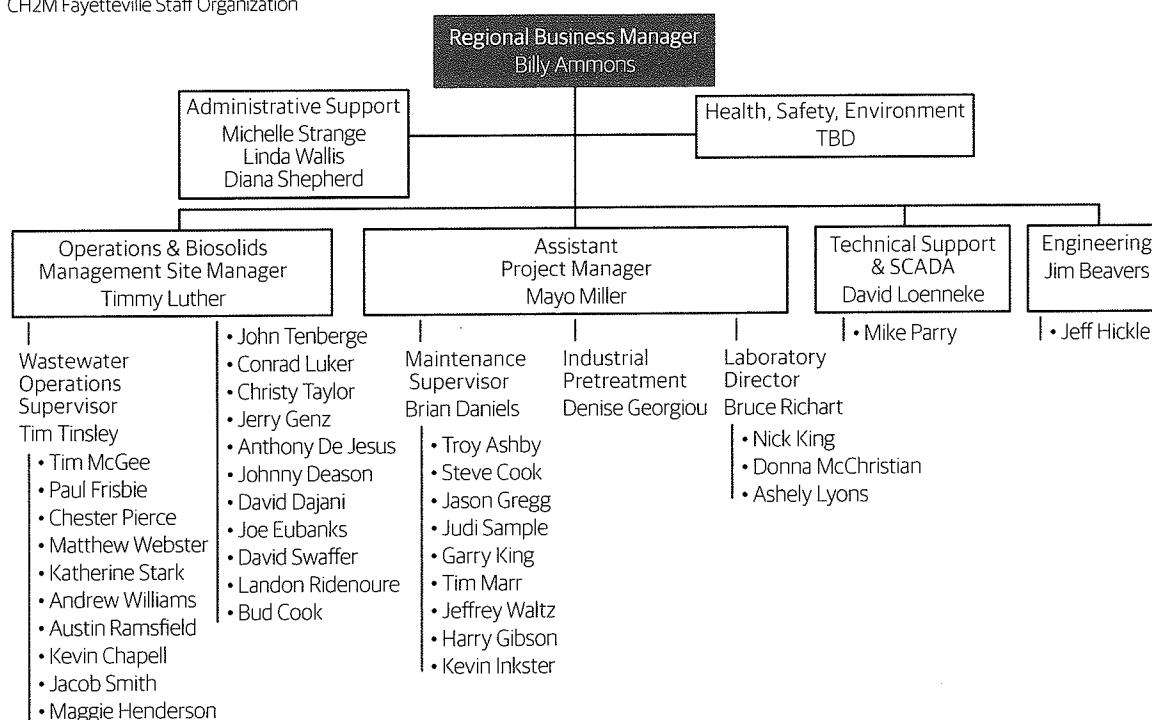
Native plants at the WRRFs.



Staffing Plan

The WRRF staff participates in an ongoing cross-training program enabling us to perform operations 24 hours a day, 7 days a week. Most employees are proficient in two to six disciplines, creating a larger pool of human resources to perform the varied tasks required to operate the facilities efficiently. Exhibit 6 displays staff assignments.

Exhibit 6
CH2M Fayetteville Staff Organization



Staff Training

CH2M annually provides training to each employee on various technical, safety, ethics, leadership, and quality topics to the Fayetteville team. The majority of training was conducted via hands-on, inhouse classroom, or online programs in 2014.

Regional Technical Specialist Mike Ross taught several state-approved wastewater treatment classes to CH2M operators and operators from neighboring cities. These classes prepare operators to test for state certification and provide training hours that can be used to maintain existing operator licenses. In 2014, four CH2M employees obtained Class I Arkansas Wastewater Operator certifications. Several employees also upgraded their wastewater licenses to higher levels: four Class I, two Class II, two Class III, and two Class IV.

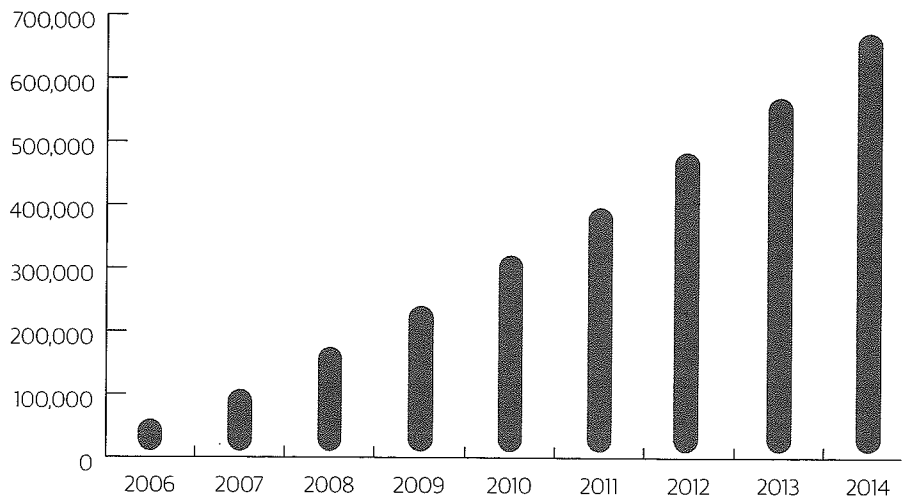
Safety

Staff safety is our highest priority. Not only do we want all employees to go home safely to their families and loved ones every day, we also strive to encourage healthy habits overall. To that end, employees participated in a year of wellness challenges with new exercise and eating right goals each month, a biggest loser contest, and a virtual walking tour from Amsterdam, Netherlands to Zakynthos, Greece based on actual steps taken by participants.

Project staff completed the 2014 work year with zero lost-time incidents. This brought the total working hours without lost time to over 650,000 hours from September 21, 2006, to December 31, 2014.

Staff also kept abreast of Ebola concerns, participated in several conference calls with Washington Regional Medical Center to discuss planning in the event an Ebola patient is identified at the hospital in the future, and attended conference calls on Ebola presented by Center for Disease Control and by WEF.

Exhibit 7
Cumulative Hours Worked Without Lost Time



At the end of 2014, our team had 839 days without an OSHA recordable incident

Operations

Plant Loadings

The total average daily influent flow from both plants in 2014 was 12.2 mgd, which is 19 percent higher than 2013 and 58 percent of the total design capacity. Exhibit 8 displays influent flow by month.

Other plant loadings information for the Noland WRRF is listed in Exhibit 9, and plant loadings information for the West Side WRRF is listed in Exhibit 10.

Exhibit 8
WRRF Average Influent Flow (Monthly)

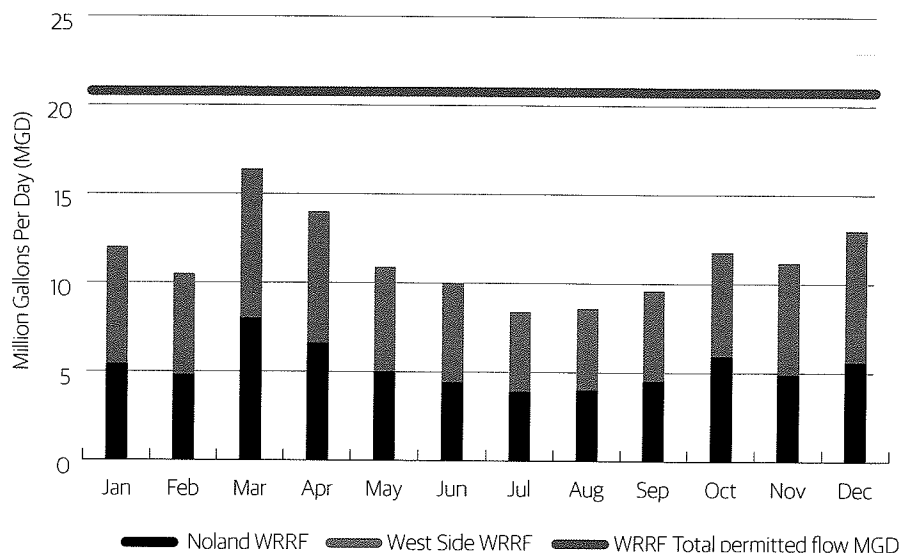


Exhibit 9

Noland WRRF Average Influent Loadings (Monthly)

Noland WRRF	Influent Max Day Flow (MGD)	Date of Maximum Flow	Monthly Average Flow (MGD)	% Permitted Flow	BOD loading (lbs/d)	% BOD Loading	TSS loading (lbs/d)	% TSS Loading	PO4 loading (lbs/d)	NH3 loading (lbs/d)
Designed or Permitted			11.2		26,370		20,620		680	2,000
January	11.4	11-Jan-14	5.4	48.2%	14,957	56.7%	8,048	39.0%	216	669
February	6.7	05-Feb-14	4.8	43.0%	14,865	56.4%	8,082	39.2%	222	905
March	25.7	17-Mar-14	8.0	71.6%	17,184	65.2%	11,765	57.1%	343	1006
April	10.8	05-Apr-14	6.6	58.6%	16,344	62.0%	9,094	44.1%	274	747
May	10.6	15-May-14	5.0	44.7%	12,311	46.7%	7,975	38.7%	234	693
June	6.7	11-Jun-14	4.4	39.3%	13,339	50.6%	7,538	36.6%	200	576
July	5.0	31-Jul-14	3.9	34.6%	11,757	44.6%	6,851	33.2%	239	594
August	4.9	31-Aug-14	4.0	35.7%	13,635	51.7%	7,426	36.0%	210	693
September	6.9	03-Sep-14	4.5	39.9%	14,601	55.4%	10,057	48.8%	242	831
October	14.4	14-Oct-14	5.9	52.9%	15,613	59.2%	9,854	47.8%	262	897
November	8.1	05-Nov-14	4.9	43.3%	13,907	52.7%	8,022	38.9%	216	740
December	9.7	18-Dec-14	5.6	49.6%	11,940	45.3%	7,646	37.1%	259	687
Average			5.2	46.8%	14,204	53.9%	8,530	41.4%	243	753

Exhibit 10

West Side WRRF Average Influent Loadings (Monthly)

West Side WRRF	Influent Max Day Flow (MGD)	Date of Maximum Flow	Monthly Average Flow (MGD)	% Permitted Flow	BOD loading (lbs/d)	% BOD loading	TSS loading (lbs/d)	% TSS loading	PO4 loading (lbs/d)	NH3 loading (lbs/d)
Designed or Permitted			10.0		14,595		14,595		584	
January	12.8	11-Jan-14	6.6	66.2%	10,079	69.1%	8,924	61.1%	223	926
February	6.6	05-Feb-14	5.7	57.0%	11,065	75.8%	9,773	67.0%	210	1176
March	21.0	17-Mar-14	8.4	84.3%	10,870	74.5%	9,886	67.7%	217	1564
April	13.1	08-Apr-14	7.4	73.9%	11,294	77.4%	10,299	70.6%	159	923
May	8.8	13-May-14	5.9	58.5%	10,490	71.9%	10,583	72.5%	230	936
June	8.2	11-Jun-14	5.6	56.0%	11,447	78.4%	13,290	91.1%	239	1006
July	5.6	11-Jul-14	4.5	44.6%	13,163	90.2%	13,078	89.6%	283	1090
August	5.6	08-Aug-14	4.6	45.8%	12,926	88.6%	10,568	72.4%	249	1101
September	7.5	03-Sep-14	5.1	51.1%	12,643	86.6%	10,121	69.3%	250	1136
October	12.0	11-Oct-14	5.9	59.4%	11,562	79.2%	11,313	77.5%	232	1115
November	11.7	05-Nov-14	6.3	63.3%	10,325	70.7%	9,550	65.4%	214	1135
December	10.8	19-Dec-14	7.4	73.7%	10,042	68.8%	10,360	71.0%	238	1043
Average			6.1	61.1%	11,325	77.6%	10,645	72.9%	229	1096

Effluent Quality

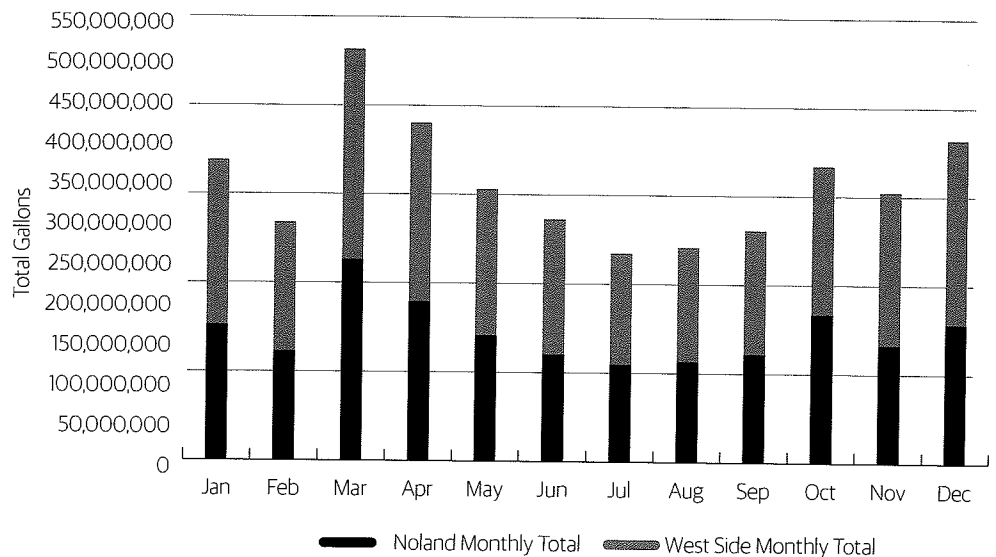
In 2014, the two WRRFs treated and discharged more than 4.1 billion gallons of water (Exhibit 11).

Exhibit 11
Treated and Discharged Water

	Noland WRRF		West Side WRRF		Total	
	Noland Monthly Total	Average Daily Flow	West Side Monthly Total	Average Daily Flow	Total Flow	Average Daily Flow
January	167,280,000	5,396,129	204,480,700	6,596,152	371,760,700	11,992,281
February	134,880,000	4,817,143	159,612,100	5,700,432	294,492,100	10,517,575
March	248,540,000	8,017,419	261,186,500	8,425,371	509,726,500	16,442,790
April	196,810,000	6,560,333	221,604,500	7,386,817	418,414,500	13,947,150
May	155,350,000	5,011,290	181,356,600	5,850,213	336,706,600	10,861,503
June	132,140,000	4,404,667	167,920,300	5,597,343	300,060,300	10,002,010
July	120,160,000	3,876,129	138,323,100	4,462,035	258,483,100	8,338,165
August	124,080,000	4,002,581	141,964,500	4,579,500	266,044,500	8,582,081
September	134,130,000	4,471,000	153,363,500	5,112,117	287,493,500	9,583,117
October	183,550,000	5,920,968	184,187,000	5,941,516	367,737,000	11,862,484
November	145,380,000	4,846,000	189,990,400	6,333,013	335,370,400	11,179,013
December	172,250,000	5,556,452	228,351,500	7,366,177	400,601,500	12,922,629
Annual Total	1,914,550,000	5,245,342	2,232,340,700	6,116,002	4,146,890,700	11,361,344

Exhibit 12 shows the monthly total effluent discharge.

Exhibit 12
2014 Effluent Discharge - Monthly Total



Exhibits 13 and 14 show treated effluent quality.

Exhibit 13
Average Noland Effluent Characteristics (Monthly)

Noland	CBOD (mg/l)		TSS (mg/l)		Phos (mg/l)		Ammonia (mg/l)	
	Permitted	Monthly Avg	Permitted	Monthly Avg	Permitted	Monthly Average	Permitted	Monthly Avg
January	21.0	2.7	15.0	3.4	1.0	0.2	5.0	0.1
February	21.0	1.8	15.0	1.6	1.0	0.1	5.0	0.6
March	21.0	1.9	15.0	3.1	1.0	0.1	5.0	0.4
April	7.5	1.9	5.0	2.3	1.0	0.2	3.0	0.2
May	7.5	2.4	5.0	2.3	1.0	0.3	3.0	0.7
June	5.0	2.0	5.0	1.9	1.0	0.3	1.7	0.1
July	5.0	3.3	5.0	3.6	1.0	0.4	1.7	0.1
August	5.0	2.7	5.0	1.0	1.0	0.2	1.7	0.05
September	5.0	2.4	5.0	2.5	1.0	0.2	1.7	0.04
October	5.5	2.3	5.0	1.7	1.0	0.3	2.4	0.2
November	5.5	1.5	5.0	1.1	1.0	0.2	2.4	0.1
December	21.0	2.0	15.0	1.4	1.0	0.1	5.0	0.1
Average		2.2		2.2		0.2		0.2

Exhibit 14
Average West Side Effluent Characteristics (Monthly)

West Side	CBOD (mg/l)		TSS (mg/l)		Phos (mg/l)		Ammonia (mg/l)	
	Permitted	Monthly Avg	Permitted	Monthly Avg	Permitted	Monthly Average	Permitted	Monthly Avg
January	13.3	1.4	15	0.9	1.0	0.1	3.7	0.1
February	13.3	1.1	15	1.1	1.0	0.1	3.7	0.2
March	13.3	1.1	15	0.6	1.0	0.1	3.7	0.1
April	10.2	1.1	10	0.2	1.0	0.2	1.6	0.2
May	10.2	1.0	10	0.3	1.0	0.1	1.6	0.1
June	5.3	1.0	10	0.3	1.0	0.1	1.0	0.04
July	5.3	2.6	10	0.2	1.0	0.1	1.0	0.02
August	5.3	2.0	10	0.3	1.0	0.2	1.0	0.003
September	5.3	3.8	10	0.5	1.0	0.2	1.0	0.03
October	6.6	1.5	10	0.4	1.0	0.2	2.3	0.04
November	6.6	1.4	10	0.2	1.0	0.1	2.3	0.04
December	13.3	1.4	15	0.3	1.0	0.1	3.7	0.03
Average		1.6		100		100		100

Operations Accomplishments

Wastewater Treatment – By the end of December, the two WRRFs had treated a total of 4,146,890,700 gallons of wastewater. Even though total rainfall for the year was more than 25 percent below average, much of that rain fell during the growing season. Accordingly, only 21.1 million gallons of the treated effluent were used for irrigation. The beneficial reuse of the treated effluent via irrigation kept approximately 44 pounds of phosphorus from entering the White River.

Solids Production and Disposal

The treatment facilities generated approximately 21,189 wet tons of biosolids in 2014, resulting in an average of 2.7 loads of biosolids per day, at 19 percent dry solids content. After two years of dried biosolids production, the biosolids beneficial reuse program is on track to meet its goals of reducing operating costs, providing a long-term stable disposal method for the biosolids, and ensuring long-term environmental benefits. Some of the successes in the past year are:

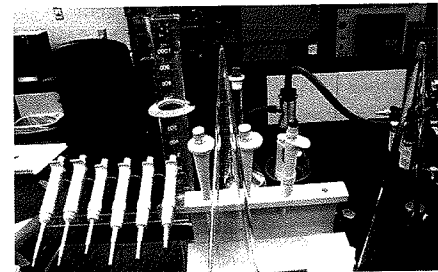
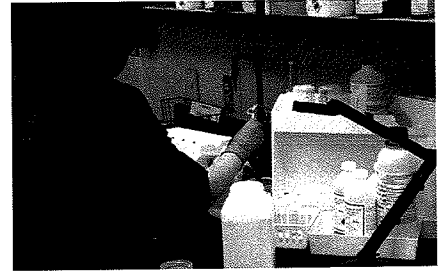
- Kept nearly 97 percent of biosolids from being disposed in a landfill and ran a total of 198,000 fewer miles in truck travel than in 2010 before initiation of the drying operation.
- Held two successful fertilizer commitment events, in March and September, and received a total of 88 calls requesting roughly 6,968 tons of fertilizer. On September 2, the fall and winter fertilizer commitment call-in was conducted. Channel 40/29 and 5 news were onsite doing a story about the fertilizer. As a result, several customers were added to the list because of the news stories. The number of calls represents a 38 percent increase along with a 24 percent increase in the number of tons requested over reported 2013 totals. BMS staff completed and submitted the application for sale of fertilizer in Oklahoma. The application was approved and the first load of Fertil-Wiser was loaded for delivery to Oklahoma on May 2.
- Sold a total of 2,747 tons of fertilizer and collected a total of \$53,470.40.

Laboratory

In 2014, the CH2M Fayetteville laboratory received 2,529 samples. The laboratory conducted a total of 7,005 analyses on these samples in addition to 2,498 analyses to verify quality control of the data. The in-house analytical capabilities include 21 parameters.

Noteworthy accomplishments in the laboratory include:

- Recertification of the Paul R. Noland WRRF Laboratory by ADEQ.
- Passing the annual US EPA Discharge Monitoring Report-Quality Assurance (DMRQA) Water Performance Study for all permitted parameters for both Noland and West Side facilities.
- Passing the annual NSI WP -207 Water Performance Study for all permitted parameters as a requirement of the CH2M Laboratory Quality Assurance (QA) Program.
- Passing the annual NSI MP-144 Water Performance Study for Microbiology as a requirement of the CH2M Laboratory QA Program.
- Laboratory Analyst Ashley Lyons passed the Arkansas Wastewater Operator Class III licensing exam and received the AWW&WEA Northwest District Wastewater Laboratory Professional of the Year award.
- Laboratory Analyst Nicholas King passed the Arkansas Wastewater Operator Class IV licensing exam.
- Laboratory Director Bruce Richart received the Arkansas Water Environment Association Laboratory Analyst of the Year Award at the Hot Springs Conference.
- Successfully passed a Laboratory Audit by ADEQ.
- Successfully passed Whole Effluent Toxicity for *P. promelas* and *C. dubia* at West Side and Noland facilities.
- Laboratory Analyst Donna McChristian published one AWEA Digester newsletter, presented "Proper Disposal of Chemicals" at the Annual AWEA Hot Springs convention, and gave two presentations at the EPA Region 6 Quality Assurance Conference, "BOD Troubleshooting" and "Transformers: Revenge of the Pharmaceuticals".
- Collected stormwater samples from the City of Fayetteville Solid Waste Composting Site, performed as many required analyses on these samples as our onsite laboratory has the capability to perform, and arranged for the remaining required analyses to be performed by a contract laboratory.
- Performed the annual method detection limit study on ammonia, chloride, nitrate-nitrite, total phosphorus, and sulfate.



Industrial Pretreatment Program

The IPP included seven permitted significant industrial users, including four metal-based categorical users, and one non-significant industrial user. Three large food processors participate in the surcharge program for excess TSS and BOD loading. This generated more than \$610,000 in revenue for the City. Along with administering the program, IPP personnel serve as industrial liaisons that provide education and training for industrial users and the public. Exhibit 15 outlines IPP participants and other activities in 2014.

In addition to domestic, commercial, and industrial discharges to the sewer, hauled septic tank, portable toilet, or special waste can be discharged into the head of the WRRF or at a wastewater lift station.

IPP Accomplishments

Noteworthy IPP accomplishments:

- ADEQ approved modifications to the Industrial Pretreatment Ordinance to comply with Noland NPDES Permit requirements. The modifications were then approved by the Fayetteville Water and Sewer Committee. The revised ordinance will be presented to the Fayetteville City Council for adoption in 2015.
- ADEQ conducted an unannounced inspection of the Fayetteville IPP and received a satisfactory, the best rating available. The inspectors determined the program is in compliance with the terms of the NPDES permit.
- Fayetteville Industrial Pretreatment staff kept industrial users informed on progress with new minerals limits (chlorides, sulfates, and total dissolved solids) in the Noland NPDES permit issued in 2013. Users with significant discharge flow voluntarily analyzed samples in February. In November, CH2M analyzed samples from these users for minerals again. We plan to conduct minerals analysis on the three high-flow industrial users on a quarterly basis in 2015.
- Marshalltown Company upgraded equipment and removed some processes. There was no significant effect on discharge flow or pollutants.
- A one-time adjustment was made to a Hiland Dairy Company monthly surcharge fee because of a significant non-representative sample.
- Superior Industries International Arkansas installed a new wash bay to improve handling of wastewater from equipment wash downs.
- Superior Industries International Arkansas moved some wheel production to Fayetteville from Rogers after closure of the Rogers plant was announced. Their Fayetteville plant has room and no significant increase in flow or pollutants occurred.
- Tyson Mexican Original, Inc. installed a new corn cook production line. The two existing lines generated most of their discharge flow and loading. The third line has resulted in increases in discharge flow and loading of solids and organics.
- Elkhart Products Corporation installed a new furnace that has many more safety features than the old system and affords them greater flexibility.

Exhibit 15
2014 Fayetteville IPP Activities and Participants

2014 Permitted Industrial Users	2014 IPP Activities
Ayrshire Electronics, LLC Custom Powder Coating Services, Inc. Elkhart Products Corporation Hiland Dairy Company Marshalltown Company Pinnacle Foods Corporation Superior Industries International Arkansas, LLC Tyson Mexican Original, Inc.	Conducted 11 compliance inspections Performed 16 compliance and surcharge sample collection events Accepted 208 loads of hauled waste Handled 10 unusual discharges
2014 Discharging Haulers	
Arkansas Portable Toilets Best Jet Potty House	

Continued >

- The annual Industrial Awareness Seminar was held at the Fayetteville Chamber of Commerce. Fayetteville Chief of Staff Don Marr presented compliance recognition certificates to industries and gave a wrap-up at the end. Wastewater staff discussed wastewater plant loadings, Fertile-Wiser, water treatment residuals, the Use Attainability Analysis and minerals, non-dispersible wipes, and proposed pretreatment ordinance modifications. Beaver Watershed Alliance presented an overview of their programs.
- Authorized the ADEQ to discharge a maximum of 5,000 gallons per day of C&L Landfill seep water to the Fayetteville sanitary sewer system.
- Determined there are no Significant Industrial Users in West Fork through a review of an ADEQ database, White Pages information, and the Internet.
- Issued 16 temporary authorizations for discharge of otherwise prohibited waters or discharge into a manhole through its top.
- Worked with industrial users to maintain a high level of industrial user compliance (Exhibit 16).
- Maintained consistent low metal loadings at the Noland WRRF (Exhibit 17).

Exhibit 16
Permitted Industries' Limits Violations 1996 - 2014

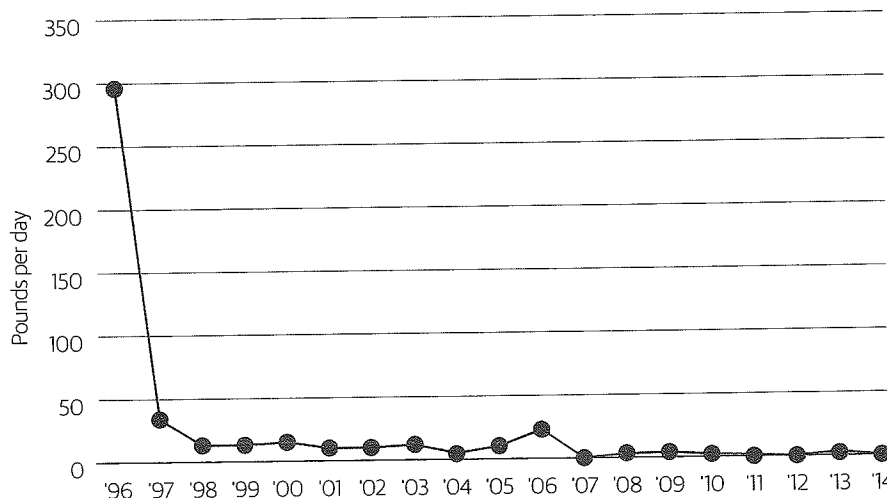
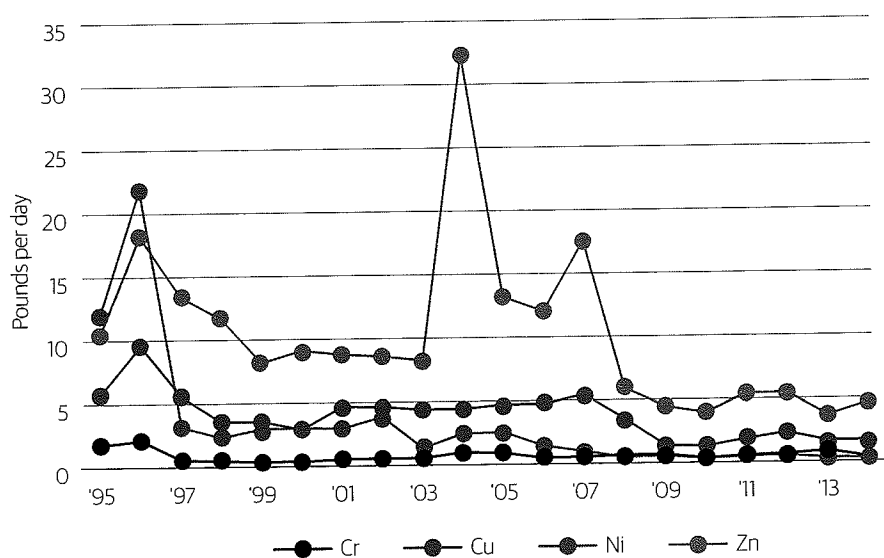


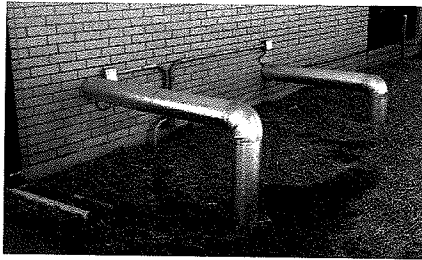
Exhibit 17
Metal Loadings for chromium (Cr), copper (Cu), nickel (Ni), and zinc (Zn)



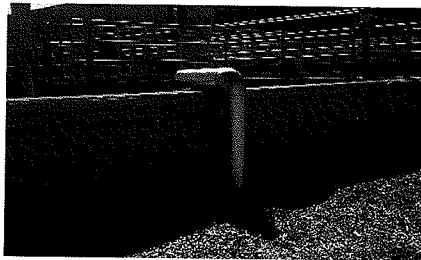
2014 Maintenance

The following maintenance activities occurred in 2014:

- The replacement return activated sludge pumps for the Noland WRRF were received and installed in 2014.
- Replacement rolling doors for the Noland maintenance shop and the BMS shop were also received and installed.
- The new band screen at the Noland WRRF has been placed in service and is working well.
- Staff replaced the old underground discharge and suction piping of the SDOX system at the Noland WRRF. Staff took the opportunity to excavate the pipe line trench to make sure that all underground piping was below the freeze line.
- Three Noland sludge feed pumps (#1, 2, and 3) received new check valves, rotors, and stators. The repair will allow operations staff to press more sludge and get the sludge trucks out quicker. Staff also installed auto-greasers on all three pumps and motors. The new auto-greasers deliver the proper amount of grease to each bearing as needed, which prevent under or over greasing thus reducing mechanical failure.
- Maintenance staff replaced the old rubber insulation on the SDOX piping with the new aluminum insulation.



New aluminum insulation for the SDOX piping



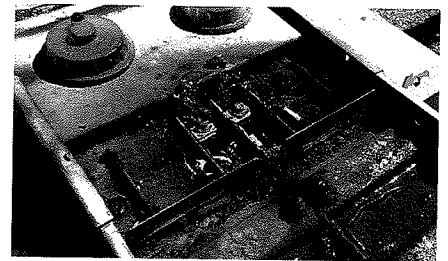
New aluminum insulation for the SDOX piping

- Staff removed the old insulation from the secondary clarifier W-3 spray lines and replaced them with aluminum stucco covering and heavy internal insulation. The modification will help to protect the water supply lines from freezing during cold weather.



Secondary clarifier

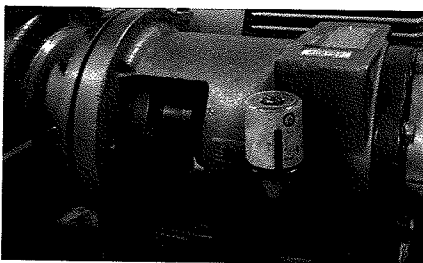
- The Noland aeration basin received covers for the electric buss duct, this will eliminate emergency shut downs and cost in the future. The new covers will prevent rain water and debris from making contact with buss duct. The pictures below show what happens when these units are not covered as well as the newly installed protective covers.



Rusting electrical duct as originally installed.



Recently installed protective covers



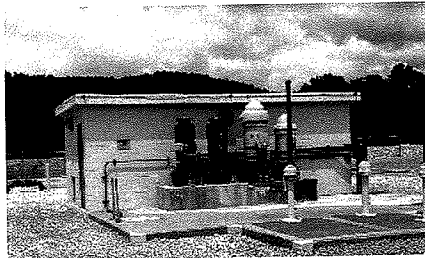
A sludge pump motor and the newly installed auto-greaser

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- The Noland Effluent Pump Station was the first structure to be painted in the new color scheme. The effluent pumps and piping are painted purple to show it is reclaimed water. We also started painting in the Sludge Feed building basement.



Before

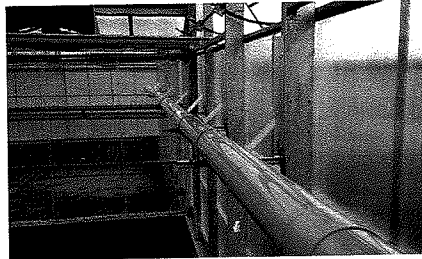


After

- The Maintenance staff relocated the vapor phase odor control system to the rear of the solar houses at the BMS to better carry the odor reduction material across the whole house area for better contact time. The original piping for the vapor phase system was left in place for future placement of other odor reduction devices.

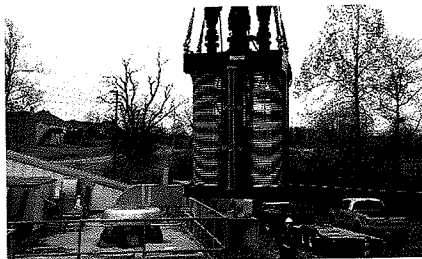


Trench for vapor phase piping

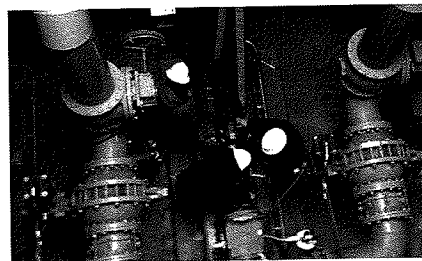


Vapor phase piping inside solar house

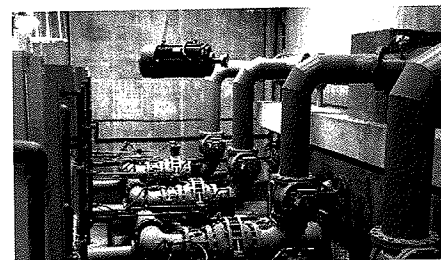
- At the Hamestring Lift Station, maintenance staff installed the new channel monster so the old one can be repaired. We also installed the 300 HP motor for pump 2, which had to be rebuilt at the Electric Motor Center due to a failure in the front windings. Evans Electric completed the laser alignment for the motor and pump to help eliminate all vibrations and protect the life of the motor and pump bearings.



New Channel Monster being installed.

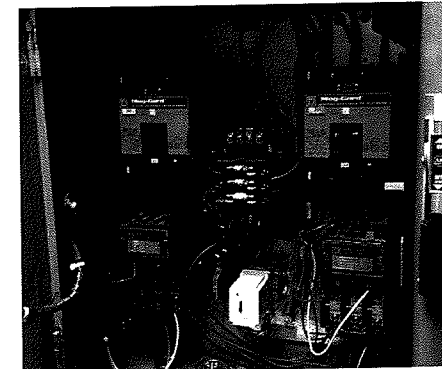


Hamestring pump motor being installed.



Hamestring pump motor being lowered into place.

- The control panel for the Noland Sludge Feed building sump pump was located in the basement area where it is prone to flooding and rain. This was addressed as a safety issue when resetting breakers in 12 inches of water. The master electrician oversaw the project as his apprentice was tasked with building a new control panel from a schematic, as well as conduit bending and pulling wire. The relocation of the panel and the conduit bending is a work of art. The quality and care put into this project was extremely high with very professional results.



Noland Sludge Feed building sump pump control panel.

Biosolids Management Site

The BMS (formerly known as the Farm Site or the Land Application Site) consists of 670 acres adjoining the Noland WRRF property. The site is bordered by 12 private property owners. Developments at the BMS include:

- Soil sample analysis results for 2014 showed an average pH of 6.8.
- Lime was not recommended. Fertilizer recommendations from this same analysis were 200 pounds of nitrogen and a range of 150 to 270 pounds of potassium per acre.
- In 2014, 21.2 million gallons of treated effluent was used to irrigate the hay fields, compared to 39.7 million gallons used during the 2013 hay season. The wet weather during the summer and fall contributed to the overall decrease in irrigation water applied.
- Hay harvesting began on May 3. Hay operations were disrupted due to frequent rainfall events that interfered with the normal 4 day curing cycle of the hay crop. Rainfall occurred on average of at least once every 3 days in June. The poor hay quality is a direct

result of these frequent rainfall events. These events drastically affected the amount of hay produced and the price that was charged per ton for hay.

- Staff also found hay crop damage associated with an army worm infestation. After further inspection, the late Summer/Fall pest was discovered in all areas of the BMS. Staff contacted the University of Arkansas Cooperative Extension Office for guidance on how to mitigate the issue with the army worms. Following the recommendations from the county extension office, staff began aggressively cutting all hay fields to reduce the available forage for them to feed on and sprayed insecticide in the areas most populated. The crop damage from the army worms impacted an estimated 250 acres of hay yield.
- Local farmers had another year of above average hay production which reduced demand for our product for 2 consecutive years.
- The average protein content of the hay samples analyzed from the University of Arkansas Extension

Service Laboratory was 9.3 percent. The range was 5.3 percent for the first cutting to 13.1 percent for the second cutting. Our first cutting started on May 3 and the third cutting ended November 11.

- We produced approximately 5,364 bales or about 1,788 tons of hay. 126 tons of the total hay produced was used for City of Fayetteville projects and produced no revenue. The average price per ton for hay sold was \$52.45. Total hay revenue for the 2014 season was \$87,173.
- The BMS received approximately 3,387 tons of WTR from the Beaver Water District. Total WTR revenue for the season was \$109,570.11.
- The thermal and solar biosolids drying operation processed approximately 20,580 wet tons of biosolids from the Noland and Westside WRRFs.
- The BMS sold approximately 2,747 tons of biosolids fertilizer to local residents. Total fertilizer revenue was \$53,470.40.

BMS Improvements

Three insulated rolling service doors were installed for the operations building.

In the ongoing effort to expand wildlife habitat and reduce grounds maintenance, over 200 native trees were planted at the entrance to the BMS. This bioscreen represents a diverse range of fast growing evergreens and hardwood trees that will provide food and shelter to area wildlife. The additional benefit of this project is the increased aesthetic value of the site entrance and the border between neighboring properties.

To perform the required routine preventive maintenance and occasional corrective maintenance on the thermal dryer, a rented aerial lift was required to perform the work. The installation of permanent catwalks and ladders in 2014 will allow the operators and maintenance workers to perform their tasks in a safer manner than was possible before and save on the monthly rental fees for the aerial lift.

On September 23, the Watershed Conservation Resource Center (WCRC) hosted a planting and seed collection volunteer event at the BMS stream bank site and at Area 1A. Twenty-Four volunteers participated in the event, along with staff from WCRC and CH2M.

Equipment changes for the BMS site in 2014 included the addition of:

- Unit 85U 1997 Ford F800 Flatbed Truck
- Unit 5044 2014 John Deere Mower Conditioner
- Unit 5045 2014 John Deere Mower Conditioner
- Unit 9193 2015 Clement End Dump Trailer



The following equipment were retired and returned to Fleet Division to be listed for re-sale:

- Unit 340U 2002 Ford F-350 4x4 Flatbed Truck
- Unit 589 New Holland Mower Conditioner
- Unit 5000 New Holland Mower Conditioner
- Unit 9106 Lufkin End Dump Trailer
- Unit 1 Hobbs Reel Rain Irrigation Reel
- Unit 2 Hobbs Reel Rain Irrigation Reel
- Unit 3 Hobbs Reel Rain Irrigation Reel
- Unit 4 Hobbs Reel Rain Irrigation Reel
- Unit 8 Hobbs Reel Rain Irrigation Reel
- Unit 12 Hobbs Reel Rain Irrigation Reel
- Unit 15 Hobbs Reel Rain Irrigation Reel
- Unit 16 Hobbs Reel Rain Irrigation Reel

Community and Professional Activities

CH2M staff participated in several community involvement activities throughout 2014, including:

- Employees attended the Earth Day event at the Botanical Garden of the Ozarks and presentations on water resource recovery organisms in clean water and nutrient reuse were provided to the attendees.
- On June 20, a presentation and a tour was given to America in Bloom judges Stephen Pategas and Evelyn Alemanni. Also in attendance was Lisa Netherland a horticulturist/arborist consultant with Indigina.
- Several staff members participated in the Beaver Watershed Alliance (BWA) and WCRC efforts to collect mature Virginia Wild Rye (VWR) seeds. VWR is a native, cool-season grass that WCRC will use in other stream bank restoration projects.
- Staff held two conference calls with Washington Regional Medical Center to discuss planning in the event an Ebola patient is identified at the hospital in the future. Staff also attended a conference call on Ebola presented by Center for Disease Control and WEF.
- The United States Conference of Mayors (USCM) announced the winners of the Safeguard My Meds Prescription Drug Abuse Prevention Recognition Program during the 82nd Winter Meeting in Washington, D.C. in January. The City of Fayetteville was awarded the \$10,000 first place small city grant. Fayetteville will use the grant for education on prescription drug abuse issues including production of a video public service announcement, "Grandma, You May Be a Drug Dealer." We provided one of the letters of support that accompanied the application.
- Staff participated in the Chamber of Commerce Teacher's Expo again this year. The event was held at the Fayetteville High School and generated interest in wastewater treatment and future plant tours. Staff and family members also participated in Secchi Day on Beaver Lake. Volunteers helped collect water samples and measure water clarity at three sampling locations near Hickory Creek and War Eagle marinas.
- In 2014, staff provided approximately 25 tours, to nearly 400 people, of the treatment facilities, the Woolsey wetland, and the BMS. Attendees include students from elementary, middle, and high schools; college students; educators; bird watchers; and other professionals.



Our employees also are active at the district and state level in water and wastewater professional organizations:

- Duyen Tran serves as the Past President of the AWEA, as Speaker of the WEF House of Delegates and the Chair of the WEF Constitution and Bylaws Committee, serves on the University of Arkansas Technical Advisory Committee, and serves as a member of the Beaver Watershed Alliance's Awareness and Education Committee.
- Regional Business Manager Billy Ammons serves as the 2014-2015 First Vice President for the Arkansas Water and Wastewater Managers Association. Billy also continues to serve on the Board of Directors of the Beaver Watershed Alliance.
- Tim Luther serves on the Board of Directors of the Northwest District AWW&WEA. He also serves on the Technical Advisory Board of the Northwest Arkansas Institute of Technology.
- Denise Georgiou serves on the Region VI Pretreatment Association Board and helped coordinate the Annual EPA Region VI Pretreatment Workshop held in Fort Worth, Texas.
- Tim Tinsley serves as the AWEA Chair of the Operations Challenge Committee and coordinated the event at the meeting in Hot Springs.
- Special Projects Coordinator Jeff Hickle serves as the Vice Chair of the Northwest District of the Arkansas Water Works and Water Environment Association.
- Staff attended the EPA Region VI Laboratory QA workshop in Dallas and Donna McChristian made two separate presentations to the attendees.
- Staff also attended the 83rd Annual AWW&WEA Joint Conference in Hot Springs. CH2M Fayetteville Operations Challenge Team competed well in all five Operations Challenge events and won second place overall in the competition.



Fayetteville's Operations Challenge Team

Projections for 2015

2014 was a year of extreme transition and challenge that we feel the entire Fayetteville Water and Sewer Utility dealt with in a professional manner. It is certainly our hope that the City is satisfied with the contribution to that overall effort that was provided by the CH2M team. We look forward to yet another year of challenges, though hopefully not the same level of transition. In 2015 that includes:

- Continue assisting with the Third Party Rule Making request to change the stream standards for minerals for the segment of the White River which the Noland WRRF discharges into. Continue to negotiate the terms of the No Discharge Permits, which cover the application of effluent and WTR for the BMS and the application of effluent at the West Side WRRF.

- Assist with the replacement of the disinfection system at the Noland WRRF.
- Continue to develop the Lake Sequoyah Sediment Removal Plan and obtain necessary permit(s) for full scale operation.

We strive to maintain continued focus on enhancing our partnership with the City by raising our own expectations for service delivery and striving to exceed contract-required performance standards. This focus has lead to O&M success, remarkable environmental protection efforts, and efficient, cost-effective WRRF O&M for the City as demonstrated throughout this report. We look forward to 2015 and the opportunity to continue to provide excellent service to the citizens of the City of Fayetteville.



Fayetteville Team